

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: September 13, 2007	Time: A.M	Agenda Item No.:
Project Description: Combined Development Permit to clear CE050374 consisting of an Administrative Permit to legalize an 850 square foot Senior Citizen Unit and an Administrative Permit to legalize an 1,182 square foot Caretaker's Unit.		
Project Location: 20 La Encina Drive, Salinas		APN: 127-181-002-000
Planning File Number: PLN060390		Name: Chantal and Irene Medzyk Property Owners
Plan Area: North County Area Plan		Flagged and staked: No, structures exist
Zoning Designation: : Rural Density Residential, 5.1 acre minimum or "RDR/5.1"		
CEQA Action: Categorically Exempt per Section 15303		
Department: RMA - Planning Department		

RECOMMENDATION:

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

PROJECT OVERVIEW:

The 58 acre parcel (Assessor's Parcel Number 127-181-002-000) is located at 20 La Encina Drive in Salinas, within the North County Area Plan boundaries. The property is zoned Rural Density Residential, 5.1 acre minimum. A code enforcement case was opened on the property on September 12, 2005. The case included the construction of an 850 square foot Senior Citizen Unit and a 1,182 square foot Caretaker Unit without permits. The applicant applied for the Combined Development Permit on December 18, 2006 which consists of an Administrative Permit to legalize an 850 square foot Senior Citizen Unit and an Administrative Permit to legalize a 1,182 square foot Caretaker Unit which will clear Code Enforcement Case, CE050374. The Caretaker Unit and Senior Citizen Unit are attached to one another. The structure is located on the North-East portion of the parcel, sixty feet to the South of the main residence on a flat portion of the lot. The project has been found to be consistent with the Monterey County General Plan (1982), the North County Area Plan and the Monterey County Zoning Ordinance (Title 21).

OTHER AGENCY INVOLVEMENT:

- ✓ North County 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 the agencies have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project is exempt from CEQA per Section 15303.

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

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July 26, 2007

cc: Zoning Administrator; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Bob Schubert, Planning & Building Services Manager; Brittany Nicholson, Planner; Carol Allen, Chantal and Irene Medzyk, Applicants; Jeff Crockett., Agent; Planning File PLN060390.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Site Plan, Elevations, Floor Plans

This report was reviewed by Bob Schubert, Planning and Building Service Manager

EXHIBIT B

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, North County Area Plan, North County Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for 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 property is located at 20 La Encina Drive Salinas (Assessor's Parcel Number 127-181-002-000), North County Area Plan. The parcel is zoned Rural Density Residential, 5.1 acre minimum or ("RDR/5.1"). 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.
 - (c) The project planner conducted a site inspection on February 21, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) The project complies with the regulations for a Caretaker Unit in accordance with the Monterey County Zoning Ordinance (Title 21) Section 21.64.030.C. A condition has been incorporated requiring the applicant to record a Caretaker Unit deed restriction.
 - (e) The project complies with the regulations for a Senior Citizen Unit in accordance with the Monterey County Zoning Ordinance (Title 21) Section 21.64.010.C. A condition has been incorporated requiring the applicant to record a Caretaker Unit deed restriction.
 - (f) The Rolling Hills Ranchos Subdivision was approved by the Planning Commission on May 26, 1947; the subject parcel was created through the subject subdivision.
 - (g) The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project is exempt from CEQA per Section 15303.
 - (h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060590.

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, North County 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) Staff conducted a site inspection on February 21, 2007 to verify that the site is suitable for this use.

(c) Materials in Project File PLN060590.

FINDING: **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE: (a) California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts the construction of small accessory structures.
(b) No adverse environmental effects were identified during staff review of the development application during a site visit on February 21, 2007.
(c) See preceding and following findings and supporting evidence.

3. **FINDING:** **VIOLATIONS** – A Code Enforcement Case (CE050374) is open on the subject property for the construction of an 850 square foot Senior Citizen Unit and a 1,182 square foot Caretaker Unit without the benefit of permits.

EVIDENCE: (a) The approval of this Combined Development Permit will clear the property of the existing violations (CE050374).

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

EVIDENCE: (a) Preceding findings and supporting evidence.

5. **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) states, “The Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Zoning Administrator made pursuant to this title. The decision of the Planning Commission shall be final and may not be appealed, except as provided for in Section 21.70.040.C”.

EXHIBIT C
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Medzyk
File No: PLN060390
APNs: 127-181-002-000
Approved by: The Zoning Administrator
Date: September 13, 2007

**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>PD001 - SPECIFIC USES ONLY This Combined Development permit (PLN060590) consists of an Administrative Permit to legalize an 850 square foot Senior Citizen Unit and an Administrative Permit to legalize a 1,182 square foot Caretaker Unit clearing CE050374. The property is located at 20 La Encina Drive, Salinas (Assessor's Parcel Number 127-181-002-000), North County Area 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 RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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2.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the (Zoning Administrator) for Assessor's Parcel Number 127-181-002-000 on (September 13, 2007). The permit was granted subject to 14 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>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)</p>	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	
4.		<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</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.	Owner/ Applicant	Prior to the issuance of building permits.	

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		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)	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy/ Ongoing	
5.		PD018 A – DEED RESTRICTION – CARETAKER UNIT (INLAND) The applicant shall record a deed restriction stating the regulations applicable to a caretaker unit as follows: <ul style="list-style-type: none"> • Only one caretaker unit per lot shall be allowed. • The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under same ownership. • The minimum lot size for establishment of a caretaker unit in areas not served by sewers shall be two acres. • Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located. • The maximum floor area for a caretaker unit is 1,000 square feet on lots of 10 acres or less and 1,200 square feet on lots greater than ten acres. 	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Prior to the issuance of grading or building permits	

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		<ul style="list-style-type: none"> • A minimum of one covered off-street parking space shall be provided for the caretaker unit. • The caretaker unit shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect. • Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning. • Caretaker units are not permitted on any lot less than ten acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to an Administrative Permit. <p>(RMA – Planning Department)</p>	Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to the issuance of grading or building permits	
6.		<p>PD020(A) – DEED RESTRICTION – SENIOR CITIZEN UNIT (INLAND)</p> <p>The applicant shall record a deed restriction stating the regulations applicable to a Senior Citizen Unit as follows:</p> <ul style="list-style-type: none"> • An attached senior citizen unit shall not exceed 700 square feet. A detached senior citizen unit shall not exceed 850 square feet. • The senior citizen unit shall not be occupied by more than two persons, one of whom shall be sixty years of age or handicapped. • Not more than one senior citizen unit shall be permitted on any lot or parcel. • The senior citizen unit shall conform with all of the zoning and development standards of the zoning district which governs the lot. • The senior citizen unit shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area. • One usable and accessible parking space shall be provided 	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Prior to the issuance of grading or building permits	

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		<p>in addition to the parking required for other uses on site.</p> <ul style="list-style-type: none"> • In areas not served by public sewers, senior citizen units shall not be permitted on lots of less than two acres. • Senior citizen units are not permitted on any lot less than ten acres where a guesthouse or caretaker unit already exists. Such units may be converted to a senior citizen unit, subject to an Administrative Permit. • Subsequent subdivisions which divide a main residence from the senior citizen unit shall not be permitted except where lots created meet the minimum lot size and density requirements of the existing zoning. (RMA – Planning Department) 	<p>Proof of recordation of the document shall be submitted to the RMA – Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading or building permits</p>	
7.		<p>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 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</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 grading and/or building permit.</p>	

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		<p>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. (North County F.P.D)</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection.</p>	
8.		<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</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>	

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		<p>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. (North County F.P.D)</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	
9.		<p>FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available. (North County F.P.D)</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 permit</p>	
			<p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	

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10.		<p>FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. Responsible (North County F.P.D)</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 permit	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	
11.		<p>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</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	

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		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. (North County F.P.D)	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	
12.		FIRE026 - ROOF CONSTRUCTION (STANDARD) 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 B roof construction. (North County F.P.D.)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	
13.		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	

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14.		<p>WR – WELL INFORMATION (NON-STANDARD) Prior to commencement of use, the applicant shall provide Water Resource Agency information on the proposed well including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)</p>	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/Applicant	Prior to commencement of use.	