

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> April 24, 2008      Time: P. M.	<b>Agenda Item No.:</b>
<b>Project Description:</b> Combined Development Permit consisting of: 1) Use Permit for development within the Carmel Valley Floodplain pursuant to Monterey County Zoning Ordinance Title 21 Section 21.64.130.D of the Monterey County Zoning Code; 2) an Administrative Permit for development in a Site Plan Review District or "S" Zoning District to allow the construction of a 2,081 square foot first floor and a 626 square foot second floor to an existing one-story single family dwelling on a 15,538 square foot lot, and Design Approval. Grading will be approximately 27 cubic yards cut and 27 cubic yards fill.	
<b>Project Location:</b> 2 Esquiline Road, Carmel Valley	<b>APN:</b> 189-341-009-000
<b>Planning File Number:</b> PLN070513	<b>Name:</b> Oscar Cuen Grijalva Jr. Tr., Property Owner; Agent: Carmel Valley Design
<b>Plan Area:</b> Carmel Valley Master Plan Area	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> : "LDR/2.5-D-S" (Low Density Residential, 2.5 acres per unit with Design Control, and Site Plan Review Overlays)	
<b>CEQA Action:</b> Categorically Exempt per Section 15303(a)	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Use Permit, Administrative Permit and Design Approval based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

### PROJECT OVERVIEW:

The proposed project is an irregular corner lot with an existing 992 square foot one-story residence with a covered porches, detached laundry room and detached garage. Staff determined the front setback is on Esquiline Road (30 feet). De El Rio Road is a key lot frontage (15 feet), there are two interior side property side property lines (minimum 8 feet 9 inches required), and a short rear property line opposite Esquiline Road (25 feet). A new two story house is designed maximizing the front and side setbacks with a roof connection to the existing garage that accesses De El Rio Road. Monterey County Water Resources determined the property is located within the floodplain of the Carmel Valley River; and therefore a Use Permit is required. The Water Resources Agency confirmed that structures are located so as to be safe from flow related erosion hazards and will not significantly reduce the capacity of the existing watercourse. The first floor as required will be elevated at least one foot above the 100-year flood level. See Exhibit B for a detailed discussion.

### CEQA:

The project is exempt from CEQA pursuant to Section 15303 Class 3(a) and no potential significant environmental impacts will result from the project. Section 15303, Class 3(a) exempts small facilities or structures; installation of equipment or facilities in small structures including one-single family residence in a residential zone. (See Finding No. 3 and the supporting evidence).

**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 the Water Resources Agency and the Fire District have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to the Carmel Valley 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 was exempt from CEQA and no Initial Study was required. The project did not involve slope restrictions, ridgeline/viewshed development restrictions, a Lot Line Adjustment with conflicts, or a Variance.

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

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April 13, 2008

cc: Front Counter Copy, Zoning Administrator; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Bob Schubert, Planning & Building Services Manager; Carl Holm, Assistant Planning Director; Paula Bradley, Planner; Carol Allen, Applicant; Agent; Barry Rowley; Planning File PLN070513.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Assessor's Parcel Map and Vicinity Map
	Exhibit F	Site Plan, Floor Plan and Elevations
	Exhibit G	Design Approval Application

This report was reviewed by Carl Holm, Assistant Planning Director

**Insert Exhibit A  
here**

## **EXHIBIT B**

### **PROJECT OVERVIEW**

#### **Project Description and Setting**

The application requests a Use Permit to allow development within the Carmel Valley River Floodplain and an Administrative Permit for development within a Site Plan Review District. These entitlements would allow the construction of a two-story single family residence with a 2,081 square foot first floor and a 626 square foot second floor.. Grading will be approximately 27 cubic yards cut and 27 cubic yards fill, and the total footprint will be 3,455 square feet, creating a lot coverage of 22.2%. Mr. Grijalva, owner, has a 15,538 square foot, irregularly shaped corner lot in a low density residential subdivision located at 2 Esquiline Road, south of the Carmel River across De El Rio Road, Carmel Valley Master Plan Area. There is an existing 992 single family residence with a covered porch fronting on Esquiline Road. A 247 square foot detached laundry room is located behind the house and a 847 square foot detached garage is oriented with access to De El Rio Road.

#### **Project Issues**

##### Carmel Valley Floodplain

The property is located entirely within Zone A11, the 100-year floodplain of the Carmel River, as shown on FEMA Flood Insurance Rate Map 060195 0215-D dated January 30, 1984. It is also located within 200 feet of the river bank. The current effective Base Flood Elevation is 287.5 feet mean sea level (NGVD 1929). The Water Resources Agency confirmed that structures will be located so as to be safe from flow related erosion hazards and will not significantly reduce the capacity of the existing watercourse. More than 50% of the lot is in the floodplain. The covered porch may not be allowed to be enclosed by walls so that flood waters could flow under it. FEMA is currently updating the Flood Insurance Study for the Carmel River. The base flood elevation, floodway boundary, and floodplain boundary will reduce the 100-year flood plain elevation by two feet. The applicant proposes to construct the home based on the new FEMA Flood Maps to be approved later this year. Based on the new FEMA maps the base flood elevation will be 285.5 feet and allow the finished floor elevation to be reduced to 286.5 instead of 288.5 feet, reducing the height of the structure two feet from the original proposal. The first floor of the new structure is required to be located at least one foot above the 100-year flood level. An existing on-site wastewater/septic site is located in the floodway and is not proposed or required to be expanded or replaced as part of the project.

The engineer's letter, dated January 8, 2008, states that the proposed development will not significantly reduce the capacity of the existing river and floodway water course or otherwise affect any other properties in the area by increasing stream velocities or depths, or diverting flow. The proposed building with open porch/patio areas will provide less flood flow obstruction and better flood flow characteristics than the existing building. The letter further states that provided the erosion control measures and planting are implemented within the property as recommended in Section VI of the Geotechnical Investigation Report for the development, dated October 16, 2007, that the development will be safe from flow related erosion and will not cause flow related erosion hazards or otherwise aggravate flow related erosion hazards. The existing garage located in the floodway will remain and not change existing flood flow characteristics (See Finding No. 2 and Conditions No. 8 and Nos. 12 to 19).

##### Zoning and Setbacks

The lot is irregularly shaped and the applicant requested a Planning Department interpretation of the setback requirement for the parcel prior to submitting an Application Request. In a letter dated 6/12/07, staff determined that the lot has two front setbacks on both Esquiline and De El

Rio Roads, the two property lines to the south are the sides, and the rear property line is the corner next to De El Rio Road. The side setback as shown on the plans meets the requirement for two methods of calculating the side setbacks: 10% of the average width and the “circle” method of a minimum of eight feet nine inches. With the proposed new footprint a small porch on the west elevation will cantilever into the front setback exception and the entire project is consistent with the setback requirements.

Based on the corner key-lot setback requirements (Section 21.62.040(J)) De El Rio Road would be considered a side yard setback. Since the garage is more than 25 feet from the side line of the key lot to the east, it meets the required street side yard setback of 15 feet which is 50% of the key lot front setback of 30 feet. Based on the key-lot setback requirements the existing garage setback is conforming.

### Design

The applicant proposes to demolish the existing single 992 square foot single story residence and construct a new two story, 2707 square foot single family residence with a 2,081 square foot first floor and 626 square foot second floor. The total footprint will be 3,455 square feet lot with coverage 22.2%, including covered porches and the existing 847 square foot garage. The existing footprint it is 2,314 square feet and 15% lot coverage. The lot is irregular in shape and approximately 50% of the lot is in the floodway restricting the buildable area of the lot. The proposed second story is located over a portion of the first floor closer to the south side elevation. The owner held an open house on 11/10/07 with the neighbors to present the project. One adjacent neighbor suggested that the project exclude a second story addition as it would visually impact the residence to the south. There are other two story homes in the neighborhood. At that time the highest peak of the proposed second story ridge was staked and flagged. In response to the neighbor's comments, the second story was decreased in size, is stepped back four feet from the first floor, and the size of the windows were decreased on second floor of the south elevation. The design includes a parapet roof separating the first and second stories to decrease the bulk and size and add visual interest. The side setback was increased from the minimum eight feet nine inches side to at least ten feet.

The height of the home will increase from 13 feet to 24 feet six inches, measured from the Floodplain benchmark. This height includes an increase of two feet to meet the requirement that the first floor elevation be one foot above the 100-year flood level (Section 21.64.130(D)(2)). The base flood elevation will be reduced from 287.5 to 285.5 feet based on the new FEMA maps. The finished floor elevation will be reduced from 288.5 feet to 286.5 and allows the overall height of the house to be reduced two feet. With the design changes above the neighbor no longer objects to the project.

The proposed color is similar to the existing house, a neutral gray body with lighter gray window frames. The body will be stucco instead of the existing horizontal siding. The roof shingles, porches and railings will be natural color cedar.

### Biological Resources

The area is in a potential California Red-legged Frog (CRLF) area as it is near the Carmel River and watershed. A Biological Report by Jeffrey Froke, dated November 11, 2007 was submitted for the project. The entire property is fenced with the majority at ground level or buried. The yard is well landscaped with a manicured lawn and ornamental plantings, with no natural vegetation. The report concluded that the project property is not a habitat for the CRLF and does not affect the welfare or status of the California Red-legged Frogs that occupy the Carmel River, adversely or otherwise.

**Conclusion**

The project meets the criteria to allow for development in the Carmel Valley Floodplain, setbacks and Design Approval. The applicant modified the project to be more consistent with the design requirements and minimize the visual impact in response to the adjacent property owner's concerns. The lot is irregular in shape and approximately 50% of the lot is in the floodway restricting the buildable area of the lot. It is a challenge to achieve both the owner's goals of increased floor area and a second story addition and the Design Approval criteria without imposing undue restrictions on private property.

## **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, Carmel Valley Master Area Plan, Carmel Valley 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 2 Esquiline Road, Carmel Valley (Assessor's Parcel Number 189-341-009-000), Carmel Valley Master Plan. The parcel is zoned (Low Density Residential, 2.5 acres per unit with Design Control, and Site Plan Review Overlays) ("LDR/2.5-D-S") which allows residential development with Design Approval and Site Plan approval (see Finding No. 4). Section 21.64.130, Title 21 requires the approval of a Use Permit for all Development in the Carmel River Floodplain (see Finding No. 5). Based on the key-lot setback requirements along the De El Rio frontage the existing garage setback is conforming (Section 21.62.040(J) MCC). A small porch on the west (front) elevation meets the setback exception to cantilever into the front setback (Section 21.62.040(D) MCC). As designed the project is consistent with all development standards and no Variance is required. Therefore, the property is suitable for the proposed development.

(c) The project planner conducted a site inspection on October 17, 2007 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The project was not referred to the Carmel Valley 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 was exempt from CEQA as it did not include environmental issues that are not exempt from CEQA so that an Initial Study was required. The project did not involve slope restrictions, ridgeline/viewshed development restrictions, a Lot Line Adjustment with conflicts, or a Variance.

(e) Carmel Valley Master Plan Policy 11.1.1.1 (CV) - Environmentally Sensitive Areas. Whenever a development proposal is received and is in or adjacent to a rare or endangered plant community, as identified in policy 11.1.1.2, the County shall require the applicant to provide a botanical report prepared by a botanist from the County list of approved consultants. The area is in a potential California Red-legged Frog (CRLF) area as it is near the Carmel River and watershed. A Biological Report by Jeffrey Froke, dated November 11, 2007 was submitted for the project. The entire property is fenced with the majority at ground level or buried. The yard is well landscaped with a manicured lawn and ornamental plantings, with no natural vegetation. The report concluded that the project property is not a

habitat for the CRLF and does not affect the welfare or status of the California Red-legged Frogs that occupy the Carmel River, adversely or otherwise.

- (f) Carmel Valley Master Plan Policy 12.1.8.1 (CV) Archaeological Resources. Archaeological surveys are required within the High Sensitivity Zones. All permit applications which include earth disturbing or earth altering activities (including but not limited to grading permits, utility and other excavations, foundation trenching and land leveling, etc.) shall be preceded by a cultural resources reconnaissance. A “Preliminary Archaeological Reconnaissance for APN 189-341-008-000 Carmel Valley, Monterey County, California” (LIB#PLN070586) by Archaeological Consulting, November 5, 2007. A standard condition of approval requires a stop work if archaeological resources are discovered during construction (Condition No. 3).
- (g) Carmel Valley Master Plan Policy 15.1.16 (CV) – Environmental Constraints. Areas identified as being subject to landsliding, faulting, or other geologic hazards shall receive competent review by professionals acceptable to the County Planning Department at the time any changes in use are proposed. A Geotechnical Investigation Report with Seismic Consideration by Soils Surveys, dated October 16, 2007. Condition No. 6 requires development to be in accordance with the geotechnical report (see Finding No. 2).
- (h) Carmel Valley Master Plan Policy 16.2.3.1 (CV) – Environmental Constraints. In order to protect the public health, welfare, and safety, development of land within 200 feet of the nominal Carmel River bank or 30 feet from any tributary bank as shown on the latest United States Geological Survey Topographic Maps shall require a special permit as set forth in the Carmel Valley Floodplain Ordinance. The project includes a Use Permit pursuant to Title 21 Section 21.64.130 (see Finding No. 5).
- (i) Carmel Valley Master Plan Policy 26.1.29 (CV) - Area Development. Design and site control shall be required for all new development throughout the Valley, including proposals for existing lots of record, utilities, heavy commercial and visitor accommodations but excluding minor additions to existing development where those changes are not conspicuous from outside of the property. The design review process shall encourage and further the letter and spirit of the Master Plan. (See Finding No. 4).
- (j) Carmel Valley Master Plan Policy 26.1.32 (CV) - Area Development. Development should be located in a manner that minimizes disruption of views from existing homes (See Finding No 4).
- (k) 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 PLN070513.

**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 biological, 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 proposed. County staff concurs. The following reports have been prepared are required to be recorded on the parcel (Condition 8):
  - i. A “Preliminary Archaeological Reconnaissance for APN 189-341-008-000 Carmel Valley, Monterey County, California” (LIB#PLN070586) by Archaeological Consulting, November 5, 2007.
  - ii. A “Geotechnical Investigation Report” (LIB#PLN070588) by Soils Surveys, dated October 16, 2007.
  - iii. A “Biological Report” (LIB#PLN070587) by Jeffrey Froke, Ph.D., dated November 10, 2007.
  - iv. A letter regarding the “Oscar Grijalva Building Reconstruction, 2 Esquiline Road, APN 189-341-009-000, Carmel Valley” by Soils Surveys, dated January 8, 2008.
- (c) Staff conducted a site inspection on October 17, 2007, to verify that the site is suitable for this use.
- (d) Materials in Project File PLN070513.

3. **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(a), categorically exempts a single-family residential in a residential zone.
  - (b) No adverse environmental effects were identified during staff review of the development application during a site visit on October 17, 2007.
  - (c) The proposed development will not significantly increase flooding elevations on the Carmel River, as conditioned by Monterey County Water Resource whom has reviewed the proposed development and ensured the project will comply with the elevation level prescribed (Conditions 13 to 18).
  - (d) See preceding and following findings and supporting evidence.

4. **FINDING: DESIGN APPROVAL** – Design Approval Section 21.44.030 requires that the location, size, configuration, material and colors of the new structures is designed to fit in with the public viewshed, neighborhood character and assure the visual integrity of the development without imposing undue restrictions on private property.

- EVIDENCE:**
- (a) There are other two story homes in the neighborhood. The lot is irregular in shape and approximately 50% of the lot is in the floodway restricting the buildable area of the lot. The owner held an open house with the neighbors on 11/10/07 to present the project and receive feedback. At that time the highest peak of the proposed second story ridge was staked and flagged. In response to the neighbor’s comments, the second story was decreased in size, is stepped back four feet from the first floor along the south side, and the size of the windows were decreased on second floor of the south elevation. The design includes a parapet roof separating the first and second stories to decrease the bulk

and size and add visual interest. The side setback was increased from the minimum eight feet nine inches side to at least ten feet. The height will increase from 13 feet to 24 feet six inches, including the two feet required to meet the first floor elevation in order to be one foot above the 100-year flood level (Section 21.64.130(D)(2)) (Finding No. 5).

- 5. FINDING: USE PERMIT – REGULATION FOR LAND USE IN THE CARMEL VALLEY FLOODPLAIN** - The project includes development within within the 100-year floodplain of the Carmel River; therefore, it is subject to Monterey County Code Chapter 16.16 – *Regulations for Floodplains in Monterey County* and Monterey County Code Chapter 21.64.130 – *Regulations for Land Use in the Carmel Valley Floodplain*. Pursuant to 21.64.130.D, development within 200 feet of the riverbank and within the floodway fringe (floodplain) is allowed with a Use Permit provided that all structures included related utilities be located and constructed so as to minimize or eliminate infiltration of flood waters into sewer/septic systems and discharges from these systems into flood waters. Development activities are prohibited unless it can be shown to the satisfaction of the Water Resources Agency that development will accommodate sufficient setback to avoid erosion. On site waste disposal systems shall be located so as to avoid impairment of them or contamination from and during flooding. The first habitable floor of any structures shall be located at least one foot above the 100-year flood level. Chapter 16.16 of the Monterey County Code states the proposed development shall be setback at least 200 feet from the “top of bank”, unless it can be proven to the satisfaction of the Water Resources Agency that the proposed development will be safe from flow-related erosion hazards and will not significantly reduce the capacity of the existing watercourse.

- EVIDENCE:** (a) The property is located entirely within Zone A11, the 100-year floodplain of the Carmel River, as shown on FEMA Flood Insurance Rate Map 060195 0215-D dated January 30, 1984. The current effective Base Flood Elevation is 287.5 feet mean sea level (NGVD 1929). A portion of the covered porch is near the floodway and is not allowed to be enclosed by walls so that flood waters could flow under it. FEMA is currently updating the Flood Insurance Study for the Carmel River; and the base flood elevation, floodway boundary, and floodplain boundary will decrease in this area resulting in a reduction of the 100-year flood plain elevation by two feet. The applicant will construct the home based on the new FEMA Flood Maps to be approved in 2008. Based on the new maps the base flood elevation will be 285.5 feet and allow the finished floor elevation to be reduced to 286.5 instead of 288.5 feet. Water Resources Agency confirmed that structures are located so as to be safe from flow related erosion hazards and will not significantly reduce the capacity of the existing watercourse. The first floor of the new structure will be located at least one foot above the 100-year flood level. (Condition No. 19). An existing on-site wastewater/septic site is located in the floodway and is not proposed or required to be expanded or replaced as part of the project
- (b) The engineer’s letter regarding the “Oscar Grijalva Building Reconstruction, 2 Esquiline Road, APN 189-341-009-000, Carmel Valley” by Soils Surveys, dated January 8, 2008. states that the proposed development will not significantly reduce the capacity of the existing river

and floodway water course or otherwise affect any other properties in the area by increasing stream velocities or depths, or diverting flow. The proposed building reconstruction with open porch/patio areas will provide less flood flow obstruction and better flood flow characteristics than the existing building. The letter further states that provided the erosion control measures and planting are implemented within the property as recommended in Section VI of the Geotechnical Investigation Report for the development, dated October 16, 2007, that the development will be safe from flow related erosion and will not cause flow related erosion hazards or otherwise aggravate flow related erosion hazards. The existing garage located in the floodway will remain and not change existing flood flow characteristics (See Finding No. 2 and Conditions No. 8 and Nos. 12 to 19).

- (c) The first floor of the new structure is required to be at least one foot above the 100-year flood level in effect. The current 100-year flood level elevation is determined to be 287.5 feet and the proposed first floor would be required to be 288.5 feet). In order to reduce the height of the structure, the applicant will construct the home according to the base elevation of 285.5 on the new FEMA Flood Maps to be approved in 2008. This will lower the overall structure two feet (Condition 19).
- (d) An existing on-site wastewater/septic site is located in the floodway and is not proposed or required to be changed as part of the project. Environmental Health has determined that the septic system is adequate based on the number of bedrooms for the residence.

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

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

7. **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.

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

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

<p align="center"><b>EXHIBIT D</b></p> <p align="center"><b>Monterey County Resource Management Agency</b></p> <p align="center"><b>Planning Department</b></p> <p align="center"><b>Condition Compliance and/or Mitigation Monitoring Reporting Plan</b></p>	<p><b>Project Name: GRIJALVA</b> <span style="float:right"><b>File No: PLN070513</b></span></p> <p><b>APN: 189-341-009-000</b></p> <p><b>Approved by: Zoning Administrator</b> <span style="float:right"><b>Date: April 24, 2008</b></span></p>
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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><b>PD001 - SPECIFIC USES ONLY</b></p> <p>Combined Development Permit consisting of: 1) Use Permit for the development within the Carmel Valley Floodplain pursuant to Monterey County Zoning Ordinance Title 21 Section 21.64.130.D of the Monterey County Zoning Code; 2) an Administrative Permit to for development in a Site Plan Review District or "S" Zoning District to allow the construction of a 2,081 square foot first floor and a 626 square foot second floor to an existing one-story single family dwelling on a 15,538 square foot lot, and Design Approval. Grading will be approximately 27 cubic yards cut and 27 cubic yards fill. The property is located at 2 Esquiline Road, Carmel Valley (Assessors Parcel Number 189-341-009-000), Carmel Valley Master Plan Area. 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</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 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. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the (Zoning Administrator for Assessor's Parcel Number 189-341-009-000 on April 24, 2008. The permit was granted subject to <b>26</b> 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. <b>(RMA - Planning Department)</b>	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.		<b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b> 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	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	

<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>
		visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. <b>(RMA - Planning Department)</b>				
4.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>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, 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 Parcel 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</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the parcel map, whichever occurs first and as applicable	

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		county harmless. (RMA - Planning Department)				
5.		<b>PD007 - GRADING-WINTER RESTRICTION</b> 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)	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	
6.		<b>PD009 - GEOTECHNICAL CERTIFICATION</b> 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	
7.		<b>PD011 – TREE AND ROOT PROTECTION</b> 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	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of any grading and building permits	

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		required, the owner/applicant shall obtain required permits.( <b>RMA - Planning Department</b> )				
8.		<p><b>PD016 – NOTICE OF REPORT</b></p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder, which states:</p> <ol style="list-style-type: none"> <li>1. “A Preliminary Archaeological Reconnaissance for APN 189-341-008-000 Carmel Valley, Monterey County, California LIB#070586), was prepared by Archaeological Consulting, November 5, 2007.</li> <li>2. A Geotechnical Investigation Report (LIB#070588) was prepared by Soils Surveys, dated October 16, 2007.</li> <li>3. A letter regarding the “Oscar Grijalva Building Reconstruction, 2 Esquiline Road, APN 189-341-009-000, Carmel Valley” was prepared by Soils Surveys, dated January 8, 2008.</li> <li>4. A Biological Report (LIB#070587) was prepared by Jeffrey Froke, Ph.D., dated November 10, 2007.</li> </ol> <p>All development shall be in accordance with these reports." (<b>RMA - Planning Department</b>)</p>	Proof of recordation of this notice shall be furnished to RMA – Planning Department.	Owner/ Applicant	Immediate -ly after recordation of the Parcel Map so it will be recorded on each new parcel and prior to the issuance of any grading and building permits	
9.		<p><b>PD012(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</b></p> <p>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</p>	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	



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		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. <b>(RMA – Planning Department)</b>	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	
10.		<b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</b> 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. <b>(RMA – Planning Department)</b>	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	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
11.		<b>PBD040 – HEIGHT VERIFICATION (NON-STANDARD)</b> The applicant shall have a benchmark placed upon the property and identify the Surveyor's datum point (282.5 foot elevation) as represented on the building plans. The	The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible	Owner/ Applicant	Prior to Issuance of Grading or Building	

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		benchmark shall remain visible onsite until final building inspection. Based on this benchmark the house shall be a maximum height of 24 feet 6 inches as measured from this average natural grade (282.5 foot elevation). 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. <b>(Planning and Building Inspection)</b>	onsite until final building inspection		Permits	
12.		<b>WR003 - DRAINAGE PLAN - RETENTION</b> 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. <b>(Water Resources Agency)</b>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ engineer	Prior to issuance of any grading and building permits	
13.		<b>WR0021 - FOUNDATION PLAN – ENCLOSURES/GRADE ELEVATIONS</b> All fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided. The bottom of all openings shall be no higher than one foot above grade. The applicant shall provide the Water Resources Agency a foundation plan prepared by a registered civil engineer showing the internal and external grade elevation, as well	Submit the engineered foundation plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading and building permits	

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		as, the location and dimensions of all vents. <b>(Water Resources Agency)</b>				
14.		<b>WR0022 - FLOODPLAIN RECORDATION</b> The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." <b>(Water Resources Agency)</b>	Submit the recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Prior to issuance of any grading and building permits	
15.		<b>WR0043 - WATER AVAILABILITY CERTIFICATION</b> 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. <b>(Water Resources Agency)</b>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
16.		<b>WR0015 - STEMWALL INSPECTION</b> The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate completed by a registered civil engineer or licensed surveyor certifying the lowest floor elevation, venting, external grades and internal grades are compliant with Chapter 16.16 of the Monterey County Code. <b>(Water Resources Agency)</b>	Submit a completed FEMA Elevation Certificate, based on building under construction, and completed by the engineer or surveyor, to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer/ Surveyor	Prior to the stemwall inspection	
17.		<b>WR008 - COMPLETION CERTIFICATION</b> The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that storm water detention/retention facilities have been constructed in accordance with approved plans. <b>(Water Resources Agency)</b>	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/occupancy	

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18.		<b>WR0016 - ELEVATION CERTIFICATE</b> The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate, based on finished construction, completed by a registered civil engineer or licensed surveyor certifying the structure has been constructed in accordance with Chapter 16.16 of the Monterey County Code. <b>(Water Resources Agency)</b>	Submit a completed FEMA Elevation Certificate, based on finished construction, and completed by the engineer or surveyor, to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer/ Surveyor	Prior to final inspection/occupancy	
19.		<b>ZONE A1-A30 ELEVATION REQUIREMENTS</b> The lowest floor and attendant utilities shall be constructed, at a minimum, 1 foot above the effective base flood elevation. The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed land surveyor that a reference marker has been established at the building site to provide for the certification of the lowest floor elevation. <b>(Water Resources Agency)</b>	Submit a letter, prepared by a registered civil engineer or licensed land surveyor, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	WRA
20.		<b>WR0040 - WATER CONSERVATION MEASURES</b> 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. <b>(Water Resources Agency)</b>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

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21.		<b>FIRE011 - ADDRESSES FOR BUILDINGS</b> 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. <b>(Carmel Valley Fire District)</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
22.		<b>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (NON-STANDARD)</b> Remove combustible vegetation from within a minimum of <b>100 feet of structures or to property line</b> . Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative	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	

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		fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. <b>(Carmel Valley Fire District)</b>			inspection	
23.		<b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (NON-STANDARD)</b> All building shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable <b>NFPA 13D</b> 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. <b>(Carmel Valley Fire District)</b>	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	
24.		<b>FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING)</b> Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. <b>(Carmel Valley Fire District)</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
25.		<b>FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD)</b> 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. <b>(Carmel Valley Fire District)</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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26.		<b>FIRE030 – OTHER NON-STANDARD</b> Show all Fire Department requirements on building permit plans as “Fire Notes”. (Carmel Valley Fire District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	

End of Conditions