

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: March 8, 2007	Time: 1:50 P.M	Agenda Item No.: 6
Project Description: Combined Development Permit consisting of the following: 1) Use Permit for grading on slopes in excess of 30 percent; 2) Administrative Permit to allow the construction of a 4,451 square foot two-story single family dwelling with an attached 920 square foot garage and construction of a detached 897 square foot office/shop in a Site Plan "S" District; 3) Administrative Permit for a 998 square foot detached caretakers unit; and 4) Relocation (tree removal) of two (2) oaks of approximately 12 inches and 16 inches in diameter; retaining walls and Design Approval. Grading of 1,100 cubic yards of cut and 1,200 cubic yards of fill.		
Project Location: 31450 Via Las Rosas, Carmel Valley		APN: 197-171-001-000
Planning File Number: PLN060199		Name: Edyta & Janusz Rusek, Property Owners
Plan Area: Carmel Valley Master Plan		Flagged and staked: Yes
Zoning Designation: "LDR/B-6-D-S" (Low Density Residential with a B-6 Building Site Zoning District, Design Control, and Site Plan Review Overlays)		
CEQA Action: Categorically Exempt per Section 15303 (a) and (e)		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW:

(See **Exhibit B**).

OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Valley Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Carmel Valley Fire Protection District, Public Works Department, Environmental Health and Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on February 20, 2007. The Carmel Valley LUAC voted 4-0 to approve the project. The Committee requested that conditions be included to address exterior lighting, standard chimney height, and the use of pavers in the swimming pool area to reduce runoff. Also, the Committee recommended that solar panels and cisterns be considered. Due to the late date of the meeting, the minutes were not available for inclusion in the staff report.

Note: The decision on this project is appealable to the Planning Commission.

Nadia Amador, Assistant Planner
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February 22, 2007

cc: Zoning Administrator; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning & Building Services Manager; Nadia Amador, Planner; Carol Allen, Edyta and Janusz Rusek, Applicants; Terry Latasa, Agent; Planning File PLN060199.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Overview
Exhibit C Recommended Findings and Evidence
Exhibit D Recommended Conditions of Approval
Exhibit E Site Plan, Elevations, Floor Plans
Exhibit F Caretaker Unit Justification
Exhibit G Slope Exception Justification
Exhibit H Los Tulares HOA Letter
Exhibit I Soil Surveys Letter dated February 22, 2007

This report was reviewed by Laura Lawrence, Planning and Building Services Manager.

EXHIBIT A

Project Data Sheet for PLN060199

Project Title: RUSEK EDYTA & JANUSZ RUSEK	Primary APN: 197-171-001-000
Location: 31450 VIA LAS ROSAS CARMEL VALLEY	Coastal Zone: No
Applicable Plan: Carmel Valley Master Plan	Zoning: LDR/B-6-D-S
Permit Type: Combined Development Permit,	
Environmental Status: Exempt	Plan Designation: CVMP
Advisory Committee: N/A	Final Action Deadline (884): 2/9/2007

Project Site Data:

Lot Size: 2.726 AC	Coverage Allowed: 25%
Existing Structures (sf): 0	Coverage Proposed: 6%
Proposed Structures (sf): 7,152 SF	Height Allowed: 30'
Total Sq. Ft.: 7,152 SF	Height Proposed: 28'6"
	FAR Allowed: N/A
	FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: No	Erosion Hazard Zone: HIGH/MODE
Biological Report #: N/A	Soils Report #: LIB060393
Forest Management Rpt. #: N/A	
Archaeological Sensitivity Zone: HIGH	Geologic Hazard Zone: IV
Archaeological Report #: LIB020080	Geologic Report #: N/A
Fire Hazard Zone:	Traffic Report #: N/A

Other Information:

Water Source: INDIVIDUAL WELL	Sewage Disposal (method): SEPTIC
Water Dist/Co: INDIVIDUAL WELL	Sewer District Name: SEPTIC
Fire District: CARMEL VALLEY FPD	Grading (cubic yds.): 2,300
Tree Removal: 2 OAKS	

EXHIBIT B

PROJECT OVERVIEW:

The project is for a Combined Development Permit consisting of a Use Permit for grading on slopes in excess of 30 percent, and Administrative Permits to allow the construction of a 4,451 square foot two-story single family dwelling with an attached 920 square foot garage, construction of a detached 897 square foot office/shop in a Site Plan "S" District, and construction of a 998 square foot detached caretakers unit. The project also includes the relocation (tree removal) of two (2) oaks of approximately 12 inches and 16 inches in diameter, the construction of retaining walls along the driveway and a Design Approval. Grading consisting of 1,100 cubic yards of cut and 1,200 cubic yards of fill is also proposed. Water supply for the property will be an individual well and a septic system will be installed for sewage disposal. The site has received two previous development approvals by the County of Monterey: PLN010451 and PLN-965438. These approvals proposed more intensive development than the current application.

The subject property is a vacant 2.726 acre legal lot of record (Volume 11, Cities and Towns, Page 32). The parcel is zoned Low Density Residential with a B-6 Building Site Zoning District, Design Control, and Site Plan Review Overlays or "LDR/B-6-D-S". Under this zoning, the first single family dwelling is an allowed use subject to an Administrative Permit per Section 21.45.040.B. A Caretakers Unit is an allowed use subject to an Administrative Permit per Section 21.14.040.C and pursuant to the Caretakers Unit regulations of Section 21.64.030. Also, an office/shop is a use allowed per Section 21.14.030.F. The parcel has a water tank easement lot owned by Cal-American Water Company located on the northwest corner of the lot. The parcel's topography is in an incline and slopes in excess of 30 percent are present throughout the parcel. Several oak trees are scattered thru the property.

30% Slope

Section 21.64.230.E.1 of the Monterey County Zoning Ordinance (Title 21) requires that certain findings must be made in order to grant a Use Permit for development on slopes in excess of 30%. These findings include: a) that there is no feasible alternative which would allow development to occur on slopes of less than 30%; or b) that the proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and applicable area plan than other development alternatives.

The parcel has access from both Via La Gitana and Via Las Rosas, but both of these approaches would require excavation on slopes in excess of 30 percent for the construction of a driveway. The applicant is proposing to access the property from Via Las Rosas, which would require construction of a driveway over a 30 percent slope. The location of the proposed driveway is in the northeast corner of the property. This section is the best alternative for a driveway approach, since it is the less intrusive area of 30 percent slopes and it will meet the regulations for accessibility of the Carmel Valley Fire Protection District. Secondly, the proposed buildings and septic systems have been proposed in the flatter areas of the parcel, but small sections in excess of 30 percent slopes will be disturbed for retaining wall construction and pathways. The grading of approximately 1,100 cubic yards of cut and 1,200 cubic yards of fill is necessary in order to minimize visual impacts from other properties within the subdivision. This grading will locate the buildings deeper into the property and lower the profiles of the buildings.

Staff has found that no other development alternatives exist for the proposed development. The proposed location of the retaining walls, pathways and driveway, although on sections in excess of 30% slopes, better achieves the goals, policies, and objectives of the Monterey County General Plan and the Carmel Valley Master Plan.

Tree Removal

The proposed development involves the removal and replanting of two (2) existing oak trees consisting of 12 and 16 inches in diameter. These two oaks are in the footprint area of the proposed development.

Section 21.64.230. D.2 of the Monterey County Zoning Ordinance (Title 21) requires that a tree removal permit must be approved by the Director of Planning for the removal of three or less protected trees per lot in a one-year period. Staff has found that the removal of the two oaks is the minimum required under the circumstances of the case. The removal of the trees will not involve a risk of adverse environmental impacts such as soil erosion, water quality, ecological impacts, noise pollution, air movement or wildlife habitat.

Section 21.64.230. D.4 of the Monterey County Zoning Ordinance (Title 21) requires that as a consideration of the granting of the tree removal permit, the applicant shall be required to replace each removed protected tree on a one-to-one ratio. In this situation, a condition of approval has been incorporated to replace each of the removed oak trees on a one-to-one ratio with a 5-gallon oak of the same specie or the re-plantation of the removed trees. The location of the replacements shall be subject to the discretion of the arborist, landscape architect, landscaping contractor or similarly qualified licensed person in order to assure that the location is adequate for the long-term health of the new and existing trees.

Public Comment

Staff has received public comment concerning the proposed development. Concerns have been expressed from neighbors regarding location of the septic system and the grading amounts. The County has consulted with the soils engineer, Richard Dante of Soil Surveys Inc. Mr. Dante verified, in a letter dated February 22, 2007, that the proposed seepage pit drainfield will not adversely affect any downslope property provided that the Monterey County Health Department regulations are followed. Condition 26 in **Exhibit D** requires the applicant to submit plans to the Health Department for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB prior to the issuance of building permits. The letter from Soil Surveys Inc. is attached as **Exhibit I**. Further, the recommendations noted in the *Geotechnical and Percolation Investigation Report* prepared by Soil Surveys Inc., dated June 30, 2006, are appropriate and ensure the best management construction practices. Conditions of approval to achieve these best management practices during construction of the project have been incorporated as in **Exhibit D** as conditions 6, 7, 13, 16 and 17.

Based on the above discussion and staff review of the site conditions, staff believes that the necessary findings can be made for the granting of this Combined Development Permit and therefore recommends that the project be granted subject to the proposed conditions of approval.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the Carmel Valley Master Plan, the Carmel Valley Master Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area appropriate for residential development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The project planner conducted a site inspection on March 31, 2006 and July 28, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
 - (c) The lot is a legal lot of record per Volume 11 of Cities and Towns, Page 32- Los Tulares Unit No. 2 Subdivision filed on March 8, 1972.
 - (d) A caretaker unit is an allowed use under the Low Density Residential Zoning Designation. The proposed caretaker unit is also consistent with the regulations of Section 21.64.030, *Caretaker Units*.
 - (e) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on February 20, 2007. The Committee voted 4-0 to approve the project.
 - (f) Two previous development approvals have been granted on this site, which were more intensive when compared to the current application (PLN010451 and PLN-965438).
 - (g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency (RMA) – Planning Department for the proposed development found in Project File PLN060199.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) Technical reports by outside archaeological and geotechnical consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use propose. County staff concurs. The following reports have been prepared:
 - (1) “Preliminary Archaeological Reconnaissance of Assessor’s Parcel Number 197-171-001” (LIB020080) prepared by Mary Ddoane, B.A. & Trudy Haversat, RPA, Salinas, CA, December 21, 2001.
 - (2) “Update of Geotechnical and Percolation Investigation Report, at Lot 30 off Via Las Rosas, APN 197-171-001” (LIB060393) prepared by

Soil Surveys, Inc., Salinas, CA, June 30, 2006 (original date of preparation August 16, 2001).

- (c) The property is located at 31450 Via Las Rosas, Carmel Valley, (Assessor's Parcel Number 197-171-001-000), Carmel Valley Master Plan. The parcel is zoned Low Density Residential with a B-6 Building Site Zoning District, Design Control and Site Plan Review Zoning District or "LDR/B-6-D-S". The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
- (d) Staff conducted a site visit on March 31, 2006 and July 28, 2006 to verify that the site is suitable for this use.
- (e) Previous applications for development on the subject property have been granted: PLN010451 and PLN-965438. These applications received the approval of all involved land use agencies and the appropriate authority.
- (f) Materials in Project File PLN060199.

3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.

EVIDENCE: (a) California Environmental Quality Act (CEQA) Guidelines Section 15303 (a) and (e), categorically exempts single family residence, or a second dwelling unit in a residential zone and accessory structures including garages, carports, patios, swimming pools, and fences.
(b) No adverse environmental effects were identified during staff review of the development application during site visits on March 31, 2006 and July 28, 2006.
(c) See preceding and following findings and supporting evidence.

4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County RMA – Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

6. **FINDING: TREE REMOVAL** – The project includes a Tree Removal Permit for the removal and relocation of two Oaks, 12 and 16 inches in diameter, in accordance with the applicable policies of the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). The Required Findings in order to grant the permit for tree removal have been met.

EVIDENCE: (a) Carmel Valley Master Plan Policy 7.2.2.5 states "A permit shall be required for the removal of any of these [healthy, native oak, madrone and

redwood] trees with a trunk diameter in excess of six inches, measured two feet above ground level.”

- (b) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots.
- (c) The removal is the minimum required under the circumstances of the case.
- (d) The removal will not involve a risk of adverse environmental impacts such as soil erosion, impacts to water quality, ecology or wild life habitat. The removal will not significantly increase noise pollution or reduce the ability of exiting vegetation to reduce wind velocities.
- (e) The trees are not diseased, but are located too close to the proposed swimming pool and patios areas. The applicants propose to relocate the trees to an area south of the pool and patio areas.

7. FINDING: DEVELOPMENT ON SLOPES IN EXCESS OF 30% - The project, as conditioned, is consistent with the Regulations for Development on Slopes in Excess of 30%, Section 21.64.230 of the Monterey County Zoning Ordinance (Title 21). As such, there exists no feasible alternative which would allow development to occur on slopes less than 30%.

- EVIDENCE:**
- (a) The subject residential project site is proposed within a 2.72-acre parcel which can be accessed from Via Gitana or Via Las Rosas. Both access approaches would impact areas in excess of 30% slopes. The project proposes access from Via Las Rosas instead of Via La Gitana. In order to access from Via Las Rosas, the applicant must construct a driveway, portions of which will be developed on slopes of 30 to 40 percent. Staff finds that this is the best approach to the site, since the development less intrusive than accessing from Via La Gitana, in terms of driveway length, grading estimation and slopes. In addition to the driveway construction on 30% slopes, grading for retaining walls and pathways will also be impacted by the development. Conditions have been incorporated requiring a geotechnical certification, restoration of natural materials, and native landscaping.
 - (b) The application, plans, and related support materials submitted by the project applicant to the Monterey County RMA – Planning Department for the proposed development found in Planning File No. PLN060199.
 - (c) Staff conducted on-site inspections on March 31, 2006 and July 28, 2006 to verify that no feasible alternative exists.

8. FINDING: CARETAKER UNIT – In order to grant the Administrative Permit for the proposed Caretaker Unit, the RMA-Director of Planning shall make the following findings:

1. Pursuant to Section 21.64.030.D.1, the establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
2. Pursuant to Section 21.64.030.D.2, the proposed project, as conditioned, is consistent and complies with the regulations for Caretaker Units, as provided at Chapter 21.64 of the Monterey County Zoning Ordinance (Title 21).

3. Pursuant to Section 21.64.030.D.3, the proposed Caretaker Unit complies with all applicable requirements of the Low Density Residential, B-6 Building Site Zoning District, Design Control, and Site Plan Review (“LDR-B-6-D-S”) districts as provided at Chapters 21.14, 21.42, 21.44 and 21.45 of the Monterey County Zoning Ordinance (Title 21).
4. Pursuant to Section 21.64.030.D.4, adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.

- EVIDENCE:**
- (a) The project as described in the application and accompanying materials was reviewed by the Planning Department, Carmel Valley Fire Protection District, Public Works Department, Environmental Health Division, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.
 - (b) The project for a Caretaker Unit is a use allowed use subject securing an Administrative Permit in accordance with Section 21.14.040.C and is consistent with the development standards of Section 21.14.060 and the regulations for Caretaker Units as provided at Section 21.64.030.
 - (c) The project complies with the regulations for Caretaker Units in accordance with Section 21.44.020. Design Approval has been incorporated into the project.
 - (d) The project complies with the regulations for Design Control Zoning Districts in accordance with Chapter 21.44 of the Monterey County Zoning Ordinance (Title 21).
 - (e) The project complies with the regulations for Site Plan Review Zoning Districts in accordance with Chapter 21.45 of the Monterey County Zoning Ordinance (Title 21). An Administrative Permit has incorporated pursuant to Section 21.45.040.A and B, which requires an Administrative Permit for all development within a Site Plan Review Zoning District.
 - (f) Finding No. 5 and supporting evidence.
 - (g) Staff conducted site inspections on March 31, 2006 and July 28, 2006 to verify that the project would not present adverse impacts to the general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
 - (h) Materials in Planning File No. PLN060199.

9. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.B. of the Monterey County Zoning Ordinance (Title 21).

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance Reporting Plan	Project Name: Edyta & Janusz Rusek File No: PLN060199 Approved by: Zoning Administrator	APNs: 197-171-001-000 Date: March 8, 2007
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PBD029 - SPECIFIC USES ONLY This Combined Development Permit (PLN060199) consisting of the following allows: 1) Use Permit for grading on slopes in excess of 30 percent; 2) Administrative Permit to allow the construction of a 4,451 square foot two-story single family dwelling with an attached 920 square foot garage and construction of a detached 897 square foot office/shop in a Site Plan "S" District; 3) Administrative Permit for a 998 square foot detached caretakers unit; and 4) Relocation (tree removal) of two (2) oaks of approximately 12 inches and 16 inches in diameter; retaining walls and Design Approval. Grading of 1,100 cubic yards of cut and 1,200 cubic yards of fill. The property is located at 31450 Via Las Rosas, Carmel Valley (Assessor's Parcel Number 197-171-001-000), Carmel Valley Master Plan. 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 the Resource Management Agency - Planning Department. Any use or</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		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. [Resource Management Agency (RMA) - Planning Department]				
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. _____) was approved by the Zoning Administrator of the RMA -Planning Department for Assessor's Parcel Number 197-171-001-000 on March 8, 2007. The permit was granted subject to 32 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Resource Management Agency - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to RMA - PD.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site.	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA -Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures	Owner/ Applicant/ Archaeologist	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	required for the discovery.			
4.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	
5.		PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval,	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney’s fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>			building permits, use of the property, filing of the final map, whichever occurs first and as applicable.	
6.		<p>PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA – Planning Department and Building Services Department)</p>	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
7.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project’s compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection.	
8.		PD011 – 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, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits.	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During construction.	
			Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection.	
9.		PDSP001 – OAK TREE REPLACEMENT (NON-STANDARD) Prior to final inspection, applicant shall be required to replace the two oak trees to be removed by either replacing them on a one-to-one ratio with a 5-gallon oak	Submit verification to the RMA-Planning Department demonstrating that the trees have been replaced or replanted and have survived.	Owner/ Applicant/ Arborist/ Landscape Architect/ Landscape	Prior to final building inspection.	

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		of the same specie or re-plantation of the same trees. The location of the replacements or replantation, shall be subject to the discretion of the arborist, landscape architect, landscaping contractor or similarly qualified licensed person in order to assure that the location is adequate for long-term health of the new and existing trees. (RMA-Planning Department)		Contractor		
10.		PD012(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. At least three (3) weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning 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. (RMA – Planning Department)	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	At least three (3) weeks prior to final inspection or occupancy.	
			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.	Owner/ Applicant	Ongoing	

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11.		<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)</p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p>	Owner/ Applicant	Prior to the issuance of building permits.	
			<p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	Ongoing	
12.		<p>PD018 – DEED RESTRICTION – CARETAKER UNIT (INLAND OR COASTAL)</p> <p>The applicant shall record a deed restriction stating “The caretaker unit shall not be separately rented, let or leased to other than the caretaker whether compensation be direct or indirect.” (RMA – Planning Department)</p>	<p>Submit signed and notarized Deed Restriction to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Deed Restriction shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Prior to the issuance of grading or building permits.	
13.		<p>PD033 - RESTORATION OF NATURAL MATERIALS</p> <p>Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA – Planning Department)</p>	<p>Submit restoration plans to the RMA - Planning Department for review and approval.</p>	Owner/ Applicant	Prior to commencement of use.	

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14.		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
15.		PD041 – 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 the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)	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 the issuance of grading or building permits.	
			2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant/ Engineer	Prior to the final inspection.	
16.		PD043 – GRADING PERMITS REQUIRED A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork. (RMA – Planning Department and Building Services Department)	If applicable, apply and receive the appropriate grading permit from Monterey County RMA – Building Services Department.	Owner/ Applicant/ Engineer	Prior to the issuance of grading or building permits.	

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17.		<p>PD010 - EROSION CONTROL PLAN AND SCHEDULE</p> <p>The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)</p>	<p>Evidence of compliance with the Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.</p>	Owner/ Applicant	Prior to the issuance of grading and building permits	
			<p>Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.</p>	Owner/ Applicant	Ongoing	
			<p>Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department</p>	Owner/ Applicant	Prior to final inspection	
18.		<p>PDSP002 – DEED RESTRICTION FOR DETACHED SHOP/OFFICE – (NON-STANDARD)</p> <p>The applicant shall record a deed restriction stating the following for the proposed detached 897 square foot shop/office:</p> <ul style="list-style-type: none"> • The 897 square foot detached shop/office shall not have cooking or kitchen facilities, including microwave ovens, hot plates and toaster ovens. • The 897 square foot detached shop/office shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect. 	<p>Submit signed and notarized Deed Restriction to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Deed Restriction shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Prior to the issuance of grading or building permits.	

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		<ul style="list-style-type: none"> The 897 square foot detached shop/office shall not be used for overnight lodging or as a sleeping facility. (RMA – Planning Department) 				
19.		<p>PW0006 – CARMEL VALLEY The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI). (Public Works)</p>	Applicant shall pay to PBI the required traffic mitigation fee.	Owner/ Applicant	Prior to Building Permit Issuance.	
20.		<p>WR3 - DRAINAGE PLAN - RETENTION The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. The plan shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ engineer	Prior to issuance of grading or building permits.	
21.		<p>WR43 - WATER AVAILABILITY CERTIFICATION 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.	

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22.		WR8 - COMPLETION CERTIFICATION The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant/ Engineer/ Contractor	Prior to final inspection.	
23.		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: 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. 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)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy.	
24.		WRSP0001 – WELL INFORMATION (NON-STANDARD) The applicant shall provide the Water Resources Agency information on the well(s) to serve the project including a map showing well location and any available well logs/e-logs. (Water Resources Agency)	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to commencement of use.	

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25.		EHI - WATER SYSTEM PERMIT Obtain a new or amended water system permit from the Division of Environmental Health. (Environmental Health)	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of grading/ building permits or prior to filing final map.	
26.		EH11 - SEPTIC SYSTEM DESIGN Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of building permits.	
27.		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns	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.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	

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		greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the “T” shall be a minimum of 60 feet in length. (Carmel Valley Fire Protection District)				
28.		FIRE008 - GATES 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 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. (Carmel Valley Fire Protection District)	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.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	

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29.		<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. (Carmel Valley Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection.</p>	Applicant or owner	Prior to final building inspection.	
30.		<p>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 100 feet or to the property line from all buildings. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building	

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		protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Carmel Valley Fire Protection District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	permit. Prior to final building inspection.	
31.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) 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. (Carmel Valley Fire Protection District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection.	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection.	
32.		FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Carmel Valley Fire Protection District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	