

CALIFORNIA COASTAL COMMISSION

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W5a



Appeal Filed: 8/11/05
49th day: 9/29/05
Substantial Issue found: 9/14/05
Staff: Katie Morange
Staff report: 2/17/06
Hearing date: 3/10/06

APPEAL STAFF REPORT DE NOVO HEARING

Appeal numberA-3-MCO-05-055, George R. Roberts, Trust

Applicant.....George R. Roberts, Trust

AppellantsCommissioners Sara Wan and Mike Reilly

Local governmentMonterey County

Local decisionResolution 05026 (PLN040662) Approved with conditions on June 29, 2005

Project location3212 Seventeen Mile Drive (APN 008-472-004); Pebble Beach, Monterey County.

Project description.....Replace an existing 7,565 square foot, two-story residence destroyed by fire with a new 11,700 square foot, two-story single family residence, with outdoor patio, detached 850 square foot caretaker's unit above a 850 square foot mechanical room/laundry/storage room, a 6-foot tall front perimeter fence, and attached 1-car carport. Project includes removal of one (1) live Monterey pine tree; removal of two (2) Monterey cypress trees; after-the-fact approval for removal and trimming of approximately forty-seven (47) Monterey pine and Monterey cypress trees; development within 100 feet of ESHA (Monterey cypress habitat); and development within 75 feet of archaeological resources.

File documents.....Monterey County Certified Local Coastal Program (LCP), including the Del Monte Forest Land Use Plan (LUP) and Coastal Implementation Plan (CIP); Monterey County Coastal Development Permit PLN040662, and file materials and plans received 8/22/05, 12/9/05, 2/14/06, and 2/16/06.

Staff recommendation ...Approval with Conditions

Summary of Staff Recommendation:

On June 29, 2005, the Monterey County Planning Commission approved a Coastal Development Permit (CDP) for the replacement of an existing 7,565 square foot, two-story residence, destroyed by fire, with a new 14,182 square foot, two-story residence detached 850 square foot caretaker's unit above an 850 square foot mechanical room/laundry/storage room, 6-foot tall front perimeter fence, and attached 1-car



California Coastal Commission
March 2006 Meeting in Monterey

Staff: K. Morange Approved by:

carport at 3212 Seventeen Mile Drive in Pebble Beach, Monterey County. The project also included the removal of five (5) Monterey pine trees (3 live, 2 dead), relocation of two (2) Monterey cypress trees, and after-the-fact approval for removal and trimming of approximately forty-seven (47) Monterey pine and Monterey cypress trees damaged during winter storms in December 2004 and January 2005. The project was appealed to the Coastal Commission, and on September 14, 2005, the Commission found that the appeal raised a substantial issue regarding for the project's consistency with the Monterey County LCP. As a result, the Commission took jurisdiction over the CDP application.

Since that time, the applicant submitted a revised site plan and additional information in an effort to resolve the issues raised by the appeal. The size of the residence has been reduced from 14,182 square feet to 11,700 square feet, and overall site coverage has been reduced from 25,517 square feet to 17,07 square feet. The revised project involves the removal of two Monterey pine trees (1 live, 1 dead) and two Monterey cypress trees that, according to the project biologist, are non-native to the area and should be removed due to genetic heterogeneity concerns.

The project is located within the Monterey Cypress Forest, native only at Point Lobos Reserve State Park and along Seventeen Mile Drive between Cypress Point and Pescadero Point. As discussed in the substantial issue staff report, the County-approved project raised issues regarding development within Monterey cypress habitat, designated by the LCP as ESHA. The LCP protects the Monterey cypress forest community against any significant disruption of habitat values, and requires that development be carefully sited and designed to avoid potential damage or degradation of the "micro-habitat" of Monterey cypress trees.

Habitat resources at the project site have been significantly disturbed within and around the location of the pre-existing residence destroyed by fire. The proposed development has been appropriately sited within the disturbed area, but continues to exceed the amount of site coverage associated with the pre-existing development, and therefore would result in the permanent loss of Monterey cypress habitat inconsistent with LCP requirements. To resolve this inconsistency, staff recommends the permit be conditioned to require that project site coverage not exceed previously permitted coverage. In addition, recommended conditions require restoration and protection of Monterey cypress habitat in all areas outside of the development footprint, as necessary to ensure that the development will be compatible with the long-term preservation of the habitat. The recommended conditions also seek to protect the habitat areas on and adjacent to the site by requiring carefully designed construction, drainage, and lighting plans.

The project site is also within a highly prominent scenic area just north of the Lone Cypress lookout, and is visible from Seventeen Mile Drive and Point Lobos. Protection of these visual resources, as required by the LCP, necessitates that new development be carefully sited, designed, and landscaped to protect views of the ocean available from Seventeen Mile Drive, and to preserve the natural landforms, native vegetation, and open space areas that give the area its highly scenic quality. While the overall design of the revised project is generally consistent with these requirements, the proposed expansion in site coverage will result in increased impacts to natural landforms and native habitat, inconsistent with LCP visual resource protection policies. In addition, landscaping associated with the project has the potential to block views of the ocean available from Seventeen Mile Drive. In order to protect scenic resources consistent with the LCP requirements, the recommended conditions of approval limit site coverage to that of the pre-existing development; require landscaping and habitat restoration activities to



be carried out in a manner that protects views of the ocean while screening the development; call for non-reflective building materials of muted, earthen tone colors that blend with the surrounding environment; and, limit exterior lighting so that off-site glare is fully controlled..

In sum, staff recommends that the Commission **approve with conditions** a coastal development permit for the revised project. In addition to those described above, the recommended conditions prohibit the future construction of a seawall in order to carry out LCP standards regarding bluff top development and ensure long-term protection of the natural shoreline, and specify measures to be implemented during construction to avoid and mitigate potential impacts to archaeological resources. Only as conditioned can the project be found consistent with the Monterey County Certified Local Coastal Program (LCP), including the Del Monte Forest Land Use Plan (LUP) and Coastal Implementation Plan (CIP) and Public Access and Recreation policies of the Coastal Act.

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Exhibits

- A. Regional Location Map
- B. Project Vicinity Map
- C. Parcel Map
- D. Abdullah Site Plan
- E. County Approved Roberts Site Plan
- F. Revised Roberts Site Plan
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- H. Comparison of Abdullah and Revised Roberts Site Coverage
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1. Staff Recommendation on De Novo Permit

The staff recommends that the Commission, after public hearing **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

MOTION: *I move that the Commission approve Coastal Development Permit Number A-3-MCO-05-055 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL: Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT: The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the provisions of the Monterey County certified Local Coastal Program and the public access and recreation policies of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.

2. Conditions of Approval



A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. Final Project Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of Final Project Plans to the Executive Director for review and approval. The Final Project Plans shall be consistent with the following requirements:

- (a) **Site Disturbance Restriction.** The Final Project Plans shall include a revised site plan that contains development (including the caretaker's unit) within the allowable disturbance area as shown by Exhibit F. Development within the allowable disturbance area shall not exceed 15,661 square feet. Development outside of the project footprint shown by the approved final plans is prohibited, except for uses allowed pursuant to Special Conditions 2 and 3 of this permit. The Final Project Plans shall clearly identify and label the disturbance area in site plan view.
- (b) **Exterior Design Elements.** Site structures and other exterior elements, such as fencing, shall be subordinate to and blended into the environment, using appropriate materials which will achieve that effect. All exterior finishes shall consist of muted, earthen tone colors and non-reflective materials to blend with the surrounding environment. Building walls shall be designed and surfaced to blend with the surroundings and to reduce their visual mass and minimize their visual prominence. Final plans shall include a color board and project elevations that identify the type and color of all finished materials.
- (c) **Lighting.** 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 be limited to that which is necessary to illuminate driveways,



pathways, and entrances to the main residence and caretaker's unit. The applicant shall submit an exterior lighting plan that shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. No lighting shall be located outside the development footprint allowed by Special Condition 1(a), except for limited, low-level lighting on each side of the entrance (gate) for identification. The lighting plan shall be coordinated with the landscape plan to shield lighting sources from Seventeen Mile Drive.

- (d) Landscaping.** The Permittee shall submit landscape and irrigation plans for the area within the allowable disturbance area pursuant to Special Condition 1(a). The plans shall be prepared by a licensed Landscape Architect and shall identify plant materials (size, species, quantity), the maximum height allowed for mature plants, and proposed maintenance. All plant materials shall be selected to be complimentary with native Monterey cypress habitat, prevent the spread of exotic invasive plant species, and avoid contamination of the local Monterey cypress community's gene pool. The landscape plans shall also be designed to protect and enhance the existing Monterey cypress community, and to provide a transitional buffer between native habitat areas and authorized development. Plant materials must also be selected, designed and maintained in such a manner that does not obscure any coastline view from Seventeen Mile Drive. There shall be no vines planted along the perimeter fence and shrubs within the area along Seventeen Mile Drive shall be limited to a species that naturally does not exceed three (3) feet in height. All landscaped areas and fences on the project site shall be continuously maintained by the permittee; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition.

The Permittee shall undertake development in accordance with the approved Final Project Plans. Any proposed changes to the approved Final Project Plans shall be reported to the Executive Director. No changes to the approved Final Project Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

2. Monterey Cypress Forest Habitat Protection and Enhancement Area. In order to ensure long-term protection of native Monterey cypress habitat on the project site, all portions of the property located outside the allowable building envelope generally depicted by Exhibit F shall be designated for Monterey cypress habitat protection and enhancement. No native trees within this area may be removed or trimmed at any time without prior approval of the Coastal Commission. No development, as defined in Section 30106 of the Coastal Act shall occur within the Monterey Cypress Forest Habitat Protection and Enhancement Area, as described and depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:
 - A. Monterey cypress habitat restoration, native landscaping, and invasive plant removal conducted in accordance with the Forest Restoration, Protection, and Management Plan approved by Special Condition 3 of this permit.
 - B. The 6-foot high fencing along Seventeen Mile Drive.



- C. Construction and post-construction drainage controls approved pursuant to Special Conditions 4 and 5 of this permit.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE THIS PERMIT (NOI), the Applicant shall submit for review and approval of the Executive Director, and upon such approval, for attachment as an exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described in special condition 1(a) and depicted by Exhibit F of this permit.

3. Forest Restoration, Protection, and Management Plan. PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the applicant must submit a Forest Restoration, Protection, and Management Plan for Executive Director review and approval. The plan shall include the following components.

- A. The Permittee shall follow the Forest Management Plan prepared for the project site (prepared by Brian W. Fenske, Certified Arborist #938, with the Professional Tree Company. Report dated June 13, 2005). The plan shall include the following additions and deletions, shown in underline and ~~striketrough~~. Tree protection measures outlined in this plan shall be implemented PRIOR TO COMMENCEMENT OF CONTRUCTION ACTIVITIES AND AS PRESCRIBED AFTER CONSTRUCTION. The plan includes the following components:

1. The project shall be designed and sited to avoid removal of any Monterey cypress trees except for two 10-inch trees that are to be ~~relocated~~ removed as part of this project.
2. During construction, temporary fencing shall be installed and maintained along the construction zone boundary as established by the Construction Plan approved by the Executive Director pursuant to Special Condition 4. ~~and/or scenic and conservation easement area boundary, as determined appropriate by a qualified biologist.~~ Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall not be allowed ~~within the protected zone~~ outside of the approved construction areas. Fencing shall be installed prior to issuance of any permits and shall remain in place during the entire construction period.
3. ~~Trees located adjacent to the construction area shall be protected from damage by installing protective fencing around the dripline of all Monterey cypress trees and around the trunks of Monterey pine trees.~~ Trees that are located adjacent to the approved construction area 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, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or dripline of the retained trees.
4. Any tree trimming required to facilitate construction activities shall be preformed by



a qualified arborist and shall be minimized to the maximum extent possible. ~~Said trimming shall require County staff to assess the work~~ Prior to any trimming taking place, the project arborist shall submit a description of the necessary trimming, for Executive Director review and approval.

5. During grading and excavation activities, no work shall take place within driplines of Monterey cypress trees (other than the 2 cypress trees to be removed by the project) unless the Coastal Commission Executive Director ~~Director of Planning and Building Inspection~~ finds that there is no alternative. Where no alternative exists, the work shall be monitored by a qualified biologist to ensure against drilling or cutting into or through major roots.
6. Any trenching, grading or any other digging or soil removal under the root spread of cypress and/or pine trees allowed pursuant to Special Condition 3.A.5. shall be done manually, digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other root-pruning equipment approved by a qualified biologist, in order to prevent the unnecessary fracture of major roots. Required footings shall be designed to avoid major roots. The project architect and qualified biologist shall be on site during excavation activities to direct any minor field adjustments that may be needed. Roots greater than two (2) inches in diameter shall not be cut and shall involve bridging or tunneling to be performed under the supervision of a qualified biologist. Before drilling holes for foundation pilings, a test hole shall be initiated using a 3-foot long hydraulic root-feeding-needle under pressure to disclose the presence of roots before drilling with an auger. After determining suitable zones for boring, a two-man hand-held auger shall be used.
7. Any roots damaged during grading or excavation shall be exposed to sound tissue and cut cleanly with a saw under direction of a qualified arborist.
8. Irrigation, fertilization and fungicide treatments for trees that have root spread affected by construction shall be prescribed in the Forest Management Plan ~~to be~~ and implemented under supervision of a qualified arborist. The Forest Management Plan must be updated to include irrigation, fertilization, and fungicide treatment prescriptions prior to issuance of a coastal development permit.
9. Monterey cypress and pine trees whose optimal tree root preservation zone (OTPZ) has been affected by the proposed improvements shall be monitored annually for five years by a qualified biologist. Such trees include those where there are tree wells constructed around them, trees located adjacent to building/footings, relocated/transplanted trees, and/or trees where trenching occurred within their dripline. Where noticeable decline in health is observed, said trees shall be replaced. If a qualified biologist determines that additional planting is necessary and appropriate, replanting specifications shall be developed by a qualified biologist, including but not limited to the following guidelines:



- a. For any replacement or transplanted tree found to be in decline, two 1-gallon replacement Monterey cypress trees shall be planted.
 - b. Replacement and transplanted trees shall be sited in a location that receives several hours of full sunlight per day.
 - c. Replacement trees must consist of certified seedlings from the project site or may be propagated from seed collected from the site. In the later case, the seed should be collected if and when any tree is found to be in decline, and should be planted when the seedling has grown to an appropriate size for transplanting.
 - d. Any seedlings should be watered once per week for the first month, then once per month for the first year, and then once every three months for the next two years. Following this period, supplemental irrigation is not required.
- B. The Permittee shall provide a Monterey cypress restoration plan (prepared by a qualified biologist) designed to protect and enhance the Monterey cypress habitat surrounding the approved development for the life of the development. The plan shall include a planting plan, developed by a qualified biologist, that is consistent with Condition 3.A. and coordinated with the landscape plan for the development area prepared pursuant to Special Condition 1(d). The planting plan shall be designed and implemented in a manner that will provide maximum protection and enhancement of the site's natural habitat values and biological productivity. The plan shall also provide for the immediate revegetation of all sites disturbed by construction with native vegetation associated with the Monterey cypress understory. In addition, the type and location of native plants to be planted on the site shall be designed to protect views of the ocean from Seventeen Mile Drive, and to screen permitted structural development from public view. Towards this end, the planting plan should provide for the replacement of native Monterey cypress and pine trees in the same locations where such trees were damaged and removed as a result of the 2004-2005 storms. With regard to structural screening, additional native tree planting shall be provided within, but not be limited to, the area to the north of the caretaker's unit, in the area west or the approved residence, in manner that maximizes forest health and biological productivity while minimizing blockage of ocean views available from Seventeen Mile Drive. The Monterey cypress restoration plan shall be accompanied by adequate documentation that shows that replanting locations will maximize screening of development without intruding upon views of the ocean from Seventeen Mile Drive, and shall also include evidence about prior locations of trees to ensure the plan provides for restoration of the site to pre-storm conditions as appropriate.

In order to avoid summer watering of Monterey cypress trees onsite, no turf or ornamental landscaping plants requiring summer irrigation shall be installed within the understory of any Monterey cypress trees onsite that cannot subsist without summer irrigation. All landscaping shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads,



bubblers, drip irrigation systems and timing devices.

- C. The Permittee shall submit a forest habitat maintenance and monitoring plan, prepared by a qualified biologist, to the Executive Director for review and approval. The plan shall specify methods for removing, controlling, and preventing the introduction of invasive exotic plants as they appear on the property, such as iceplant, French broom, cape ivy, pampas grass, kikuyu grass, acacias, etc. Immediate eradication efforts shall be directed at the iceplant growing onsite, and shall be accomplished by manual application of the water-soluble, non-persistent herbicide Roundup. The operator shall be careful not to spray any native plants. Best results are achieved when the plant is actively growing, usually during the spring or summer. Spraying shall be conducted only when the wind velocity is less than 5 mph and when no rain is anticipated within 24 hours. At least one follow-up application shall be applied to ensure a complete kill.

The qualified biologist shall conduct site inspections once a year for at least five (5) consecutive years and report on the status of Monterey cypress restoration (noting the health and success of specific trees and the areas revegetated in accordance with the approved landscaping/revegetation plan); verify that the invasive plant control program is being implemented; and that invasive and/or exotic weedy plants are eradicated from the site. Said verification shall be submitted annually to the Coastal Commission Executive Director. Reports shall include performance measures and corrective measures as needed. Failure to meet the 100% success standard in any given year shall require immediate remediation and shall extend the monitoring period for an additional year. Successful compliance shall be based on five (5) consecutive years of the verified successful restoration and eradication of invasive and/or exotic plant species throughout the subject parcel, plus inspections once again at 5 years and 10 years, starting after five (5) consecutive years of verified successful compliance. If ongoing successful restoration and invasive plant eradication cannot be verified at the fifth- or tenth-year inspections, the inspection process shall start over again in the manner described above, including the fifth- and tenth-year subsequent inspections and success criteria, until such time that complete restoration and invasive eradication can be successfully verified at the end of the tenth-year inspection, starting from the end of the five (5) consecutive years of verified successful restoration and eradication of invasive exotic plant species throughout the subject parcel.

4. Construction Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Construction Plan to the Executive Director for review and approval. The Construction Plan shall identify all measures to be taken to protect Monterey cypress habitat and water quality to the maximum extent feasible, and shall, at a minimum, include:
- (a) **Construction Fencing.** The construction plan shall delineate the location of all construction and grading activities, including the storage, stockpile, and staging of construction materials, which shall be contained in the approved development envelope shown by Exhibit F to the maximum degree feasible. Approved construction areas shall delineated on-site by temporary construction fencing and markers. The construction zone fencing shall be maintained in good working order for the duration of the construction. No construction activities shall take place, and no equipment



or material storage shall occur, outside of the established construction zone. CONSTRUCTION SHALL NOT COMMENCE UNTIL ALL CONSTRUCTION ZONE FENCING IS COMPLETELY INSTALLED AND OPERATIONAL.

- (b) Drainage, Erosion, and Sedimentation Control.** No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Executive Director. The construction plan shall identify the type and location of all erosion control/water quality best management practices to be implemented during. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction zone to prevent construction-related runoff, sediment, and/or debris from entering into the Pacific Ocean, and any existing storm drain inlets. Provisions shall be made for stockpiling and covering any graded soils, equipment, and/or materials. The construction plan shall also include a wet weather contingency plan that clearly states what actions will be taken in the event of precipitation events to avoid off-site impacts due to runoff emanating from the construction zone. ALL EROSION, SEDIMENT, AND OTHER WATER QUALITY CONTROLS SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AS WELL AS AT THE END OF EACH DAY DURING CONSTRUCTION.
- (c) Good Housekeeping.** The construction site shall maintain good construction site housekeeping controls and procedures, including: (1) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff shall be collected to settle out sediments prior to discharge from the site; all dewatering operations shall include filtration mechanisms; (2) off-site equipment wash areas are preferred whenever possible; if equipment must be washed on-site, the use of soaps, solvents, degreasers, or steam cleaning equipment shall not be allowed; in any event, such wash water shall not be allowed to enter any natural drainage or existing drain inlet; (3) concrete rinsates shall be collected and properly disposed of off-site and they shall not be allowed to enter any natural drainage areas or existing drain inlet; and (4) good construction housekeeping shall be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment off-site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); all wastes shall be disposed of properly, trash receptacles shall be placed on site for that purpose, and open trash receptacles shall be covered during wet weather.
- (d) Dewatering.** The Permittee shall submit a dewatering plan to the Executive Director for review and approval, and provide evidence that the dewatering plan has been approved by the Regional Water quality Control Board, or that no such approval is necessary.
- (e) Work Schedule.** All work shall take place during daylight hours with the following exception: any construction that occurs after sunset shall be limited to interior (of structures) work and shall be subject to the same lighting parameters as established for the completed structure by Special Condition 1.

All requirements of this condition above shall be enforceable components of this coastal development permit. All requirements of this condition shall be specified as plan notes on the Construction Plan, and the plan notes shall indicate that they shall apply for the duration of construction of the approved development. The Permittee shall undertake development in



accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

5. Post Construction Drainage. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the Permittee shall submit, for Executive Director review and approval, a drainage plan that identifies the specific type, design, and location of all drainage infrastructure and Best Management Practices (BMPs) necessary to ensure that post construction drainage from the project, including runoff from the roof, driveways, parking areas and other impervious surfaces, does not result in erosion, sedimentation, or the degradation of coastal water quality. Drainage features shall be located within the permitted development area to the maximum extent feasible, and shall be limited in size and footprint to the minimum necessary to achieve effective drainage and erosion control. Paved surfaces where vehicles are located shall include a filter runoff system to collect any petroleum products. The drainage plan shall clearly identify a drainage system designed to collect, filter, and treat all runoff prior to its discharge from the site and to remove vehicular contaminants and other typical urban runoff pollutants¹ more efficiently than standard silt and grease traps. The drainage plan shall also comply with the following requirements:

- A. The drainage system shall be designed to filter and treat (i.e., a physical and/or chemical reduction of pollutants achieved through active filtration) the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water Management Task Force, March 1993);
- B. The drainage system may include natural biologic filtration components such as vegetated filter strips and grassy swales provided that they are populated with native plant species capable of active filtration and treatment (e.g., rushes). If grades require, check-dams may be used in such biologic filters.
- C. The drainage system shall include at least one engineered filtration unit to which all drainage shall be directed prior to any discharge from the site. The engineered filtration unit shall be designed to remove, at a minimum, vehicular contaminants, and shall be appropriately sized to handle all parking lot drainage. Such unit may include media designed to remove expected contaminants.

The applicant shall be responsible for implementing and maintaining drainage, erosion, and sedimentation control measures and facilities for the life of the project. This shall include

¹ Typical urban runoff pollutants describes constituents commonly present in runoff associated with precipitation and irrigation. Typical runoff pollutants include, but are not limited to: paints, varnishes, and solvents; hydrocarbons and metals; non-hazardous solid wastes and yard wastes; sediment from construction activities (including silts, clays, slurries, concrete rinsates, etc.); ongoing sedimentation due to changes in land cover/land use; nutrients, pesticides, herbicides, and fertilizers (e.g., from landscape maintenance); hazardous substances and wastes; sewage, fecal coliforms, animal wastes, and pathogens; dissolved and particulate metals; and other sediments and floatables.



performing annual inspections, and conducting all necessary clean-outs, immediately prior to the rainy season (beginning October 15), and as otherwise necessary to maintain the proper functioning of the approved system.

The Permittee shall undertake development in accordance with the approved Plans. Any proposed changes to the approved Plans shall be reported to the Executive Director. No changes to the approved Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

6. Archaeological Monitoring. In order to provide protection for the known cultural resources on the project parcel and mitigation of anticipated project impacts, the following measures shall be implemented:
 - a. A qualified archaeological monitor and Native American representative approved by the Executive Director PRIOR TO THE COMMENCEMENT OF CONSTRUCTION shall be present during any construction or pre-construction activities that involve ground disturbance. If human remains or intact cultural features are discovered during construction, work shall be halted on the parcel until the find can be evaluated by the monitor and/or principal archaeologist, and appropriate mitigation measures formulated and implemented.
 - b. At least two (2) single specimen radiocarbon dates shall be obtained from any shell recovered during monitoring in order to mitigate any unforeseen impacts to prehistoric cultural resources.
 - c. Artifacts or other cultural materials recovered during monitoring should be curated *in the public domain* at a suitable research facility.
 - d. During construction, protective fencing shall be installed to protect the main part of the archaeological site on the slope east of the residence from inadvertent impacts. Construction personnel shall be advised by the on-site archaeological monitor on the importance of avoiding impacts in that area.
7. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from heavy storm damage, flooding, earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
8. No Future Seawall or Shoreline or Bluff Protective Device. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the proposed development including, but not limited to, the residence, foundations, caretaker's unit, terraces, or driveway in the event that the



development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

9. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.
10. County Conditions. County coastal permit PLN040662 Conditions #s 1, 3, 5, 6, 7, 13, 17, 25, 26, 28, 29, 30, 31, 32, and 33 are superseded by the above Special Conditions. County conditions #s 2, 4, 8, 9, 10, 11, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, and 27 remain conditions of this coastal permit A-3-MCO-05-055. The applicant shall provide evidence of compliance with the County conditions to the Executive Director at the time period for compliance indicated by the condition. In the event that the County no longer has authority to sign-off any of these conditions, review and approval by the Executive Director is required. All other conditions of Monterey County's approval pursuant to a planning authority in addition to or other than the Coastal Act continue to apply. Except, to the extent that such Monterey County conditions conflict with these Coastal Development Permit A-3-MCO-05-055 conditions, such conflicts shall be resolved in favor of the conditions for Coastal Development Permit Number A-3-MCO-05-055.

3. De Novo Permit Findings and Declarations

A. Project Location and Description

The 2.7-acre project site is located on the seaward side of Seventeen Mile Drive, approximately 500 feet



northwest of the Lone Cypress lookout, in the community of Pebble Beach (see Exhibit B). Seventeen Mile Drive is a scenic roadway used by residents and visitors in Del Monte Forest. Low-density single-family residences comprise the majority of the surrounding area. The subject lot slopes gently to the west, culminating in a steep cliff overlooking the Pacific Ocean. Most of the site is designated Low Density Residential, 1 unit per 2 acres [LDR/2-D (CZ)] in the Del Monte Forest Land Use Plan. A portion of the property between the bluff and the ocean are designated as Open Space/Shoreline. A Resource Constraint overlay is located over the whole property [RC-D (CZ)] due to the presence of Monterey cypress habitat, archaeological resources, and rock outcroppings.

The project is located within the Monterey Cypress Forest, native only at Point Lobos Reserve State Park and along Seventeen Mile Drive between Cypress Point and Pescadero Point. The parcel contains approximately 103 Monterey pines and Monterey cypress trees. The project site was previously developed with a 7,565 square foot single-family residence and detached 850 square foot caretaker's unit that was destroyed by fire in 2002 (see Exhibit D). The proposed project involves the replacement of this development with an 11,700 square foot, two-story single family residence, detached 850 square foot caretaker's unit, and associated courtyards and terraces. The project also involves the removal to two (2) Monterey pine trees (1 live, 1 dead); removal of two (2) non-native Monterey cypress; and after-the-fact approval for removal and trimming of approximately 47 Monterey pine and Monterey cypress trees that were damaged during the winter storms of December 2004 and January 2005.

B. Coastal Development Permit Findings

1. Environmentally Sensitive Habitat Areas (ESHA)

a. Applicable Policies

The following LCP policies and ordinances are relevant to the protection of environmentally sensitive Monterey cypress habitat adjacent to the project site:

The Del Monte Forest Land Use Plan (on page 14 of Land Use Plan)

Environmentally sensitive habitat areas are those in which plant or animal life or their habitats are rare or especially valuable due to their special role in an ecosystem. These include rare, endangered, or threatened species and their habitats; other sensitive species and habitats such as species of restricted occurrence and unique or especially valuable examples of coastal habitats; riparian corridors; rocky intertidal areas; nearshore reefs; offshore rocks and islets; kelp beds; rookeries and haul-out sites; important roosting sites; and Areas of Special Biological Significance (ASBS). The California Coastal Act provides unprecedented protection for environmentally sensitive habitat areas and within such areas permits only resource-dependent uses (e.g., nature education and research, hunting, fishing, and aquaculture). The Act also requires that any development adjacent to environmentally sensitive habitat areas be properly sited and designed to avoid impacts, which would degrade such habitat areas.

In the Del Monte Forest Area, examples of terrestrial, aquatic, and riparian habitats which have been determined to be entirely or in part environmentally sensitive include: the rare Monterey cypress and endangered Gowen cypress forest communities, the endemic Monterey pine/Bishop



pine association, remnants of the indigenous coastal sand dunes, riparian corridors, wetlands, and sites of rare and endangered plants and animals associated with these and other habitats. A complete listing is included as Appendix A of this Plan. The locations of these are shown in Figure 2.

Del Monte Forest Land Use Policy #8

Environmentally sensitive habitat areas that are not designated as rehabilitation areas shall be protected against any significant disruption of habitat values. Within environmentally sensitive habitat areas, new land uses shall be limited to those that are dependent on the resources therein. Land uses immediately adjacent to environmentally sensitive habitat areas shall be compatible with long-term maintenance of the resource; development shall be sited and designed to prevent impacts, which would significantly degrade the protected habitat. In designated open space areas, conformance to the applicable OSAC Plan maintenance standards shall be considered the test of consistency with this policy.

Del Monte Forest Land Use Policy #13

The protection of environmentally sensitive habitats shall be provided through deed restrictions or permanent conservation or scenic easements granted to the Del Monte Forest Foundation. Where developments are proposed within or near areas containing environmentally sensitive habitat, such restrictions or easements shall be established through the development review process. Where development has already occurred in areas supporting environmentally sensitive habitat, property owners should be encouraged to voluntarily grant conservation or scenic easements to the Del Monte Forest Foundation. Except in the case of voluntary easements, each instrument for effecting such restriction or easement shall be subject to approval by the County as to form and content; shall provide for enforcement, if need be, by the County or other appropriate enforcement agency; and shall name the County as beneficiary in event the Foundation ceases or is unable to adequately manage these easements for the intended purpose of natural habitat preservation.

Del Monte Forest Land Use Policy #14

Near environmentally sensitive habitat areas, the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate development. This policy shall not restrict the activities of the Del Monte Forest Foundation in implementing OSAC Plan maintenance standards.

Del Monte Forest Land Use Policy #15

The use of non-invasive plant species and appropriate native species shall be required in landscape materials used in projects, especially in developments adjoining environmentally sensitive habitat.

Del Monte Forest Land Use Policy #21

Land uses on existing legal lots of record supporting indigenous Monterey Cypress habitat shall be compatible with the objective of protecting this environmentally sensitive coastal resource.



Improvements such as structures and driveways shall be carefully sited and designed to avoid potential damage or degradation of the microhabitat of these trees. Within the perimeter of the habitat area as defined by the driplines of the outermost indigenous Monterey Cypress trees on the site, removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering shall be prohibited. On the inland side of Seventeen Mile Drive, driveways shall be allowed in this area where the driveway does not come within the dripline of individual Cypress trees, or where driveways are consolidated to service more than one lot. Underground residential utilities and fences shall be allowed in this area on the inland side of Seventeen Mile Drive. Scenic or conservation easements shall be secured prior to transmittal of coastal development permits in order to assure the protection of the Monterey Cypress habitat.

Coastal Implementation Plan Section 20.147.020.H.

Environmentally sensitive habitat areas are those in which plant or animal life or their habitats are rare or especially valuable due to their special role in an ecosystem. These include rare, endangered, or threatened species and their habitats; other sensitive species and habitats such as species of restricted occurrence and unique or especially valuable examples of coastal habitats; riparian corridors; rocky intertidal areas; nearshore reefs; offshore rocks and islets; kelp beds; rookeries and haul-out sites; important roosting sites; and Areas of Special Biological Significance (ASBS).

In the Del Monte Forest Area, examples of terrestrial, aquatic, and riparian habitats which have been determined to be entirely or in part environmentally sensitive include: the rare Monterey cypress and endangered Gowen cypress forest communities, the endemic Monterey pine/Bishop pine association, remnants of the indigenous coastal sand dunes, riparian corridors, wetlands, and sites of rare and endangered plants and animals associated with these and other habitats.

Coastal Implementation Plan Section 20.147.040.B.7.

The protection of environmentally sensitive habitats shall be provided through deed restrictions or permanent conservation or scenic easements granted to the County of Monterey. Parcels proposed for development containing areas of environmentally sensitive habitats shall require, as a condition of approval, that the sensitive habitat area (including a 100 foot buffer around the sensitive habitat area) be placed in a scenic or conservation easement. Except in the case of voluntary easements, each instrument for effecting such restriction or easement shall be subject to approval by the County as to form and content; shall provide for enforcement, if need be, by the County or other appropriate enforcement agency; and shall name the Del Monte Forest Foundation as beneficiary in the event the County is unable to adequately manage these easements for the intended purpose of natural habitat preservation (Ref. Policy #13 in the Del Monte Forest Area Land Use Plan).

Coastal Implementation Plan Section 20.147.040.B.8.

In properties adjoining environmentally sensitive habitat areas, the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate development. This development standard shall not



restrict the activities of the Del Monte Forest Foundation in implementing Open Space Advisory Committee Plan maintenance standards. Refer also to Section 20.147.030, Water and Marine Resources Development Standards (Ref. Policy #14 in the Del Monte Forest Area Land Use Plan).

Coastal Implementation Plan Section 20.147.040.B.9.

Where landscaping is required for new development on parcels adjacent to or including environmentally sensitive habitats, landscaping used within the 100-foot buffer shall consist solely of non-invasive, native plant materials appropriate to the habitat. Landscaping for the remainder of the site shall include native species and may include non-invasive exotics (Ref. Policy #15 in the Del Monte Forest Area Land Use Plan).

Coastal Implementation Plan Section 20.147.040.C.1.d-e.

d. Land uses on existing legal lots of record supporting indigenous Monterey cypress habitat shall be compatible with the objectives of protecting this environmentally sensitive coastal resource. Improvements such as structures and driveways shall be sited and designed to avoid potential damage or degradation of the microhabitat of these trees.

e. Removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering is prohibited within the perimeter of the cypress habitat area as defined by the driplines of the outermost indigenous Monterey cypress trees on a site.

b. Monterey Cypress Habitat Protection

The project is located within the Monterey Cypress Forest, native only at Point Lobos Reserve State Park and along Seventeen Mile Drive between Cypress Point and Pescadero Point. The Monterey County LCP notes the rarity of this habitat and lists the Monterey cypress forest community as environmentally sensitive habitat area (ESHA). The site is mapped in the LCP as ESHA. The site also contains Monterey pine trees, which are a CNPS 1B listed species. LCP policies require that ESHA be protected against any significant disruption of habitat values, and that development be sited and designed to prevent impacts that would significantly degrade the protected habitat (Del Monte Forest LUP Policies #8 and #14). Del Monte Forest Policy #21 refers specifically to Monterey cypress habitat, and requires structures and driveways to be carefully sited and designed to avoid potential damage or degradation of the “micro-habitat” of these trees (i.e., the area inside the driplines of the outer-most indigenous Monterey cypress trees on site).

Monterey Cypress as ESHA

Two natural occurrences of Monterey cypress (*Cupressus macrocarpa*) communities exist in the world. Its natural distribution is on granitic headlands with thin marine deposits in the Monterey area. One population occurs at Point Lobos State Reserve; the other occurs at Cypress Point and vicinity. About 90 percent of the native population of Monterey cypress grows in the Carmel area, constituting one of the world’s rarest forests, but the species has been widely planted in landscapes, particularly along the coast. The phenomena of ecologic islands, specialization, endemism, and relicts are well illustrated by



the pines and cypresses of the coast of California.² The Monterey cypress forest is considered an environmentally sensitive habitat area (ESHA) because Monterey cypresses are an extremely limited environmental resource of worldwide significance. Historically, the Commission has placed high priority on the protection and preservation of Monterey cypress.

c. ESHA Impact Analysis

A previously approved County permit (PLN010225/Abdullah) for the remodel of the existing residence on the project site allowed for 15,661 square feet of site coverage (including the footprints of the residence, caretaker unit, and associated terraces, paving, and driveway). The proposed project, as approved by Monterey County, encompasses 25,517 square feet of site coverage. The substantial issue contention found that, as approved by Monterey County, the redevelopment of the site would remove and degrade sensitive Monterey cypress forest habitat. The appeal stated that the significant expansion in site coverage inappropriately necessitated the removal and relocation of mature trees and encroached within the dripline of existing trees, raising clear issues of conformity with Policy #21, which requires protection of the habitat area being impacted. In addition, the expansion would damage the habitat values of the site and surrounding area by reducing the amount of land available for forest regeneration, and by extending the impacts associated with residential development further into the forest (e.g., light, noise, fire clearance needs, etc.), in conflict with Policy #8. Additional issues regarding the project's consistency with Policies #8 and #21 were raised by the after-the-fact approval of the significant tree trimming and removal project that occurred in early 2005 without proper permits, and habitat damage associated with unpermitted foundation work.

In response to the substantial issue finding, the project applicant redesigned the residence in December 2005 to reduce the overall site coverage. The currently proposed project, which includes the new residence, caretaker unit, and associated terraces and paving would cover 17,707 square feet within the same region of the site as previously proposed. Although the redesign of the development reduces the project's original encroachment into cypress habitat, the development would still increase site coverage by 2,046 square feet beyond the footprint of the development approved by County Coastal Development Permit PLN010225 that was destroyed by fire in 2002.

The increase in site coverage by 2,046 square feet would have permanent direct and indirect impacts to the ecological functioning of the Monterey cypress community. Such impacts include the loss of land for forest regeneration, habitat fragmentation, the extension of disturbances (noise, lights, fire clearance needs, etc.) further into the forest, and impacts during construction. As a result of these impacts, the revised project cannot be found to be consistent with the LCP development standards cited above. Avoidance and mitigation of such impacts are necessary to protect Monterey cypress habitat consistent with LCP requirements.

d. Project Modifications to Result in an Approvable Project

Most properties contained within the native Monterey cypress habitat area along Seventeen Mile Drive were developed with large single-family residences prior to the passage of the Coastal Act. The subsequent designation of this habitat as ESHA by the LCP limits development within the ESHA to uses that are dependent on the resource (Del Monte Forest Land Use Policies 8 and 21), and thereby prohibits

² Schoenherr, Allan A. 1992. A Natural History of California. University of California Press. Berkeley, CA.



the expansion of existing residences beyond the existing development footprint. Accordingly, additions and remodels to existing residences in this region must be contained within previously developed areas.

However, as recognized in the findings for approval of CDP A-3-MCO-02-058 (Smith Demolition and Rebuild in the Asilomar Dunes Area of Monterey County), the act of redeveloping an existing residence within the same footprint necessitates some degree of unavoidable temporary impacts to the surrounding habitat during construction. As stated by the findings for approval of A-3-MCO-02-058:

The demolition of the existing house and redevelopment of the site can however be found consistent with the ESHA protection policies if the site coverage is reduced to that which currently exists (14.2%) and the new house is mostly located within the existing disturbed area. Limited (10% or less) development outside the current envelope can be accommodated because demolition and site clearing will, of necessity, result in some additional disturbance around the perimeter of the existing developed area and thus construction will not result in any long term impacts if a commensurate amount of the currently developed area is returned to habitat in exchange. Restoration, permanent protection of the remainder of the site and an open fencing design will adequately mitigate impacts of construction on adjacent ESHA by ensuring that the new development will be compatible with the long term maintenance of the resource. ...

In this unique case, the destruction of the pre-existing residence by fire, storm damage, and the removal of the related debris from the site, has extended habitat disturbance significantly beyond the limits of the previous development's footprint. This should not be viewed as an opportunity to expand upon the amount of non-resource dependent development allowed on the site. It does, however, provide a chance to evaluate how the replacement development could be better sited and designed within the disturbed areas in order to maximize protection of existing habitat resources and improve opportunities for habitat restoration and enhancement.

Thus, to ensure no net loss of Monterey cypress habitat on the project site over the long-term, Special Condition 1a prohibits the new development from exceeding the amount of site coverage associated with the pre-existing residence (15,661 square feet), but accommodates some adjustment to the boundaries of the pre-existing development. The approved adjustments to the location (but not the size) of the pre-existing footprint are within the previously disturbed areas of the site, and will allow for better protection and restoration of cypress habitat and project conformance with LCP requirements. For example, relocating the caretaker's unit and associated paving from the western portion of the property to a disturbed area to the north of the residence will significantly improve the development's setback from mature stands of existing Monterey cypress trees and thereby result in better protection of forest resources (see letter from project biologist, Vern Yadon, dated February 15, 2006 and attached as Exhibit L).

Although the permitted adjustments to the eastern boundary of the pre-existing residential footprint will result in the removal of two Monterey cypress trees³ and one live Monterey pine (as well as one dead

³ The two cypress trees are located in the southeast corner of the new residence, and were directly adjacent to the remodel of the pre-existing residence approved by Monterey County in 2001. As a result, their roots were damaged during the construction and subsequent removal of the foundation of the residence.



Monterey pine)⁴, these adjustments will also benefit Monterey cypress habitat protection and enhancement on the site. According to the project biologist, the two Monterey cypresses are likely nursery specimens that were previously planted on the site, given their similar size and linear arrangement. Due to the need to protect the genetic integrity of the Monterey cypress trees that are endemic to the area, the removal and replacement of these trees using seedlings collected from the site will be most protective of the forest habitat. The live Monterey pine tree to be removed is contained within the area of prior disturbance, and as noted above, is described by the forestry report as being in poor health. Allowing removal of this tree enables the development envelope to be shifted away from the mature stand of cypress trees along the western property boundary, and will thereby better protect the habitat currently supported by the site.

While the extent of the change in the location of the development footprint is significantly greater than the 10% range allowed by A-3-MCO-02-058 (around 40% in this case), it is appropriate given the unique circumstances associated current site conditions and the improved habitat protection and restoration that will result from such adjustments, as discussed above. The applicant has committed to protecting and restoring Monterey cypress habitat in all areas of the site outside of the allowed development footprint, which is reflected in Special Conditions 1(b), 2, 3, and 4(a) of permit approval and required by Del Monte Forest land Use Policies 13 and 21 as well as Section 20.147.040 of the Coastal Implementation Plan. In light of the current site conditions and the habitat protection and restoration requirements contained in the conditions of the permit, the new development will not extend within ESHA any further than the pre-existing residential development, and will facilitate protection and enhancement of the native Monterey cypress habitat supported by the site consistent with LCP requirements.

e. ESHA Conclusion

The project, as conditioned, is consistent with the LCP because it avoids extension into Monterey cypress habitat beyond previous disturbance on the site and prohibits an increase in site coverage; protects and enhances surrounding onsite cypress habitat through the implementation of invasive plant control measures and Monterey cypress protection and restoration measures; and minimizes the area of disturbance during construction activities. A deed restriction is required assuring resource protection in perpetuity within the project parcel. Only as conditioned will the project ensure the biological continuance of the Monterey cypress ESHA and be consistent with the ESHA protection provisions of the LCP.

2. Visual and Scenic Resources

a. Applicable Policies

Del Monte Forest LUP Scenic and Visual Resources Policy Guidance Statement

The Del Monte Forest Area and Seventeen Mile Drive are important visitor destinations. It is the objective of this Plan to protect the area's magnificent scenic and visual resources, to avoid

⁴ The live Monterey pine to be removed by the development is located in the northeastern portion of the residence, and is described by the forestry report prepared for the project as being in poor health.



incompatible development, and to encourage improvements and facilities which complement the natural scenic assets and enhance the public's enjoyment of them. In order to protect the scenic and visual resources of the Del Monte Forest Area, only compatible development along Seventeen Mile Drive should be allowed.

Del Monte Forest LUP Policy #51

51. Areas within visually prominent settings identified on the LUP Visual Resources Map, when proposed for development, should be developed so that the lots and/or buildings are situated to allow the highest potential for screening from view the development and its access roads. Lots and access roads should also be sited to minimize tree removal and visually obtrusive grading.

Del Monte Forest LUP Policy #52

During the development review process, scenic, conservation, or negative easements shall be required to the fullest extent possible for visually prominent areas. These shall be granted to the Del Monte Forest Foundation. Except in the case of voluntary easements or properties not subject to the permit process, these instruments shall be subject to approval by the County as to form and content, shall provide for enforcement, if need be, by the County or other appropriate agency, and name the County as beneficiary in event the Foundation is unable to adequately manage these easements for the intended purpose of scenic and visual resource protection.

Del Monte Forest LUP Policy #55

Areas within the viewshed of scenic corridors identified on the LUP Visual Resources Map shall be zoned with a district, which requires adequate structural setbacks (generally a minimum of 50), the siting and design of structures to minimize the need for tree removal and alterations to natural landforms. New structures shall be designed to harmonize with the natural setting and not be visually intrusive.

Del Monte Forest LUP Policy #56

Design and siting of structures in scenic areas should not detract from scenic values of the forest, stream courses, ridgeline, or shoreline. Structures, including fences, shall be subordinate to and blended into the environment, using appropriate materials which will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening.

Del Monte Forest LUP Policy #57

Structures in scenic areas shall utilize native vegetation and topography to provide screening from the viewing area. In such instances, the least visible portion of the property should be considered the most desirable building site location, subject to consistency with other siting criteria (e.g., proximity to environmentally sensitive habitat areas and safe access).

Del Monte Forest LUP Policy #59

New development, including ancillary structures such as fences constructed between Seventeen Mile Drive and the sea (Pacific Grove Gate to Carmel Gate portion) shall be designed and sited



to minimize obstructions of views from the road to the sea. Examples of methods to reduce obstruction include, but are not limited to the following: height limits, use of see-through materials for fences, limitations on landscape materials which would block views.

Coastal Implementation Plan Section 20.147.070.C.1.

Development, along with related access roads, within visually prominent settings as identified on Figure 2c “Visual Resources” in the Del Monte Forest Area Land Use Plan shall be sited on the least visible area of the lot, subject to consistent with other development standards of this implementation ordinance and as determined by staff field review of the proposed development on its impact of visual sensitivity. Structures shall be screened from view using native vegetation and topography (Ref. Policy #50 in the Del Monte Forest Land Use Plan).

Coastal Implementation Plan Section 20.147.070.C.2.

All structures shall be subordinate to and blended into the environment, using appropriate construction and landscaping materials to achieve that effect. A list of appropriate landscaping materials is contained in the brochure “The Look of the Monterey Peninsula” which is available from the Monterey County Planning Department, and also those endemic species listed in the Del Monte Forest Land Use and Open Space Advisory Committee Plan. Where deemed necessary by staff, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening, subject to the approval of the Director of Planning (Ref. Policy #56 in the Del Monte Forest Land Use Plan).

Coastal Implementation Plan Section 20.147.070.C.5.

Conservation, scenic or negative easements shall be required to the fullest extent possible for visually prominent areas. The easement shall be required as a condition of project approval, in conformance with Section 20.142.130, and shall extend over that portion of the parcel located within the public viewshed as defined in Section 10.147.020.Y. The easement may provide exceptions for development approved by Coastal Development Permit. These easements shall be granted to Monterey County. Except in the case of voluntary easements or properties not subject to the permit process, these instruments shall be subject to approval by the County as to form and content, shall provide for enforcement, if need be, by the County or other appropriate agency, and name the Del Monte Forest Foundation as beneficiary in event the County is unable to adequately manage these easements for the intended purpose of scenic and visual resource protection (Ref. Policy #52 in the Del Monte Forest Land Use Plan).

Coastal Implementation Plan Section 20.147.070.C.6.

A minimum setback of 50 feet shall be maintained for all structures located in all scenic corridor viewsheds, as identified on the Del Monte Forest Area Land Use Plan Visual Resources Map. Siting and design of structures shall be such that only the minimum tree removal and alteration of natural landforms is required for development of the dwelling and an adequate area for safe off-street parking and turn-around. New structures shall be designed to harmonize with the natural setting and not be visually intrusive (Ref. Policy #55 in the Del Monte Forest Land Use Plan).

Coastal Implementation Plan Section 20.147.070.C.8.



New development, including accessory structures such as fences, constructed between 17-Mile Drive and the sea (Pacific Grove gate to Carmel Gate portion) shall be designed and sited so that views from the road to the sea remain intact. The impact of development upon visual access shall be determined on a case-by-case basis and shall be made on a site visit by the project planner. Examples of methods to reduce obstruction which may be imposed on the proposed project include, but are not limited to the following:

- a. height limits, use of see-through materials for fences;*
- b. limitations on types and amounts of landscape materials which would block views; and*
- c. location of proposed developments (Ref. Policy #59 in the Del Monte Forest Land Use Plan).*

Coastal Implementation Plan Section 20.147.070.C.9.

Development on parcels fronting on 17 Mile Drive shall maintain a minimum setback of 100 feet from the centerline of 17 Mile Drive. An exception may be allowed by the decision-making body upon a finding that the new development may be screened from view of travelers on 17 Mile Drive by existing vegetation or terrain. In Area B, the required setback shall be 200 feet. As a condition of approval, the required setback shall be placed in scenic easement in accordance with Section 20.142.130 (Ref. Policy #84 in the Del Monte Forest Land Use Plan).

b. Consistency Analysis

The Del Monte Forest LUP is highly protective of coastal zone visual resources, and specifically protective of views along Seventeen Mile Drive. Del Monte Forest LUP Policy #51 requires development within such visually prominent settings to be sited in a manner that maximizes opportunities to screen buildings and access roads from view. Policy #55 requires structural setbacks from scenic corridors, such as those along Seventeen Mile Drive, and requires that development be designed to harmonize with the natural setting and not be visually intrusive, among other ways by minimizing the need for tree removal. Structures, including fences, in scenic areas should “be subordinate to and blended into the environment” and should “utilize native vegetation and topography to provide screening” (Policies #56 and 57). CIP Sections under 20.147.070.C. further implement these Land Use Plan policies, by restricting development in visually prominent areas, prohibiting development within a 100-foot setback from the centerline of Seventeen Mile Drive, and requiring that land within the setback be placed in scenic easement. Taken together, these LCP policies and CIP regulations require that the impacts of new development be minimized, and that new development within and adjacent to unique features of the landscape be integrated into the existing scenic character.

The project site is within a highly prominent scenic area just north of the Lone Cypress lookout, and is also visible from Seventeen Mile Drive and Point Lobos. A 7,565-square foot residence and 850-square foot caretaker’s unit occupied the site prior to being destroyed by fire in 2002. The proposed residence would be 11,700 square feet within the same general region of the site as the previous residence. The project also includes a new 850-square foot caretaker’s unit, located in a previously undeveloped portion of the site. A 6-foot tall perimeter fence along Seventeen Mile Drive would replace a 7-foot high fence that was partially constructed by the former owner without a permit. The proposed 6-foot tall fence would consist of 2-foot wide pillars spaced 10 feet apart with a 2-foot tall solid wall along the base. Spaces between the pillars would consist of lattice work with 6-inch openings. The project proposes the removal of 2 non-native Monterey cypress trees and the removal of 2 Monterey pines (one live, one



dead) in addition to after-the-fact removal and trimming of approximately 47 Monterey cypress and Monterey pine trees.

In order to be consistent with the LCP, a number of conditions are required. Special Condition 1(a) requires that the entire development (including the caretaker's unit) not exceed 15,661 square feet of site coverage in order to maintain the pre-existing balance between residential development and natural habitat areas. Special Condition 2 requires that the remainder of the site outside the allowable building envelope be designated for Monterey cypress habitat protection and enhancement. Designation of this area as such will not only preserve and protect ESHA from encroachment and future development, but also preserve views of the undeveloped portions of site from public vantage points. Restoration and replanting of trees within this area, pursuant to Special Condition 3, will be designed with habitat values as well as view preservation in mind. Replacement trees will restore areas of the site impacted by tree removal, and careful siting of those trees will also ensure screening of the new development from Seventeen Mile Drive while not hindering the integrity of views from the roadway across the site to the coast and ocean.

To further preserve and protect views through the site from Seventeen Mile Drive to the coast and ensure consistency with Policy #59, Special Condition 1(d) restricts landscaping along the perimeter lattice fencing and street frontage area. The condition prohibits the planting of vines along the fence and requires shrubs within this area to be limited to a species that naturally does not exceed three (3) feet in height. All plant materials within, and adjacent to, the area of the site outside the allowable building envelope must be native to and complimentary with native Monterey cypress habitat. Design and lighting conditions [Special Conditions 1(b) and 1(c)] will ensure that the project is visually recessive and will not detract from the natural setting, consistent with Policies #55 and 56.

c. Visual Conclusion

Replacement of the pre-existing development on the site with a larger development envelope will change the scenic quality of the project site, and would be contrary to LCP scenic and visual protection policies. In addition, landscaping associated with the project has the potential to block views of the ocean from Seventeen Mile Drive, inconsistent with LCP requirements. Finally, building materials and colors must be carefully selected in order to avoid degradation of the sites scenic qualities and associated conflicts with LCP visual resource policies. Therefore, the conditions of this permit require that the development be contained within a footprint of 15,661 square feet, which is equivalent to the site coverage of the pre-existing residence; that all exterior design elements be subordinate to and blended into the environment, using appropriate materials which will achieve that effect; and that the remainder of the site outside the allowable building envelope be maintained as a habitat protection and enhancement area to preserve the scenic qualities and views of the site. To assure the consistency of the project with the visual resource provisions of the LCP, the conditions of approval also require careful siting of replacement trees to effectively screen views of the development from Seventeen Mile Drive while minimizing obstructions of views from the road to the sea. Only as conditioned is the project consistent with LCP visual resource protection provisions.

3. Archaeology



a. Applicable Policies

Del Monte Forest LUP Policy #62

Where significant archaeological resources are identified, all available measures including open space easements, dedication of scenic easements, and purchase of development rights shall be considered to avoid development on significant prehistoric or historic archaeological sites.

Del Monte Forest LUP Policy #63

When developments are permitted on parcels where archaeological or other cultural resource sites are located, project design shall be required which avoids impacts to such sites. Where the site has religious significance, emphasis should be placed on preserving the entire site; likewise, where the site is of known regional significance, consideration shall be given to nominating the site to the National Register and preserving it.

Del Monte Forest LUP Policy #65

When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate preservation measures shall be required. Preservation measures shall be designed by a qualified archaeologist in accordance with current accepted guidelines.

Coastal Implementation Plan Section 20.147.080.D.1.

All development permitted on parcels containing archaeological or other sensitive cultural resources must design such development to avoid impacts to those sites. When the site has religious significance, emphasis shall be placed on preserving the entire site. Where the site is of known regional significance, consideration shall be given to nominating the site to that National Register and preserving it (Ref. Policy #63 in the Del Monte Forest Land Use Plan).

Coastal Implementation Plan Section 20.147.080.D.1.c.

The archaeological site shall be placed in an archaeological easement. The easement shall be required pursuant to Section 20.142.130. Prior to being accepted by the County, the proposed easement area shall be reviewed and verified as adequate to protect the resource by an archaeologist who has been selected from the County's list of archaeological consultants or who is a member of the Society of Professional Archaeologists.

b. Consistency Analysis

The Del Monte Forest Land Use Plan requires new land uses to incorporate site planning and design features necessary to avoid impacts to archaeological resources. On sites where significant archaeological resources are identified, Land Use Plan Policy #62 requires the consideration of all available measures to avoid development on significant prehistoric or historic sites, including open space easements, dedication of scenic easements, and purchase of development rights. When there are such constraints that do not permit avoiding construction on archaeological or other types of cultural sites, Policy #65 requires preservation measures designed by qualified archaeologists.



Finding 2(i) of the County's Final Local Action Notice identifies that the site is located in a highly sensitive archaeological area, and states that evidence of potential significant cultural resources were found on site. County staff reports prepared for the project indicate that the development would extend into an area along the coastal bluff identified as a main midden area (archaeological site CA-MNT-2085), as well as other known and potential midden sites. The report states that with protection fencing and archaeological monitoring, there should be no project impacts to that portion of the archaeological deposit. The County approved the project with conditions requiring mitigation and preservation measures, but a substantial issue was found with regard to inconsistency with Policy #62 which requires avoidance of archaeological resources where possible.

Further review of the archaeological report prepared for the project found that although the building setback is within part of the midden, the proposed residence itself would be outside the main area of undisturbed midden. Because the majority of the proposed building footprint for the main house has already been graded and excavated during previous construction, impacts to cultural resource deposits in that area are expected to be limited to areas outside the footprint. Nevertheless, there remains the potential for impacts to archaeological resources in other previously graded areas of the site that have not been previously graded, including the caretaker's unit site.

c. Archaeology Conclusion

In order to be consistent with the LCP, the project is required to comply with Special Condition 8. Under this condition, protective fencing must be installed prior to construction to prevent inadvertent impacts to the archaeological site on the slope east of the residence from. In addition, a qualified archaeological monitor and Native American representative is required to be present during all ground-disturbing construction activities, and in the event that intact cultural resources are uncovered, work must cease until the find can be evaluated and mitigation measures are formulated. With these and the other archaeological resource protection provisions contained in Special Condition 8, the project is consistent with the archaeological resource policies of the LCP.

4. Water Quality

a. Applicable Policies

Del Monte Forest LUP Policy #1

New development in the Pescadero watershed, and the smaller unnamed watersheds of the Pebble Beach planning area which drain into the Carmel Bay Area of Special Biological Significance (ASBS), as well as the watersheds of Seal Rock Creek and Sawmill Gulch, shall be sited and designed to minimize runoff, site disturbance, erosion, and sedimentation. All new development shall be designed to conform to site topography. New residential driveways and other road surfaces shall be kept to the minimum length and width to provide simple, direct access. Other paved areas shall be limited to the minimum required to meet daily (not occasional) parking needs. This policy shall not be read to preclude safe bicycle lanes nor adequate parking for commercial visitor-serving development and access points.

Del Monte Forest LUP Policy #2



Non-point sources of pollution to the Carmel Bay ASBS, rocky intertidal areas, and wetlands shall be minimized through careful attention to drainage and runoff control systems. The criteria of the AMBAG 208 Water Quality Management Plan shall apply in watersheds affecting these resources.

Del Monte Forest LUP Policy #4

Onsite desilting measures satisfactory to the Director of Public Works (e.g. debris basins, desilting basins, and silt traps) shall be installed in conjunction with initial construction grading operations. They shall be maintained in good operating condition through the construction period to reduce sediment load in runoff waters.

Del Monte Forest LUP Policy #5

Construction erosion control measures satisfactory to the Director of Public Works (e.g. antive vegetation cover, temporary vegetation, seeding, mulching, or other suitable stabilization methods) shall be used to protect soils that have been disturbed during grading or development. Manufactured slopes shall be stabilized as soon as possible with planting of native annual grasses and shrubs, appropriate native compatible plants (consistent with OSAC Plan provisions), and with approved landscaping.

Del Monte Forest LUP Policy #6

Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Permanent onsite drainage devices shall be designed to accommodate increased runoff resulting from site modification. Where necessitated by good drainage design considerations, onsite retention of storm water may be considered to reduce the size requirements for drainage structures.

Coastal Implementation Plan Section 20.147.030.A.1.

New development in the Pescadero Watershed and the smaller unnamed watersheds of the Pebble Beach planning area which drain into the Carmel Bay Area of Special Biological Significance (ASBS), watersheds of Seal Rock Creek and Sawmill Gulch, shall be subject to the following development restrictions and criteria:

a) Only that amount of site disturbance (i.e. grading, clearing of vegetation) necessary for the project footprint, adequate driveway and any required landscaping shall be allowed for project construction (Ref. Policy #1 in the Del Monte Forest Area Land Use Plan)

Coastal Implementation Plan Section 20.147.030.A.3.

Point and non-point sources of pollution to the Carmel Bay ASBS, rocky intertidal areas, and wetlands shall be minimized. It shall be determined through staff review of the project whether or not the project contains, as a course of their operation or as any other result of their existence, the ability or possibility to contribute to the degradation of the water and marine resources of the area. Those projects which are determined to have an effect shall supply to the Planning staff proof of adequate erosion and runoff control systems to control any off-site effects of the projects. These erosion and runoff plans shall be routed to the Building Inspection



Department and the Flood Control District for their review and comment upon adequacy of the report. The criteria of the AMBAG 208 Water Quality Management Plan shall apply in watersheds affecting these resources. All new and/or expanding wastewater discharges into the coastal waters of Monterey County shall require a permit from the Health Department. Applicants for such permits shall be required to submit documentation as delineated in Section 20.147.040.C.3.e. (Ref. Policy #2 in the Del Monte Forest Area Land Use Plan and Del Monte Forest Land Use Plan Amendment).

b. Consistency Analysis

Much of the surface drainage for the Pebble Beach Planning Area drains to Carmel Bay. Although a drainage plan is not included with the project, it is expected that site drainage would be collected and discharged toward Seventeen Mile Drive, flowing to the pavement and eventually to the Carmel Bay. Some site drainage would also occur along the southern edge of the site, flowing along the gently sloping hill towards the cliff to the Pacific Ocean. Non-point sources of pollutants to the Carmel Bay Area of Special Biological Concern (ASBS) are primarily silt from eroding surfaces and stormwater runoff from paved surfaces. Pollutants in such runoff include sediment, oil, heavy metals, animal wastes, fertilizers, and insecticides. Runoff from the project site would be expected to contain such typical runoff elements.

According to the Geotechnical Report prepared for the project (Haro, Kasunich & Associates, Inc., August 10, 2001, revised September 15, 2004), no groundwater was observed in any soil probes or exploratory borings. However, the report notes that groundwater levels may fluctuate due to variations in rainfall or other factors not evident during the geotechnical investigation. In the event that groundwater is encountered during excavation, dewatering would be needed, which can cause settlement of surrounding grounds and improvements, resulting in potential water quality impacts.

The project would generate typical urban runoff from both construction and post-construction activities described above that would likely be directed off site and thereby relies on offsite areas to filter and treat typical pollutants generated by the project. These areas would be degraded proportionally as a result. This is inappropriate and inconsistent with the LCP's water quality requirements. Therefore, Special Conditions 4b, 4c, 4d, and 5 are necessary for LCP conformance. To address dewatering discharge, Special Condition 4d requires that a dewatering plan be submitted with approval (or evidence that none is needed) from the Regional Water Quality Control Board prior to issuance of the permit. The purpose of this condition is to ensure that dewatering activities do not impact coastal water quality and marine resources as required by the LCP.

To ensure compliance with Policies 4 and 5, Conditions 4b and 4c require that adequate construction BMPs are applied to prevent construction-related runoff and debris from degrading the Pacific Ocean (and more specifically, the Carmel Bay ASBS). Compliance with Policies 1, 2, and 6 will be ensured through the requirement of permanent drainage BMPs (Special Condition 5). This condition requires all site drainage features and/or structures (e.g., pipes) to be contained within the permitted disturbance area to the maximum degree feasible, and require the filtration and/or treatment of all runoff from the site.

c. Water Quality Conclusion

Runoff from the project site both during and after project construction has the potential to degrade



coastal water quality and cause erosion and sedimentation. The conditions of approval attached to this permit are necessary to avoid and minimize such impacts consistent with LCP requirements. Only as conditioned does the project comply with the water quality protection requirements of the LCP.

5. Hazards

a. Applicable Hazard Policies

Del Monte Forest LUP Policy #43

Development shall be designed to conform to site topography and to minimize grading and other site preparation activities. Natural features, such as tree cover, should be preserved. Applications for subdivision, grading, and building permits shall be reviewed for potential onsite and offsite impacts arising from grading, as well as related geologic and seismic hazards and appropriate mitigation measures required. When the permit application involves discretionary action, this review shall be accomplished as part of the environmental review (CEQA) process. All areas disturbed by grading shall be revegetated with indigenous flora to recreate as much as possible the native plant and animal habitat.

Del Monte Forest LUP Policy #49

Permit bluff and cliff top development only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development (at least 50 years) and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area. Prohibit development on bluff faces except for stairways for public access to the beach.

Coastal Implementation Plan Section 20.147.060.F.2.

Bluff and cliff top development is permitted only if design and setback provisions are shown to be adequate through the recommendations and mitigations of the required soils and/or geologic report prepared for the proposed project, to assure stability and structural integrity for the expected economic lifespan of the development (at least 50 years) and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area. Development on bluff faces is prohibited except for public access stairways to the beach pursuant to Section 20.147.130 of this ordinance (Ref. Policy #49 in the Del Monte Forest Area Land Use Plan).

Coastal Implementation Plan Section 20.147.060.G.9.

Development shall be designed to conform to site topography and to minimize grading and other site preparation activities. Subdivision, grading, and building permit applications shall be reviewed for potential onsite and offsite impacts arising from grading as well as related geologic and seismic hazards. Appropriate mitigation measures will be required for any indicated impacts of development. All areas disturbed by grading shall be revegetated with indigenous



vegetation to re-create as much as possible the native plant and animal habitat. Endemic species acceptable for use in this revegetation are contained in the brochure "The Look of the Monterey Peninsula." A copy of this brochure is available at the Monterey County Planning Department (Ref. Policy #43 in the Del Monte Forest Area Land Use Plan).

b. Consistency Analysis

An existing residence was previously located on the site and has since been removed. Therefore, much of the footprint area of the proposed residence has been previously cleared, graded, and excavated. The project will involve additional grading and excavating within this previously disturbed area, creating the potential for erosion problems. In addition, the tree removal activities that previously occurred on the site raise consistency issues with Policy #43, which calls for the preservation of natural features such as tree cover.

The geotechnical investigation for the project (Haro, Kasunich & Associates, Inc., August 10, 2001, revised September 15, 2004) found at least 4 feet of sidecast fill materials at the apex or break-in-slope the southwest corner of the proposed residence. The report estimates that the top of the bluff prior to construction of the fill wedge was about 10 feet landward. To allow for long term deterioration of the fill wedge and the underlying granitic bedrock bluff face, the report recommended that footing elements for the southwest corner of the residence be set back at least 15 feet from the existing top of bluff or break-in-slope, and any portions of the residence beyond or seaward of the setback line should be cantilevered. The project has been designed to be consistent with this recommendation, and is therefore not expected to require the construction of a shoreline protection device or bluff retaining structure(s) during the life of the development. To ensure that the development will not trigger and such future development and maintain consistency with Policy #49, the permit has been conditioned to prohibit future construction of a seawall, shoreline protection device, bluff retaining wall, or similar structures.

c. Hazards Conclusion

Project grading, clearing, and tree removal could result in onsite erosion problems that could undermine the integrity of the bluff. Special Conditions 3, 4(b), 5, and 8 are required for project compliance with the applicable LCP Hazard policies. Special Condition 3 requires the applicant to submit a plan to replant Monterey cypress trees that will revegetate the site and restore the lost tree cover. Special Condition 4(b) requires construction BMPs such as the installation of silt fences or other sediment trapping devices along the perimeter of the construction zone that would prevent runoff and erosion along the bluff. Once construction is complete, Special Condition 5 will ensure long-term erosion control through the implementation of a site drainage plan designed to manage onsite drainage from all impervious surfaces at the site. Furthermore, to ensure that the project does not contribute to drainage and erosion problems during the dry season, Special Condition 3 requires landscaping with drought-tolerant, low water use plants and use of low precipitation, drip irrigation systems. Special Condition 8 prohibits bluff or shoreline protective devices at any point in the future. This condition, in conjunction with the bluff setback recommended by the geotechnical report, will allow for natural coastal processes to occur unimpeded. Only with these conditions would the project conform to the LCP hazards policies.

6. Public Access



a. Applicable Public Access Policies

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea “shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3.” The proposed project is located seaward of the first through public road. Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. The policies of relevance to the proposed project include:

***Section 30210:** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

***Section 30211:** Development shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

***Section 30212(a):** Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:...(2) Adequate access exists nearby...*

b. Public Access Consistency Analysis and Conclusion

The Coastal Act requires that all projects proposed between the first public road and the sea be analyzed for compliance with the public access and recreation policies of the Coastal Act. In general, the project is consistent with the relevant Coastal Act policies that require the protection of public access and recreation opportunities. Public access within the project vicinity is provided along Seventeen Mile Drive, and multiple points exist in the project area where public access is provided to the coast. Specifically, nearby shoreline access points exist to the north of the site at Cypress Point and to the south of the site at Midway Point (Lone Cypress lookout). No public access, either formal or informal, existed on or adjacent to the project site prior to the proposed project, and the site is generally not suitable as a public access point. The project would not block or otherwise impede public access, and is therefore considered to be consistent with the public access and public recreation policies of Chapter 3 of the Coastal Act.

7. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission’s review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report



has analyzed the environmental impacts posed by the project and identified changes to the project that are necessary to reduce such impact to an insignificant level. Based on these findings, which are incorporated by reference as if set forth herein in full, the Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA.



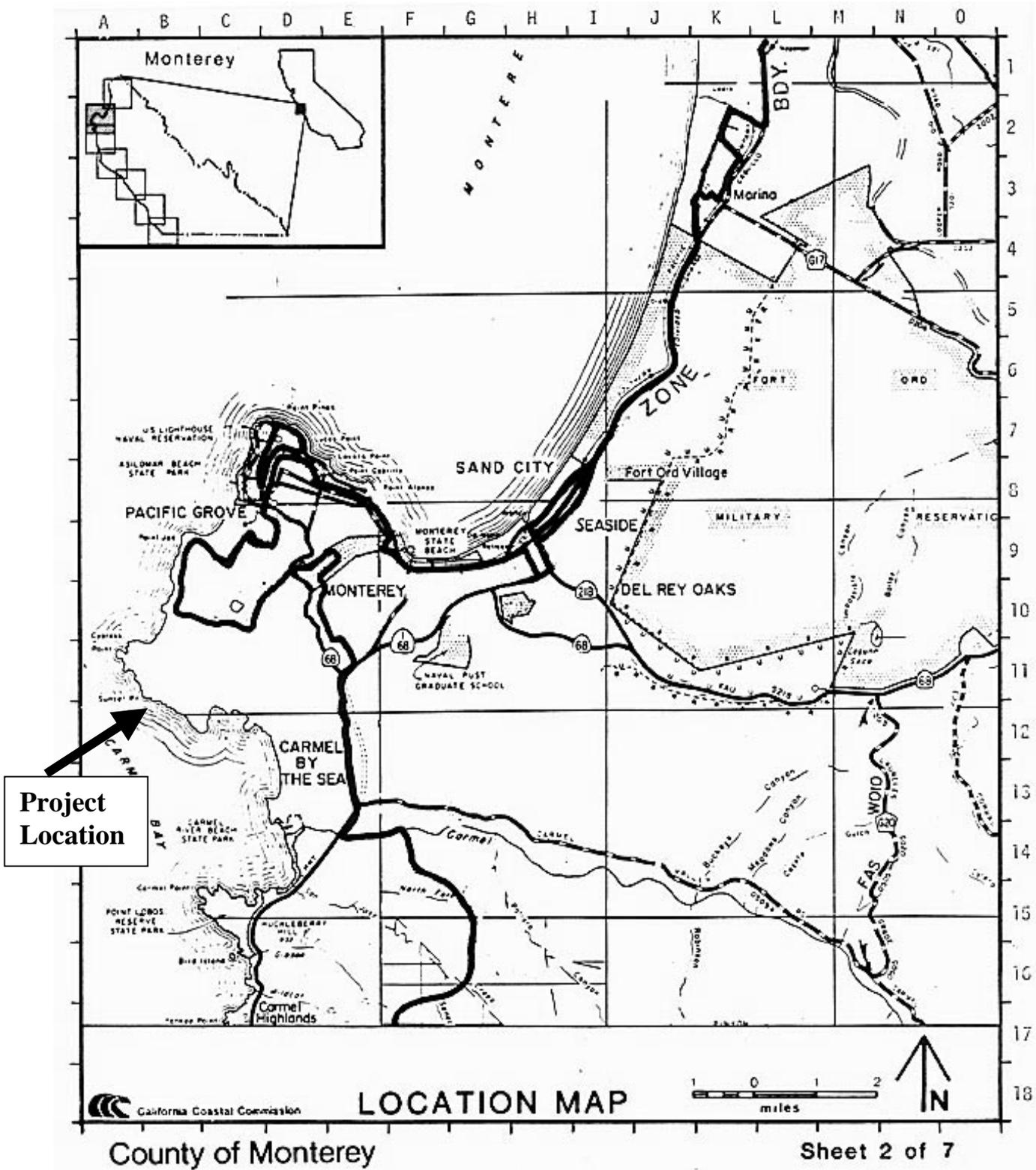


Exhibit A
Regional Location Map

A-3-MCO-05-055
Roberts Trust

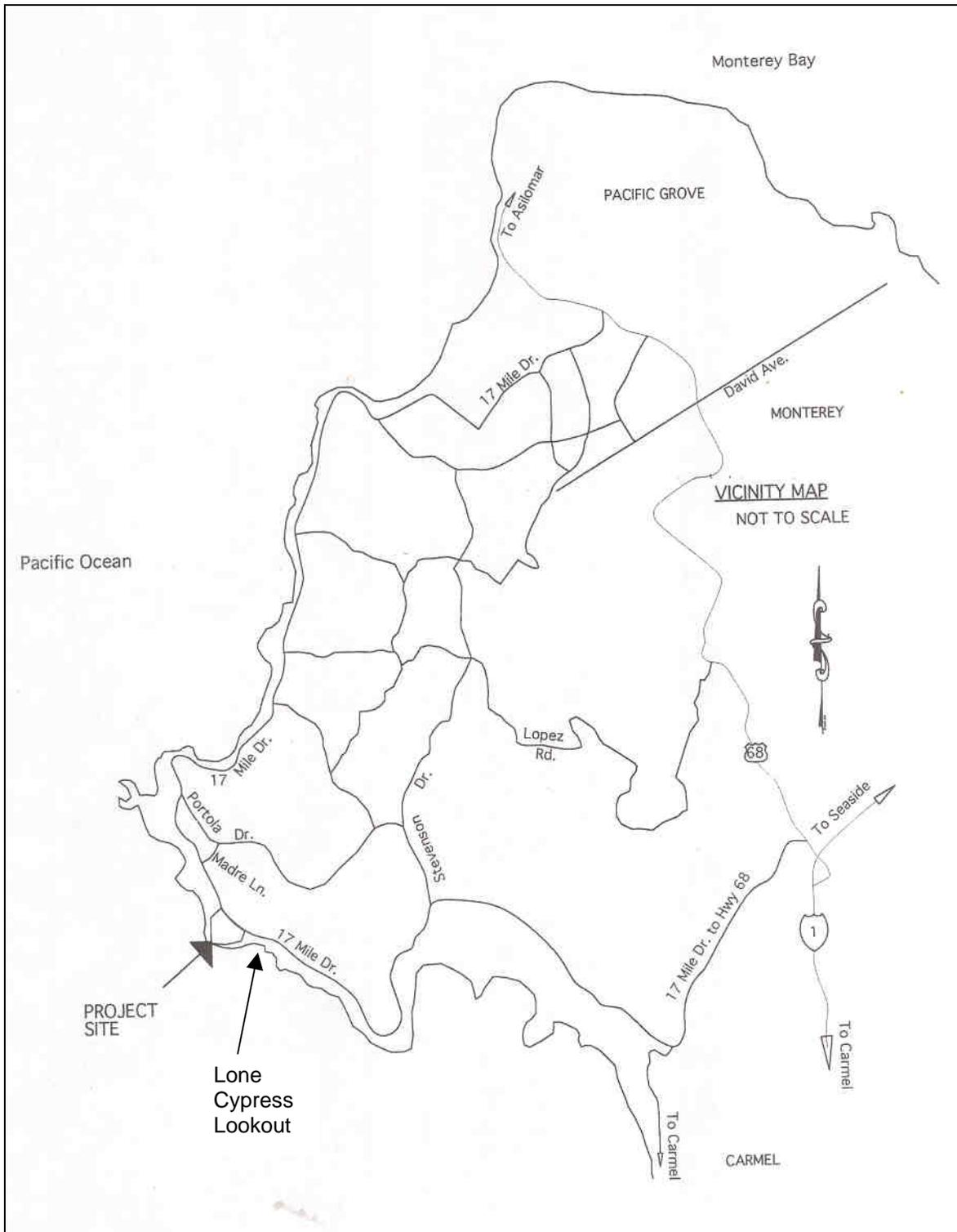


Exhibit B
Project Vicinity Map

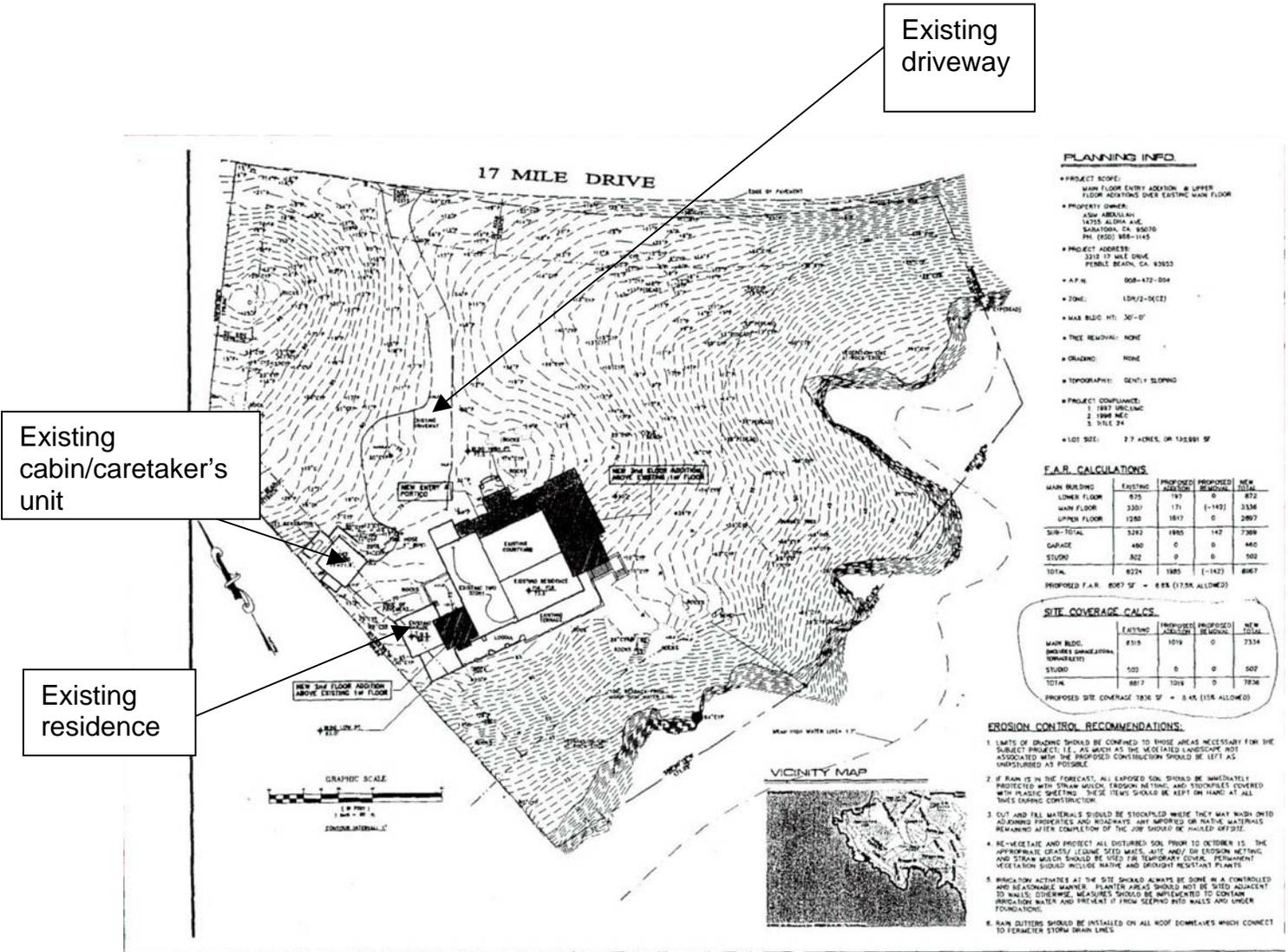


Exhibit D
Abdullah Site Plan

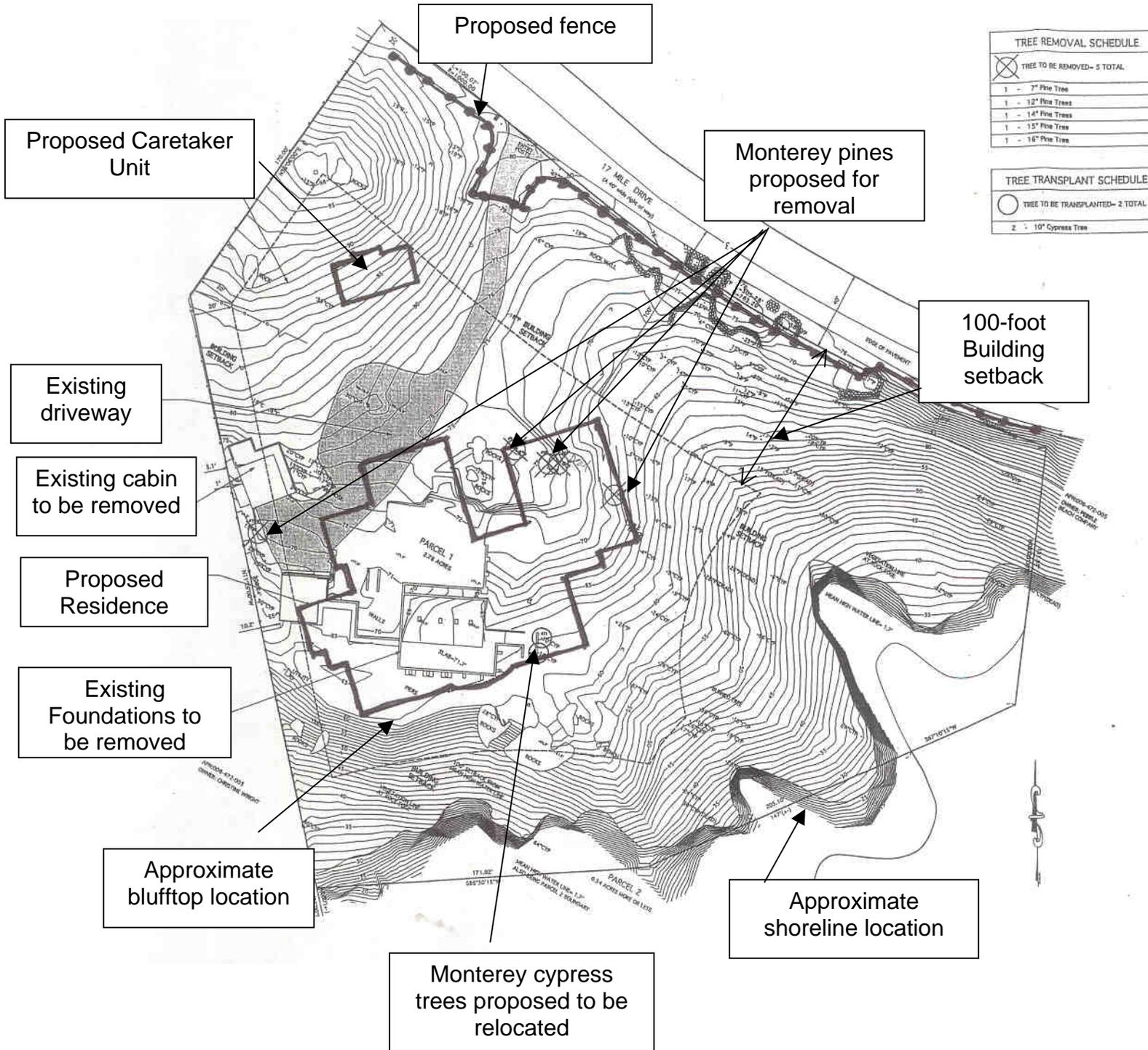


Exhibit E – page 1 of 2
 County Approved Roberts Site Plan – Showing Proposed Footprint of New Residence and Caretaker’s Unit, and Existing Foundations

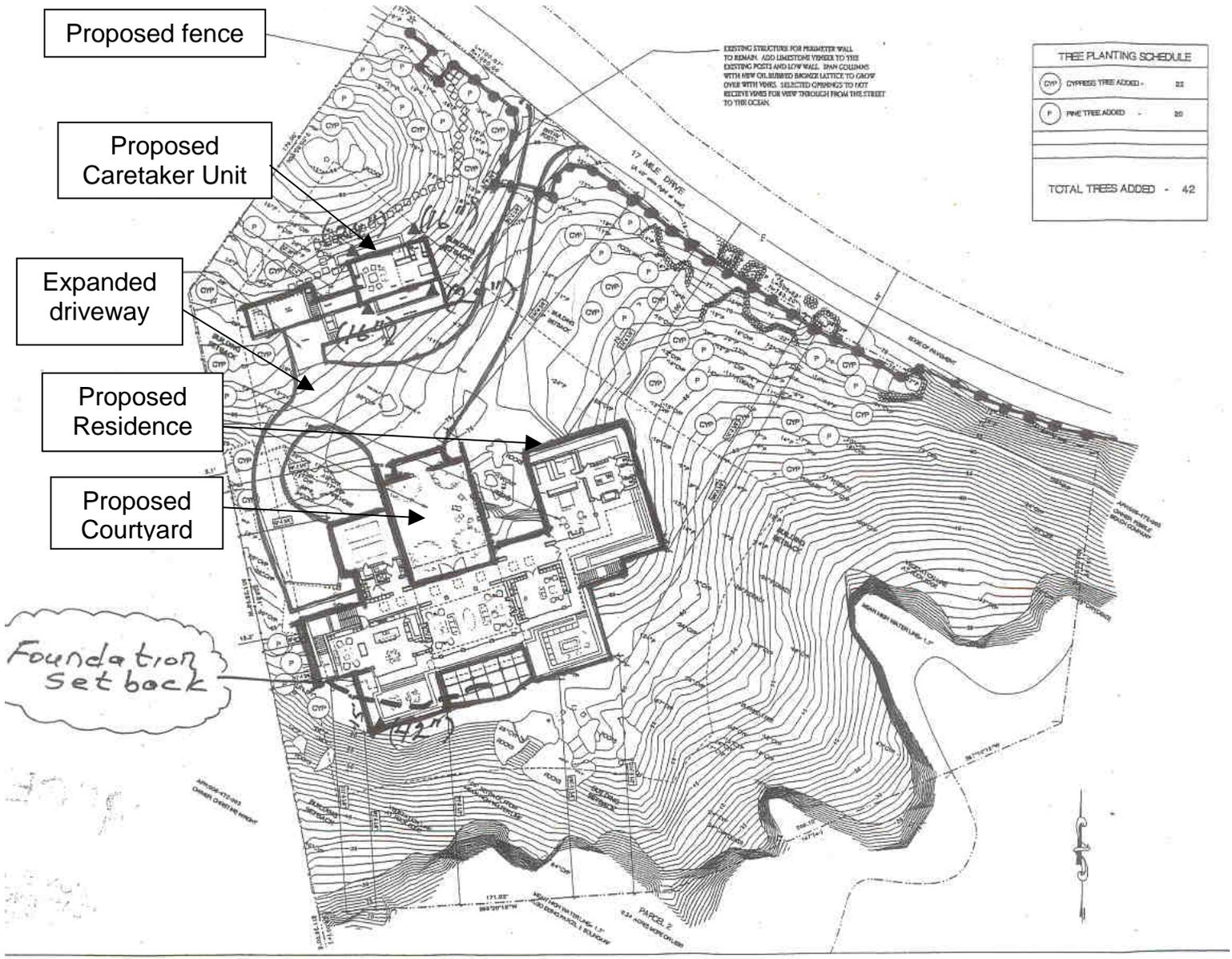


Exhibit E – page 2 of 2
 County Approved Roberts Site Plan – Showing Proposed Footprint of New Residence and Caretaker’s Unit, and Recommended 15-foot Foundation Setback

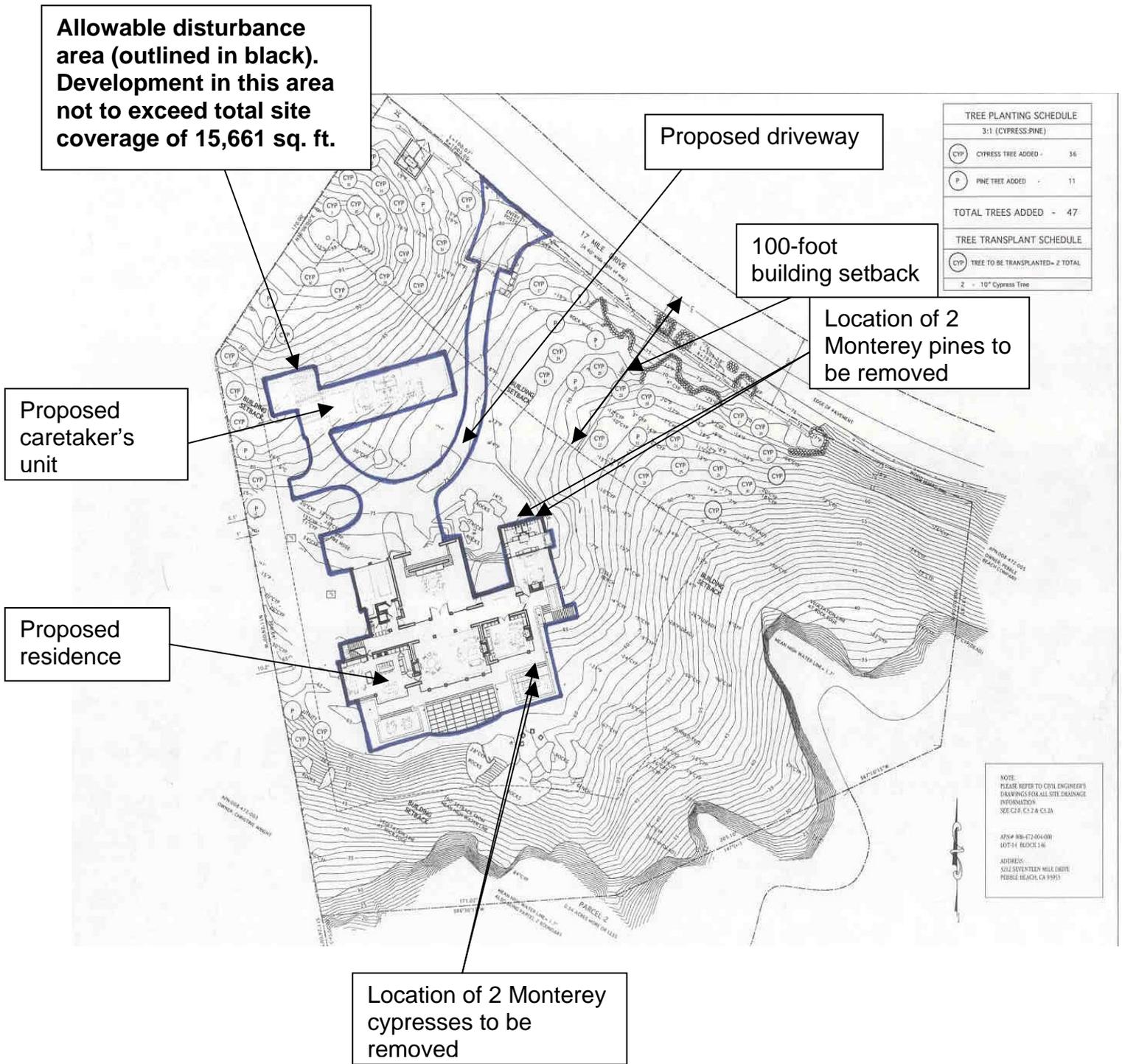


Exhibit F
Revised Roberts Site Plan – Showing Allowable Disturbance Area

A-3-MCO-05-055
Roberts Trust

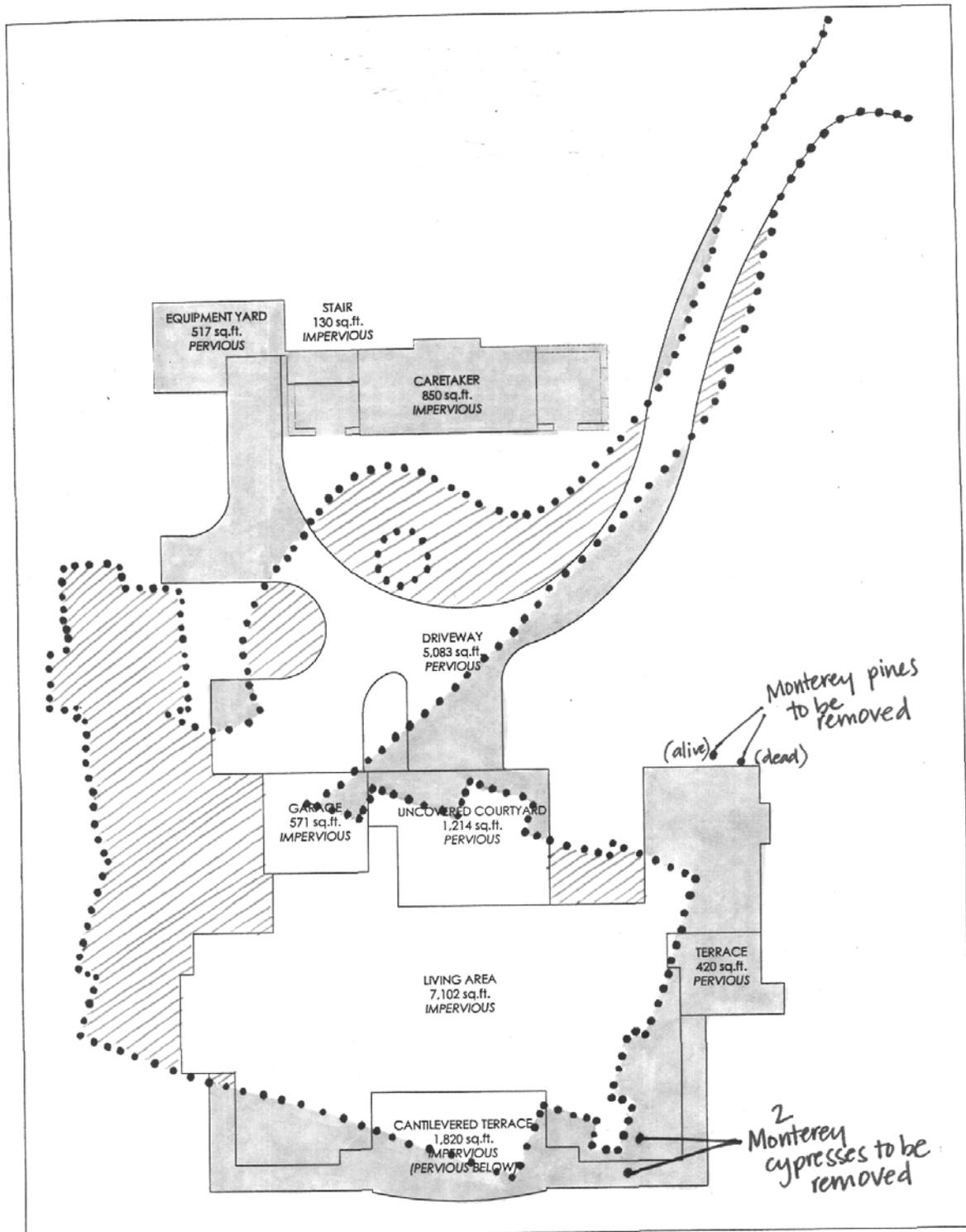


Exhibit G – page 1 of 2
Revised Site Elevations

A-3-MCO-05-055
Roberts Trust



Exhibit G – page 2 of 2
Revised Site Elevations



- Abdullah site coverage
- Roberts site coverage
- new coverage (+)
- lost coverage (-)

Exhibit H
Comparison of Abdullah and Revised Roberts Site Coverage



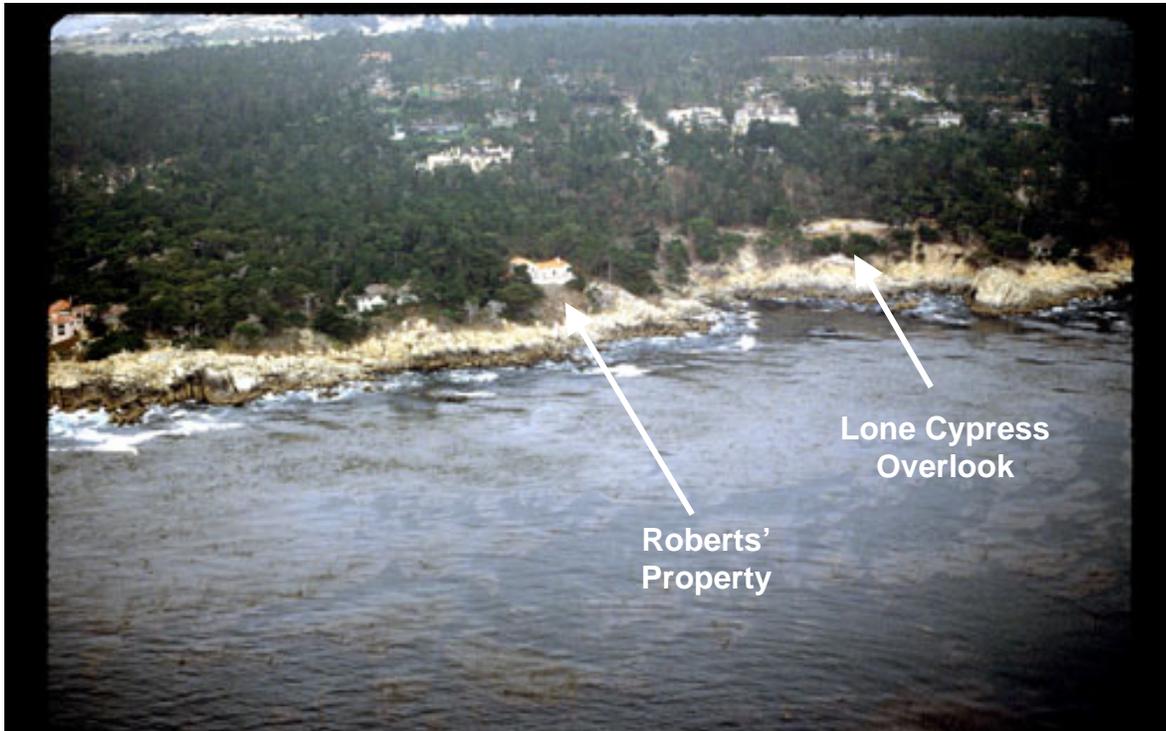


Photo 1. Oblique aerial photo of Roberts site, with previous house. Note Lone Cypress Overlook on right side of photo, adjacent to Roberts site. (Photo ©California Coastal Records Project, Image #8710114, dated 6/87)

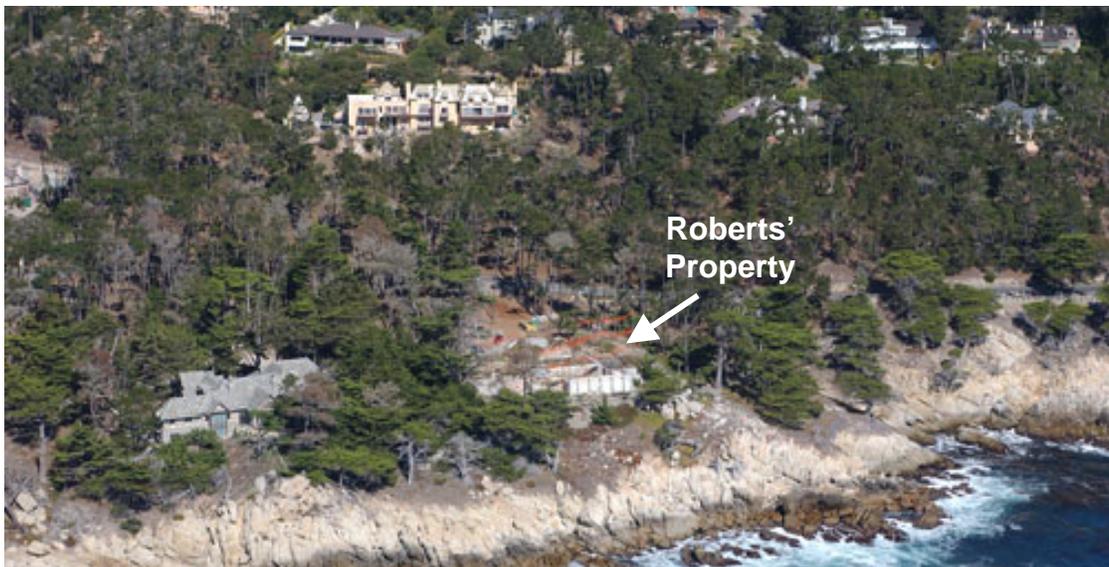


Photo 2. Oblique aerial photo of Roberts site, showing remaining foundations and flagging for proposed development. (Photo ©California Coastal Records Project, Image #200402240, dated 10/11/2004)

Exhibit I
Oblique Aerial Photos of Project Area

A-3-MCO-05-055
Roberts Trust



Photo 1. 2001 Vertical aerial photo of Roberts site, and Lone Cypress Overlook, located immediately to the south.

Exhibit J
Vertical Aerial Photo of Project Site

A-3-MCO-05-055
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Photo 1. Photo of site in December 2004, before January 2005 storms.



Photo 2. Photo of site in December 2004, before January 2005 storms. Point Lobos visible in background

Exhibit K - page 1 of 5
Applicant's Photos of Project Site

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Roberts Trust



Photo 3. Photo of site after January 2005 storms.



Photo 4. Photo of site after January 2005 storms; Lone Cypress Lookout in background.

Exhibit K - page 2 of 5
Applicant's Photos of Project Site

A-3-MCO-05-055
Roberts Trust





Photo 5. Photo of site after January 2005 storms; trees toppled near proposed location for caretaker's unit.



Photo 6. Photo of site after January 2005 storms; trees toppled along 17-Mile Drive.



Photo 7. Photo of site after January 2005 storms; looking down to existing cottage near west property line.



Photo 8. Photo of site after January 2005 storms; trees toppled on top of old cottage along west property line.



Photo 9. Photo of site after January 2005 storms; trees toppled over fence along western property line.



Photo 10. Photo of property immediately across 17-Mile Drive; trees uprooted and toppled into lot.



VERN YADON

February 15, 2006

Ms Shoshana Signer
Van Acker Construction
33 Reed Blvd.
Mill Valley, CA 94941

RECEIVED

FEB 22 2006

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Ms Signer:

You asked that I review my notes and revisit the Roberts residence site at 3212 17 Mile Drive to determine whether the planned caretaker unit would cause less impact if placed down slope and along the property line rather than remaining on the southerly side of the berm where the unit is currently planned. The reasoning for the proposed change is that the berm might be better habitat for growing Monterey Cypress.

Considering that the general site has been severely impacted by the loss of in situ Monterey pines and Monterey cypress through blow downs and prior uses of the property, it is important to avoid further impacts to any natural standing trees, especially Monterey cypress. Keeping the forest standing and intact was a major consideration when the initial biological report was written. It should continue to be a primary objective. The proposed site change would wedge the caretaker unit between a group of seven and possibly as many as nine healthy cypress of varying ages and younger cypress on adjoining property. Roots of the standing trees would surely have to be cut and their free growing qualities inhibited. Monterey cypress are long lived and sometimes attain large girths which when growing in too close proximity to a building may require the future removal of one or the other.

The original berm site has two cypress trees that have been on site many years. Other trees some dead and dying were present in this area when the original report was done. These apparently were blown down. The site has many exotic plants and very few natives. My original discussion with Van Acker's arborist was that the trees of this area should be provided adequate root space when the caretaker unit is placed. From my viewing of the present plans, this appears to have been done for the presently standing trees. Monterey cypress as a species can be made to grow most anywhere along the coast. One need only provide initial care, soil, some water initially, and a place for the roots to penetrate rock fissures. But even though the construction company has agreed to salvage and grow site specific seedling trees that germinated as a result of the property fire, their future reintroduction will not be the same as nor can it completely replace the original native forest and its many age classes. The planting of replacement trees in the vicinity of the berm and other areas of blow downs is now more of a landscaping activity with a requirement for protecting genetic integrity. I believe that the berm site as presently conceived is the better of the

1119 Buena Vista Avenue, Pacific Grove, California

vly@mbay.net

Exhibit L – page 1 of 3
Vern Yadon 2/15/06 letter

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California Coastal Commission

Shoshana Signer Van Acker Construction 2/15/06 pg 2

two alternatives. Some of the salvaged seedling trees should be placed higher on the berm above the caretaker unit as well as numerous other places to replace blow downs. In the case of pines, many will germinate on their own from the local native seed source. However because of pine pitch canker, some pines to be planted and sited for critical view shed screening, should be pitch canker resistant. Personnel at the Pebble Beach nursery have tested for and can supply pitch canker resistant Monterey pine trees originally from sites not far from this property.

While the new building is considerably larger over all, I was told that the height will be less than thirty feet as viewed from the 17 Mile Drive. This essentially duplicates the height of the structure that burned. Since Monterey cypress survived on the landward side of the previous structure with no apparent care, one must speculate that survival will be considerably greater with the care of a knowledgeable arborist.

I have appended a list of plants currently growing at the berm site.

Sincerely,



Vern Yadon
Consultant

Exhibit L – page 2 of 3
Vern Yadon 2/15/06 letter



Plants of the Caretaker Unit 2/15/06 *ly*

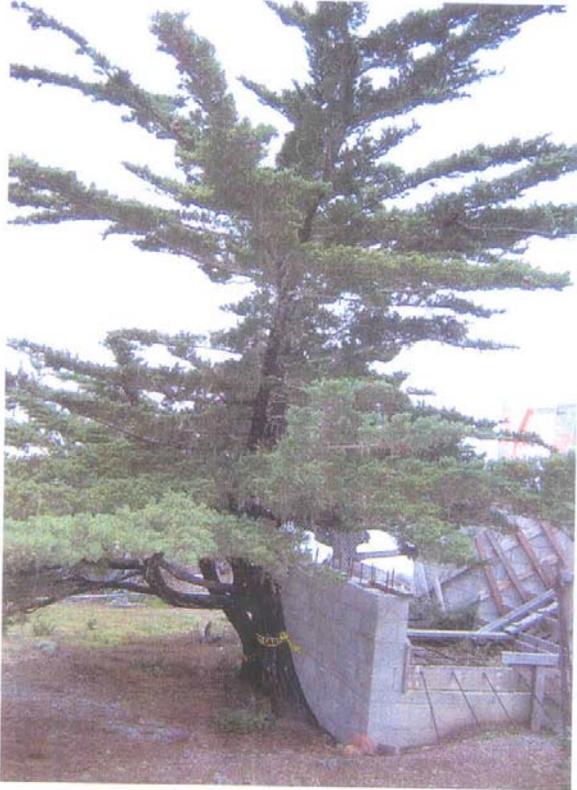
Aptenia cordifolia* Sun Rose (Mesembryanthemum.cordifolium*)
Bromus diandrus* Great Brome
Carpobrotus edulis* X C. chilensis*
Conyza bonariensis* South American Conyza
Erigeron glaucus Seaside Daisy
Galium californicum ssp. californicum California Bedstraw
Gnaphalium luteo-album* Weedy Cudweed
Leymus condensatus Giant Wild Rye
Lolium multiflorum* Italian Ryegrass
Lolium perenne* Lawn Ryegrass
Lotus humistratus Short-podded Lotus
Lupinus arboreus Bush Lupine
Myoporum laetum* Myoporum
Oxalis pes-caprae* Bermuda Buttercup
Poa annua* Annual Bluegrass
Solanum.nodiflorum*
Stachys bullata Hedge Nettle
Stellaria media* Common chickweed
Vulpia myuros var. myuros*
Zantedeschia aethiopica* Calla-lily

* Introduced Exotic

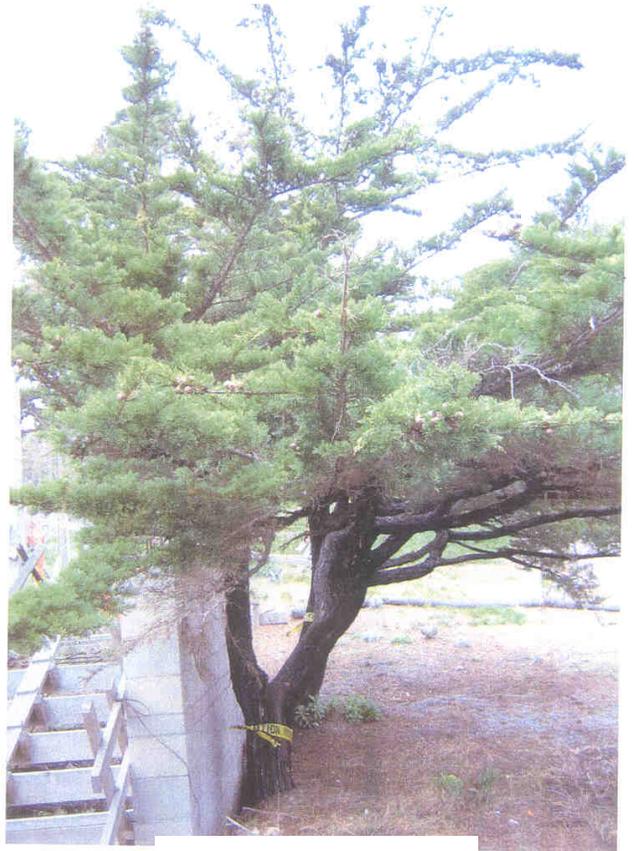
Exhibit L – page 3 of 3
Vern Yadon 2/15/06 letter

A-3-MCO-05-055
Roberts Trust





Tree #21: 10" cypress
To be removed



Tree #22: 10" cypress
To be removed



Tree #10: 12" pine
To be removed



Tree #11: 7" pine
To be removed (dead)

**Monterey County Planning and Building Inspection
Condition Compliance and Mitigation Monitoring
and/or Reporting Plan**

Project Name: Roberts SFR & Caretaker

File No: FLN040662

APNs: 008-472-004-000

Approval by: Planning Commission **Date:** June 29, 2005

Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit and Time	Conditions of Approval and Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be Performed Where applicable to certain professionals required for action to be accepted	Responsible Party for Compliance	Turns	Verification of Compliance (turn date)
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PLANNING AND BUILDING INSPECTION

Permit and Condition Number	Mitig. Number	Conditions of Approval and Mitigation Measures and Responsible Entities/Department	Compliance or Monitoring Actions to be performed. Where applicable, a qualified professional must be notified prior to the start of work.	Responsible Party for Compliance	Timeline	Verification of Compliance (Name/Date)
4		<p>PBD029 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN040662/Roberts) allows: a Coastal Administrative Permit to replace a 7,565 sq. ft. 2-story residence destroyed by fire with a new 14,182 square foot 2-story single family residence including patio (336 sq. ft.), detached mechanical room (531 sq. ft.), electrical transformer vault, 6-foot tall front perimeter fence (2" dark oil rubbed bronze bar stock with 6" square openings), and planter walls; a Coastal Development Permit for a separate two-story structure consisting of a caretaker's unit (850 sq. ft.) above a mechanical room/laundry/storage (850 sq. ft.), and attached 1-car carport; a Coastal Development Permit to remove five (5) Monterey pine trees, relocate two (2) Monterey cypress trees, and trim one (1) Monterey cypress tree in addition to after-the fact approval to remove and trim an estimated 47 Monterey pine and cypress trees following January 2005 storms, a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat area (ESHA); a Coastal Development Permit for development within 750 feet of archaeological resources; and Design Approval. The property is located at 3212 Seventeen Mile Drive, Pebble Beach (assessor's parcel number 008-472-004-000), Del Monte Forest Area, coastal zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. 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. (Planning and Building Inspection)</p>	<p>Adhere to conditions and uses specified in the permit.</p>	<p>Owner/ Applicant</p>	<p>Ongoing unless otherwise stated</p>	

Permit and Number	Conditions of Approval, Erosion Mitigation Measures and Responsible Land Use Department	Compliance of Monitoring Actions to be performed. Where applicable a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Date)
2.	<p>PBD025 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution 05026) was approved by the Planning Commission for Assessor's Parcel Number 008-472-004-000 on June 29, 2005. The permit was granted subject to 33 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)</p>	<p>Proof of recordation of this notice shall be furnished to PBI.</p>	<p>Owner/ Applicant</p>	<p>Prior to Issuance of grading and building permits or start of use.</p>	
3.	<p>PBD011 - EROSION CONTROL PLAN AND SCHEDULE</p> <p>The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Director of Planning and Building Inspection. 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 Planning and Building Inspection. 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 Planning and Building Inspection. (Planning and Building Inspection)</p>	<p>1) Evidence of compliance with the Erosion Control Plan shall be submitted to PBI prior to issuance of building and grading permits.</p> <p>2) Evidence of compliance with the Implementation Schedule shall be submitted to PBI during the course of construction until project completion as approved by the Director of PBI.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to Issuance of Grading and Building Permits</p> <p>Prior to Final Inspection</p>	

Permit and Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party to Department	Compliance or Monitoring Actions to be performed. Where applicable a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (date)
4.		PBD012 - FISH AND GAME FEE-NEG DEC/ER Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) calendar days of project approval – prior to filing of the Notice of Determination. This fee (\$1,275 payable to Monterey County Clerk) shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. (Planning and Building Inspection)	Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of building and/or grading permits, whichever occurs first.	Owner/ Applicant	Prior to the recordation of the tentative map, the start of the use or the issuance of building and grading permits.	
5.		PBD014 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)	None	Owner/ Applicant	Ongoing	
6.		PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building	Submit landscape plans and contractor's estimate to PBI for review and approval. Also See Conditions 25, 30 & 31 Mitigation Measures 2, 7, & 8	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	

Permit Control Number	Conditions of Approval and Mitigation Measures and Responsible Business Department	Compliance Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be completed.	Responsible Party for Compliance	Status	Validation of Compliance (Date)
	<p>Inspection for approval. 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 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 Planning and Building Inspection 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. (Planning and Building Inspection)</p>	<p>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.</p>	Owner/ Applicant	Ongoing	
7.	<p>PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN 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. The applicant shall submit 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)</p>	<p>Submit three copies of the lighting plans to PBI for review and approval. Also See Condition 26 Mitigation Measures</p>	Owner/ Applicant	Prior to issuance of building permits.	

Permit and Number	Ming Number	Conditions of Approval and of Mitigation Measures and Responsible Building Used Department	Compliance or Monitoring Actions to be performed. Where applicable a certified professional is required prior to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Date)
8.		<p>PBD022 - MITIGATION MONITORING PROGRAM</p> <p>The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (Planning and Building Inspection)</p>	<p>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</p> <p>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>	Owner/ Applicant	Within 60 days after project approval or prior to issuance of grading and building permits, whichever occurs first.	
9.		<p>PBD026 - NOTICE OF REPORT (BIOLOGY)</p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Biological Report has been prepared for this parcel by Vernal L. Yadon, dated August 2001 with a supplemental report completed in September 2004 and is on record in the Monterey County Planning and Building Inspection Department. All current and future development shall be in accordance with this report unless amended." (Planning and Building Inspection)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
10.		<p>PBD026 - NOTICE OF REPORT (FOREST MANAGEMENT)</p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Brian W. Fenske, dated January 2005 with an addendum dated February 2005 and is on record in the Monterey County Planning and Building Inspection Department. All current and future development shall be in accordance with this report unless amended." (Planning and Building Inspection)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	

Permit and Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance of Mortgaging Actions to be performed. Where applicable, a certified professional is required for action to be completed.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
11.	<p>PBD026 – NOTICE OF REPORT (ARCHAEOLOGY) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "An Archaeological Assessment has been prepared for this parcel by Archaeological Consulting, dated August 2001 with a supplemental report completed in October 2004 and is on record in the Monterey County Planning and Building Inspection Department. All current and future development shall be in accordance with this report unless amended." (Planning and Building Inspection)</p>	<p>Proof of recordation of this notice shall be furnished to PBL.</p>	Owner/Applicant	Prior to issuance of grading and building permits	
12.	<p>PBD026 – NOTICE OF REPORT (GEOTECHNICAL) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Investigation has been prepared for this parcel by Haro Kasunich and Associates, Inc., dated August 2001 with a supplemental report completed in September 2004 and is on record in the Monterey County Planning and Building Inspection Department. All proposed development shall be in accordance with this report unless amended." (Planning and Building Inspection)</p>	<p>Proof of recordation of this notice shall be furnished to PBL.</p>	Owner/Applicant	Prior to issuance of grading and building permits	

Permit Condition Number	Mitigation Number	Conditions of Approval and/or Mitigation Measures and Responsible Party for Compliance	Compliance Monitoring Actions to be performed. Where applicable, certified professionals required for action to be completed.	Responsible Party for Compliance	Mitigation	Verification of Compliance (Name/Date)
13		PBD032(B) – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)	Submit evidence of tree protection to PBI for review and approval. <u>Also See Condition 28/Mitigation Measures</u>	Owner/Applicant	Prior to Issuance of Grading and/or Building Permits	
14		PBD034 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (Planning and Building Inspection; Public Works)	None	Applicant/Owner	Ongoing	
15		PBD040 – HEIGHT VERIFICATION The 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. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection 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. (Planning and Building Inspection)	1) The 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	Owner/Applicant	Prior to Issuance of Grading or Building Permits	

Permit Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed Where applicable, a certified professional is required for action to be completed	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
16.	PBD042 – GRADING PERMITS REQUIRED A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork. (Planning and Building Inspection)	If applicable, apply and receive the appropriate grading permit from Monterey County Planning and Building Inspection.	Engineer/ Owner/ Applicant	Prior to Issuance of Grading or Building Permits	
MONTEREY COUNTY WATER RESOURCE AGENCY					
17.	DRAINAGE CONTROL (NON-STANDARD WORDING) Prior to issuance of any grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include dispersal of impervious surface stormwater runoff onto a non-erodible surface below the bluff. (Water Resources Agency)	Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval. Also See Condition 33/Mitigation Measures 10	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	

Permit and Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be Performed Where Applicable to a Certified Professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Date)
18	<p>WR40 - WATER CONSERVATION MEASURES</p> <p>The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/Applicant	Prior to final building inspection/occupancy	
19	<p>WR43 - WATER AVAILABILITY CERTIFICATION</p> <p>The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)</p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/Applicant	Prior to issuance of any building permits	
CALIFORNIA DEPARTMENT OF FORESTRY (CDF)					
FIRE					
20	<p>FIRE008 - GATES</p> <p>All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

Permit Cond. Number	Conditions of Approval and/or Mitigation Measures and Responsible Issuing Department	Compliance of Monitoring Actions to be performed when applicable, or certified by professionals required for action to be accepted	Responsible Party for Compliance	Timing	Verification Of Compliance (name/date)
	<p>be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. CDF.</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection.</p>	
21	<p>FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. CDF.</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p>	
		<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	

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Permit and Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance Monitoring Actions to be performed. Other applicable certified professionals required for actions to be accepted.	Responsible Party for Compliance	Timing of Compliance Action/Date	Verification of Compliance (Date)
22	<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</p> <p>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. CDF..</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p> <p>Prior to framing inspection</p> <p>Prior to final building inspection</p>	
23	<p>FIRE024 - FIRE ALARM SYSTEM - (SINGLE FAMILY DWELLING)</p> <p>The residence shall be fully protected with an approved household fire warning system as defined by NFPA Standard 72. Plans and specifications for the household fire warning system shall be submitted by a California licensed C-10 contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the Uniform Building Code shall be required to be placarded as permanent building equipment. CDF..</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall submit fire alarm plans and obtain approval.</p> <p>Applicant shall schedule fire alarm system acceptance test.</p>	<p>Applicant or owner</p> <p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p> <p>Prior to rough sprinkler or framing inspection</p> <p>Prior to final building inspection</p>	

MITIGATION MONITORING AND REPORTING PLAN (MMRP)

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Permit and Number	Conditions of Approval and Mitigation Measures and Responsible Party (see Department)	Compliance or Monitoring Actions to be performed. Where applicable a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
24. 1	<p>Aesthetic Impact 1 – 17-Mile Drive Set Back</p> <p>In order to preserve public views from 17-Mile Drive, a scenic easement shall be conveyed to the Pebble Beach Company over that portion of the property required as a front set back (100 feet from the centerline of 17-Mile Drive).</p>	<p>Submit an approved and recorded deed restriction to the Planning and Building Inspection.</p>	<p>Applicant Owner PBI</p>	<p>Prior to issuance of any permit</p>	
25. 2	<p>Aesthetic Impact 2 – Landscape</p> <p>In order to reduce impacts from landscaping that obscures views from 17-Mile Drive, all landscape materials except native plants materials within the conservation easement area shall be designed and maintained in such a manner that does not obscure any coastline view from 17-Mile Drive any more than the approved structures. There shall be no vines planted along the perimeter fence and shrubs in this area shall be limited to a species that naturally does not exceed three feet in height.</p>	<p>Submit Landscape and Irrigation Plans prepared by a licensed Landscape Architect for review and approval of the Planning and Building Inspection Department. Said plan shall identify plants materials (size, species, quantity), the maximum height allowed for mature plants, and proposed maintenance in a manner that meets the intent of this mitigation. Plant materials within, and adjacent to, the required scenic easement shall be native to and complimentary with native Monterey cypress habitat.</p>	<p>Applicant Owner PBI</p>	<p>Prior to issuance of permits</p>	

Mitigation Measure Number	Conditions of Approval and/or Mitigation Measures and Responsible Party/Department	Compliance or Monitoring Actions to be performed - Where applicable, a certified professional is required or is to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
28. 5	<p>Biological Impact 2 – Forest Management</p> <p>In order to ensure the short-term and long-term protection of Monterey cypress trees on the project site, the Forest Management Plan shall include the following:</p> <p>A. The project shall be designed and sited to avoid removal of any Monterey cypress trees except for two 10-inch trees that are to be relocated as part of this project.</p> <p>B. During construction, temporary fencing shall be installed and maintained along the construction zone boundary and/or scenic and conservation easement area boundary, as determined appropriate by a qualified biologist. Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall not be allowed within the protected zone. Fencing shall be installed prior to issuance of any permits and shall remain in place during the entire construction period.</p> <p>C. Trees located adjacent to the construction area shall be protected from damage by installing protective fencing around the dripline of all Monterey cypress trees and around the trunks of Monterey pine trees.</p> <p>D. Any tree trimming required to facilitate construction activities shall be performed by a qualified arborist and shall be minimized to the maximum extent possible. Said trimming shall require County staff to assess the work prior to any trimming taking place.</p>	<p>Submit a revised Forest Management Plan prepared by a qualified arborist that incorporates the guidelines listed in this mitigation measure. Said plan shall be peer reviewed by a qualified biologist and a letter of the biologists findings shall be submitted to the Planning and Building Inspection Department.</p> <p>Provide signed copies of a contract with a qualified biologist and arborist to the Director of Planning and Building Inspection for approval. The contract shall outline the supervisory and monitoring responsibilities of these professionals for at least 5 years, as prescribed by this mitigation measure. A copy of their professional credentials shall be referenced by and attached to the contract.</p> <p>The project biologist and arborist shall submit annual monitoring reports, subject to the Director's approval, to the Planning and Building Inspection.</p> <p>See also Condition 5 / Mitigation Measure 8</p>	<p>Applicant Owner Arborist Biologist PBI</p>	<p>Prior to issuance of grading or building permits</p> <p>Prior to issuance of grading or building permits</p> <p>Once a year for five years from the date of occupancy</p>	

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Emitting Source Number	Mitigation Number	Conditions of Approval and/or Mitigation Measures and Responsible State or Federal Agency	Compliance or Monitoring Actions to be performed. Where applicable a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
			<p>Survey and stake building envelopes as well as grading and trenching limits on the site. Said staking shall be subject to review by the Planning and Building Inspection Department and the project design shall be modified where PBI identifies potential impact to Monterey cypress trees.</p>		Prior to construction	

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Permit and Condition Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Agency/Department	Compliance or Monitoring Actions to be performed. Where applicable, identify professional(s) required for action to be accepted.	Responsible Party for Compliance	Verification of Compliance (date)
28	con't.	<p>E. During grading and excavation activities, no work shall take place within driplines of Monterey cypress trees unless the Director of Planning and Building Inspection finds that there is no alternative. Where no alternative exists, the work shall be monitored by a qualified biologist to ensure against drilling or cutting into or through major roots.</p> <p>F. Any trenching, grading or any other digging or soil removal under the root spread of cypress and/or pine trees shall be done manually, digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other root-pruning equipment approved by a qualified biologist, in order to prevent the unnecessary fracture of major roots. Required footings shall be designed to avoid major roots. The project architect and qualified biologist shall be on site during excavation activities to direct any minor field adjustments that may be needed. Roots greater than two (2) inches in diameter shall not be cut and shall involve bridging or tunneling to be performed under the supervision of a qualified biologist. Before drilling holes for foundation pilings, a test hole shall be initiated using a 3-foot long hydraulic root-feeding-needle under pressure to disclose the presence of roots before drilling with an auger. After determining suitable zones for boring, a two-man hand-held auger shall be used.</p> <p>G. Any roots damaged during grading or excavation shall be exposed to sound tissue and cut cleanly with a saw under direction of a qualified arborist.</p> <p>H. Irrigation, fertilization and fungicide treatments for trees that have root spread affected by construction shall be prescribed in the Forest Management Plan to be implemented under supervision of a qualified arborist.</p>			

Permit and Number	Mitig Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for actions to be completed.	Responsible Party for Compliance	Timing	Verification of Compliance (Name, Date)
28. Con't.		<p>I. Monterey cypress and pine trees whose optimal tree root preservation zone (OTPZ) has been affected by the proposed improvements shall be monitored annually for five years by a qualified biologist. Such trees include those where there are tree wells constructed around them, trees located adjacent to building/footings, relocated/transplanted trees, and/or trees where trenching occurred within their dripline. Where noticeable decline in health is observed, said trees shall be replaced. If a qualified biologist determines that additional planting is necessary and appropriate, replanting specifications shall be developed by a qualified biologist, including but not limited to the following guidelines:</p> <ol style="list-style-type: none"> For any replacement or transplanted tree found to be in decline, two 1-gallon replacement Monterey cypress trees shall be planted. Replacement and transplanted trees shall be sited in a location that receives several hours of full sunlight per day. Replacement trees must consist of certified seedlings from the project site or may be propagated from seed collected from the site. In the later case, the seed should be collected if and when any tree is found to be in decline, and should be planted when the seedling has grown to an appropriate size for transplanting. Any seedlings should be watered once per week for the first month, then once per month for the first year, and then once every three months for the next two years. Following this period, supplemental irrigation is not required. Violation of this measure shall result in stopping of all construction activity until the affected areas have been restored to the satisfaction of the Director of Planning and Building Inspection. 				

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Permit Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party/Use Department	Compliance or Monitoring Actions to be performed where applicable, or criteria/professionals required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
29	6	<p>Biological Impact 3 – Invasive Plants</p> <p>In order to eliminate and control invasive exotic plants onsite, a program shall be developed for removing, controlling, and preventing the introduction of invasive exotic plants as they appear on the property, such as Iceplant, French Bloom, Cape Ivy, Pampas Grass, Kikuyu Grass, Acacias, etc. Any areas disturbed by construction shall be revegetated with native vegetation associated with the Monterey cypress understory, as appropriate. Immediate eradication efforts shall be directed at the iceplant growing onsite, and shall be accomplished by manual application of the water-soluble, non-persistent herbicide "Roundup." The operator shall be careful not to spray the native plants. Best results are achieved when the plant is actively growing, usually during the spring or summer. Spraying shall be conducted only when the wind velocity is less than 5 mph and when no rain is anticipated within 24 hours. At least one follow-up application shall be applied to ensure a complete kill.</p>	<p>A qualified biologist shall prepare a weed-control program. A copy of the program shall be submitted to the Monterey County Planning and Building Inspection Department, subject to the approval of the Director, prior to issuance of grading and/or building permits. The qualified biologist shall conduct site inspections annually for at least three consecutive years to verify that the weed control program is being implemented and that invasive and/or exotic weedy plants are eradicated from the site. Said verification shall be submitted annually to the Director of Planning and Building Inspection. Successful compliance with <i>Mitigation Measure 6</i> shall be based on three (3) consecutive years of the verified eradication of invasive and/or exotic plant species throughout the subject parcel, plus inspections once again at 5 years and 10 years, starting after three (3) consecutive years of verified successful compliance. If ongoing successful eradication cannot be verified at the fifth- or tenth-year inspections, the inspection process shall start over again in the manner described above, including the fifth- and tenth-year subsequent inspections and success criteria, until such time that complete eradication can be successfully verified at the end of the tenth-year inspection, starting from the end of three (3) consecutive years of verified eradication of invasive exotic plant species throughout the subject parcel.</p>	<p>Applicant Owner Biologist PBI</p>	<p>Prior issuance of grading and/or building permits</p>	

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Permit Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Authority/Department	Compliance or Monitoring Actions to be performed where applicable or criteria of assessment is required/accepted	Responsible Party for Compliance	Monitoring Timing	Verification of Compliance (Date/Date)
30	7	<p>Biological Impact 4 – Native Vegetation</p> <p>In order to avoid the summer watering of Monterey cypress trees onsite, as required by Section 20.147.040.C.1.e of the <i>Regulations for Development in the Del Monte Forest Land Use Plan</i>, all existing turf, and all ornamental landscaping plants within the understory of any Monterey cypress trees onsite that cannot subsist without summer irrigation, shall be replaced by native vegetation associated with the Monterey cypress understory, or other acceptable non-invasive drought-tolerant plants. All landscaping shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. Together with the monitoring required for the elimination and control of invasive exotic plants onsite by <i>Mitigation Measure 6</i>, the qualified biologist shall also note in the inspection reports the health and success of the areas revegetated in accordance with the approved landscaping/revegetation plan (as required below). The applicant or future owners shall make every effort to successfully address the issues raised in the approved inspection reports from the landscape biologist.</p>	<p>Submit a landscaping/revegetation plan that addresses areas impacted by construction and the elimination and control of invasive exotic plants onsite, as required by <i>Mitigation Measure 6</i>, and that also addresses the requirements of <i>Mitigation Measure 7</i>. Said plan shall be subject to the approval of the Director of Planning and Building Inspection prior to the granting of final occupancy.</p>	<p>Applicant Owner PBI</p>	<p>Prior to final inspection/occupancy</p>	

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Permit and Number	Mitig. Number	Conditions of Approval for Mitigation Measures and Responsible Land Use Department	Compliance of Mitigation to be performed. Where applicable, a certified professional's report of actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Date)
31	8	<p>Biological Impact 5 – Tree Replacement</p> <p>In order to replace the loss of Monterey cypress habitat, the applicant shall replace the area of habitat impacted by proposed development (residence, caretaker unit, utilities, infrastructure, fuel modification, landscaping, etc.) at a 1:1 ratio with a 100% success criterion. If transplanted trees do not survive the relocation, said tree(s) shall be replaced at a 2:1 ratio with a 100% success criterion.</p>	<p>Replace Monterey cypress and Monterey pine trees removed prior to issuance of permits as follows:</p> <p>a. Trees shall be replaced at a ratio of two (2) Monterey cypress to one (1) pine tree in accordance with the Forest Management Plan for the subject project.</p> <p>b. Where noticeable decline in health is observed, said trees shall be replaced. If a qualified biologist determines that additional planting is necessary and appropriate, replanting specifications shall be developed by a qualified biologist, consistent with <u>Mitigation Measure 5 (Condition 28)</u>.</p>	<p>Applicant Owner Biologist PBI</p>	<p>Prior to final inspection/occupancy</p> <p>Prior to issuance of permits</p> <p>Prior to issuance of permits</p>	
			<p>Provide the Director of Planning and Building Inspection with a copy of a signed contract/agreement between the applicant and a qualified biologist to carry out this mitigation measure.</p>			
			<p>Provide a Monterey cypress Restoration Plan in accordance with this mitigation measure prepared by a qualified biologist for review and approval of the Director of Planning and Building Inspection. Said restoration plan shall be coordinated with landscape plan for the project in order to avoid further, indirect impacts.</p>			

Permit Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party/Case Department	Compliance or Mitigation Actions to be Performed. Where applicable, certification of essential equipment for use prior to acceptance	Responsible Party for Compliance	Writing	Satisfaction of Compliance (Month/Date)
			<p>Provide the Director of Planning and Building Inspection written certification by a qualified biologist that all required replacement planting has been successfully completed and that no additional mitigation is required.</p> <p>Report in writing to the Director of Planning and Building Inspection on the status of restoration. The reports shall be prepared by a qualified biologist and shall include performance measures and corrective measures as needed. Planting shall be sufficient to replace lost vegetation (1:1 ratio) with a 100% success criterion. Failure to meet this success standard in any given year shall require immediate replacement planting and shall extend the monitoring period for an additional year.</p>		<p>Prior to final inspection</p> <p>Once a year for a period of five years following occupancy</p>	
32	9	<p>Cultural Impact 1 – Archaeological Resources</p> <p>In order to provide protection for the cultural resources on the project parcel and mitigation of anticipated project impacts, the applicant/owner shall include the following.</p> <p>a. A County approved archaeological monitor shall be present during demolition or construction activities that involve earth disturbance, such as excavation for new foundations, footings, drains, utilities, etc. If human remains or intact cultural features are discovered during construction, work</p>	<p>Provide the Director of Planning and Building Inspection with a copy of a signed contract/agreement between the applicant and a qualified archaeologist to carry out this mitigation measure.</p> <p>Submit an approved and recorded deed restriction to the Planning and Building Inspection.</p>	<p>Applicant Owner PBI</p>	<p>Prior to issuance of permits</p> <p>Prior to issuance of any permit</p>	

Permit and Number	Conditions of Approval and/or Mitigation Measures and Responsible Public Use Department	Compliance or Monitoring Activities to be performed where applicable or certified pages standards required for activities to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
	<p>shall be halted on the parcel until the find can be evaluated by the monitor and/or principal archaeologist, and appropriate mitigation measures formulated and implemented.</p> <p>b. At least two (2) single specimen radiocarbon dates shall be obtained from shell recovered during monitoring in order to mitigate the anticipated impacts to the, as yet, undisturbed areas of the prehistoric cultural resource.</p> <p>c. Artifacts or other cultural materials recovered during monitoring should be curated <i>in the public domain</i> at a suitable research facility.</p> <p>d. During construction, protective fencing shall be installed to protect the main part of the archaeological site on the slope east of the house from inadvertent impacts. Construction personnel shall be advised by the on-site archaeological monitor on the importance of avoiding impacts in that area.</p> <p>The large undisturbed area of archaeological site CA-MNT-2085 remaining east of the current project area shall be placed in an archaeological easement.</p>	<p>Submit evidence that appropriate protective fencing has been installed to the Planning and Building Inspection.</p> <p>Submit evidence that the consulting archaeologist has reviewed final building plans in consultation with the project architect to avoid midden areas where possible and to assess any further potential impacts of the final project design.</p> <p>Provide the Director of Planning and Building Inspection written certification by a qualified archaeologist that all required measures have been successfully completed and that no additional mitigation is required.</p>		<p>Prior to issuance of permits</p> <p>Prior to issuance of permits</p> <p>Prior to final inspection</p>	
33	<p>Hydrology Impact 1 - Drainage</p> <p>In order to reduce water quality impact to the Pacific Ocean, runoff from developed areas shall pass through a filtrated system before it is released. Paved surfaces where vehicles are located shall include a filter runoff to collect any petroleum products.</p>	<p>Submit Drainage Plans to the Planning and Building Inspection Department and Water Resource Agency for review and approval. Plans shall include but not be limited to improvements to existing drainage culverts as necessary to support increased runoff from the project.</p>	Applicant Owner PBI WRA	Prior to issuance of permits	