MIKE NOVO ZONING ADMINISTRATOR COUNTY OF MONTEREY STATE OF CALIFORNIA

RESOLUTION NO. 040130

A. P. # 169-181-017-000

In the matter of the application of

Teresa Magee and Lea Magee (PLN040130)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of a Use Permit, Design Approval and Site Plan Review to develop within 200 feet of the Carmel River. The project includes construction of a 3,060 sq. ft. addition to an existing 1,240 sq. ft. one-story single family residence with an attached 864 sq. ft. "shop" building and removal of one 20" Cypress tree. The property is located at 27400 Schulte Road, Carmel Valley, Carmel Valley Master Plan Area. This item came on regularly for meeting before the Zoning Administrator on December 8, 2005.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

- 1. **FINDING:** CONSISTENCY The Project, as conditioned is consistent with applicable plans and policies, the Monterey County General Plan and the "Low Density Residential/2.5 units per acre Design Approval Site Plan Review Residential Allocation Zoning (LDR/2.5-D-S-RAZ) Zoning District in Title 21 of the County Code, the Carmel Valley Master Plan and the which designates this area as appropriate for residential development.
 - **EVIDENCE:** The application and plans submitted for the CDP in project file PLN040130 at the Monterey County Planning and Building Inspection Department. Staff has reviewed this material and has determined that the project is consistent with the Carmel Valley Master Plan, and Title 21 of the County Zoning Code.
 - **EVIDENCE:** Materials in project file PLN040130 and a recommendation for approval from the Carmel Valley Master Plan area November 14, 2004 by a vote of 5-0.
 - EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the Carmel Valley Fire District, Code Enforcement Branch, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
- 2. FINDING: The project, as conditioned, is in compliance with § 21.64.130 MCC, Regulations for Land Use in the Carmel Valley Floodplain.
 - **EVIDENCE:** The application and plans submitted for the CDP in project file PLN040130 at the Monterey County Planning and Building Inspection Department. Staff has reviewed this material and

has determined that the project is consistent with the Carmel Valley Master Plan, and Title 21 of the County Zoning Code.

EVIDENCE: Materials in project file PLN040130 and a recommendation for approval (4-0) from the Carmel Valley Master Plan area November 14, 2004 by a vote of 5-0.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the Carmel Valley Fire District, Code Enforcement Branch, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

FINDING: The approved project will not have a significant adverse impact on the environment. 3.

EVIDENCE: Section 15301 of the California Environmental Quality Act Guidelines (New Construction or Conversion of Small Structures) categorically exempts this project from environmental review.

EVIDENCE: Project plans and materials in project file PLN040130.

The establishment, maintenance, or operation of the use or building applied for will not 4. FINDING: 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.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Environmental Health Department, Parks and Recreation, Code Enforcement Branch, the Public Works Department, Carmel Valley Fire Protection District 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.

EVIDENCE: Project plans and application materials in project file PLN040130.

FINDING: This project is appealable to the Planning Commission **EVIDENC:**

Title 21, Monterey County Code

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 8th day of December 2005.

Mike NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

JAN 0 6 2006

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

'JAN 1 6 7006

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

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

Project Name: Magee

File No: PLN040130 APNs: 169-181-017-000

Approval by: Zoning Administrator Date: December 8, 2005

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

Permit Cond. Number	Mitig, Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1		PBD029 - SPECIFIC USES ONLY	Adhere to conditions and uses specified	Owner/	Ongoing	
		This Combined Development permit allows	in the permit.	Applicant	unless	
		development within 200 feet of the Carmel River.			other-	
		The project includes construction of a 3,060 sq. ft.		1	wise	
:		addition to an existing 1,240 sq. ft. one-story single			stated	
		family residence with an attached 864 sq. ft. "shop"				
		building and removal of one 20" Cypress tree. The				
		property is located at 27400 Schulte Road (Assessor's				
		Parcel Number 169-181-017-000). This permit was				
		approved in accordance with County ordinances and land				
		use regulations subject to the following terms and				·
		conditions. Neither the uses nor the construction allowed				
		by this permit shall commence unless and until all of the				
		conditions of this permit are met to the satisfaction of the				
		Director of Planning and Building Inspection. Any use or				
		construction not in substantial conformance with the terms				
		and conditions of this permit is a violation of County				
		regulations and may result in modification or revocation				
		of this permit and subsequent legal action. No use or				
		construction other than that specified by this permit is				
		allowed unless additional permits are approved by the				
		appropriate authorities. (Planning and Building				
		Inspection)			<u> </u>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is tequired for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2	Party Wall and Ball	PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 040130) was approved by the Zoning Administrator for Assessor's Parcel Number 169-181-017- 000 on December 8, 2005. The permit was granted subject to 22 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	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 Planning and Building Inspection 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. (Planning and Building Inspection)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection 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/ Archaeo- logist	Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
4		Non-compliance with heigh requirement. Sheets 4 and 6 of the project plans indicate the "shop' is proposed to be 18' high. The shop is a non-habitable accessory structure and shall not exceed 15' in height without a variance. Consequently, the height of the shop building shall be lowered 3'. (Planning and Building)	Property Owner	Property Owner	Prior to issuance of grading or building permits, project plans shall be submitte d to PBI to verify complia nce with this conditio n.	
5		Prior to issuance of the building permit, destroy the non-functioning well under permit of the Division of Environmental Health. (EH)	Property Owner	Property Owner	Prior to issuance of building permit	
6		ZONE A1-A30 ELEVATION REQUIREMENTS (NON-STANDARD CONDITION) The lowest floor and attendant utilities, for proposed shop building and the single family dwelling, shall be constructed at a minimum elevation of 98.0 feet mean sea level (NGVD 1929). 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 floodproofing and certification of the lowest floor elevation. (Water Resources Agency)	Submit a letter, certifying that a reference marker has been established, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	WRA

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
7		FOUNDATION PLAN – ENCLOSURES/GRADE ELEVATIONS 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 for the single family dwelling and attached garage, prepared by a registered civil engineer, architect, or designer (as approved by the Water Resources Agency), showing the internal and external grade elevations, as well as, the location and dimensions of all vents. (Water Resources Agency)	Submit a foundation plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	WRA
8		CONCRETE SLAB INSPECTION (NON-STANDARD CONDITION) The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate, for the proposed shop building and the attached garage, completed by a registered civil engineer or licensed land surveyor, certifying the forms have been set at a height that will ensure the minimum lowest floor elevation requirement. (Water Resources Agency)	Submit a completed FEMA Elevation Certificate for each structure, based on building under construction, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to the foundati on prepour inspection for the shop building and the attached garage.	WRA

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
9		STEMWALL INSPECTION (NON-STANDARD CONDITION) The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate, for the single family dwelling, 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. (Water Resources Agency)	Submit a completed FEMA Elevation Certificate, based on building under construction, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to the stemwall inspectio n for the single family dwelling	WRA
10		WET FLOODPROOFING PLAN (NON-STANDARD CONDITION) The finished floor of the attached garage is proposed to be constructed below the minimum lowest floor elevation; therefore, all interior walls, ceilings and floors below 98.0 feet mean sea level shall be unfinished or constructed of flood resistant materials. Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency a wet floodproofing plan for review and approval. (Water Resources Agency)	Submit a wet floodproofing plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	WRA
11		WET FLOODPROOFING – NON CONVERSION AGREEMENT (NON-STANDARD CONDITION) The owner shall provide the Water Resources Agency a recorded Non-Conversion Agreement for the wet floodproofed garage to ensure all enclosed areas, below the minimum lowest floor elevation, will be used solely for parking of vehicles, limited storage, or access to the building. In addition, all interior walls, ceilings and floors below 98.0 feet mean sea level (NGVD 1929) shall be unfinished or constructed of flood resistant materials. (Water Resources Agency)	Submit a recorded agreement to the Water Resources Agency for review and approval. (A copy of the County's standard agreement can be obtained at the Water Resources Agency.)	Owner/ Applicant	Prior to issuance of any grading or building permits	WRA

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
12		WET FLOODPROOFING CERTIFICATE (NON-STANDARD CONDITION) The applicant shall provide the Water Resources Agency a Floodproofing Certificate for the garage, prepared by a registered civil engineer or architect, certifying the structure was constructed in accordance with approved plans. (Water Resources Agency)	Submit a completed Floodproofing Certificate for the attached garage, based on finished construction, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to final inspectio n	WRA
13		ELEVATION CERTIFICATE (NON-STANDARD CONDITION) The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate for each structure, 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. (Water Resources Agency)	Submit a completed FEMA Elevation Certificate for the single family dwelling and shop building, based on finished construction, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to final inspection	WRA
14		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)	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	
15		WR22 - FLOODPLAIN RECORDATION 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." (Water Resources Agency)	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 or building permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
16		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)		Owner/ Applicant	Prior to issuance of any building permits	
17		WR45 - WELL INFORMATION The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the 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 issuance of any grading or building permits	
18		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.	Applicant/ Engineer/	Prior to final inspection	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted:	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
19	pre-cia la sociation de la company	WR40 - WATER CONSERVATION MEASURES	Compliance to be verified by building	Owner/	Prior to	
		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.	inspector at final inspection.	Applicant	final building inspect- ion/ occupan cy	
		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)				

Permit Cond. Number	Mitig, Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
20		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 District).	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	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
21		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 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	
22		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 District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

END OF CONDITIONS













