

In the matter of the application of

Teresa L. Magee and Lea R. Magee (PLN040130)

FINDINGS & DECISION

for a Revision to a previously approved Combined Development Permit, in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, for a Use Permit for development within 200 feet of the Carmel River; Design Approval for a new 3,060 square foot addition to an existing 1,240 square foot one story house with a detached 864 square foot garage and removal of one 20" Cypress Tree. The property is located at 27400 Schulte Road, Carmel Valley, Carmel Valley Master Plan Area and came on regularly for hearing before the Zoning Administrator on December 14, 2006.

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

FINDINGS OF FACT

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 Plan, and the Monterey County Zoning Ordinance Title 21, which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies and regulations have been previously evaluated and approved on December 5, 2005. 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 27400 Schulte Road, Carmel Valley (Assessor's Parcel Number 169-181-017-000), Carmel Valley Master Plan. The parcel is zoned LDR/2.5-D-S-RAZ. 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, as conditioned, complies with regulations for Land Use in Carmel Valley Floodplain per section 21.64.130.D.

(d) The project is in conformance with the Carmel Valley Master Plan, specifically 16.2.3.1 (CV). In addition, the project was referred to the Carmel Valley Master Plan Land Use Advisory Committee (LUAC) for review and recommendation. The project was subsequently approved by the Land Use Advisory Committee on November 14, 2004 by a 5-0 vote.

(e) 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 PLN040130.

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. Conditions recommended have been incorporated.

- (b) The property is located within Zone A11, 100 year floodplain of the Carmel Valley River as shown on FEMA Flood Insurance Rate Map 060195-0185 D, dated January 30, 1984. The project is located partially within the Floodway; however the existing house and proposed detached addition is located within the floodway fringe. A geotechnical report submitted and prepared by Soils Surveys Inc. on February 1, 2005, indicated that "it is in my opinion that the risk for river bank erosion is and will be safe from flow related erosion hazards, and the project will not significantly reduce the capacity of the existing water course."
- (c) Section 21.64.130D.1.a states, "Development within 200 feet of the riverbanks, or in the floodway or riparian corridor, as defined herein, except for areas separated vertically by more than the vertical elevation of flooding, as shown in the 100 year floodplain and floodway maps described in Section 21.64.030(C), where it can be shown, to the satisfaction of the Monterey County Water Resources Agency Engineer, that development will accommodate sufficient setback to avoid erosion. All development within 200 feet of the river banks will require a Use Permit." The Water Resources Agency Engineer has reviewed the proposed development, and concluded the project as conditioned, will not significantly reduce the capacity of the existing water course.
- (d) The proposed project, as conditioned, will accommodate sufficient setback to avoid erosion per section 21.64.130.D. Staff finds the establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood; or to the general welfare of the County in accordance with Section 21.74.050.A.
- (e) Materials in Project File PLN040130.

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

- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15303, categorically exempts for minor modifications to existing structures. Furthermore, 15303 allow an exemption for appurtenant structures such s garages.
- (b) No adverse environmental effects were identified during staff review of the development application.
 - (c) See preceding and following findings and supporting evidence.

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

- EVIDENCE:** (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.

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

EVIDENCE: (a) Preceding findings and supporting evidence.

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

EVIDENCE: Section 21.80.040.B. Monterey County Zoning Ordinance.

DECISION

THEREFORE, it is the decision of the Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 14th day of December, 2006.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JAN - 3 2007

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 13 2007

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 two years after the above date of granting thereof unless construction or use is started within this period.

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

Project Name: Teresa and Lea Magee

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

Approved by: Zoning Administrator **Date:** December 14, 2006

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PBD029 - SPECIFIC USES ONLY</p> <p>This Revision to a Combined Development Permit (PLN040130) allows for development within 200 feet of Carmel River as well as a new 3,060 square foot addition to an existing 1,240 square foot one story house with a detached 864 square foot garage and removal of one 20" Cypress tree. The property is located at 27400 Schulte Road, Carmel Valley, Carmel. (Assessor's Parcel Number 169-181-017-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of 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.</p> <p>[Resource Management Agency (RMA) - Planning Department]</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit was approved by the Planning Commission for Assessor's Parcel Number 169-181-017-000 on December 14, 2006. 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 RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	

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4.		EH11 - SEPTIC SYSTEM DESIGN Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of building	
5.		EHSP001 – Prior to issuance of building permit, destroy the existing well under permit of the Division of Environmental Health.	Property Owner	Owner/ Applicant/ engineer	Prior to issuance of grading or building permits	
6.		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	

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7.		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	
8.		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)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
9.		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	

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10.		WR8 - COMPLETION CERTIFICATION The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant/ Engineer/ Contractor	Prior to final inspection	
11.		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	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

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		low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)				
12.		ZONE A1-A30 ELEVATION REQUIREMENTS (NON-STANDARD CONDITION) The lowest floor and attendant utilities, for the proposed detached garage and the single family dwelling, shall be constructed at a minimum elevation of <u>98.0</u> 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
13.		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	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

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		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 or architect, showing the internal and external grade elevations, as well as, the location and dimensions of all vents. (Water Resources Agency)				
14.		CONCRETE SLAB INSPECTION (NON-STANDARD CONDITION) The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate, for the proposed detached garage 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 foundation pre-pour inspection for the shop building and the attached garage.	WRA

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15.		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 inspection for the single family dwelling	WRA
16.		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 <u>98.0</u> 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

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17.		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 attached 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 <u>98.0</u> 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
18.		WET FLOODPROOFING CERTIFICATE (NON- STANDARD CONDITION) The applicant shall provide the Water Resources Agency a Floodproofing Certificate for the attached 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 inspection	WRA
19.		ELEVATION CERTIFICATE (NON- STANDARD CONDITION) The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate for each structure, based on finished construction,	Submit a completed FEMA Elevation Certificate for the single family dwelling and detached garage, based on finished construction, to the Water	Owner/ Applicant	Prior to final inspection	WRA

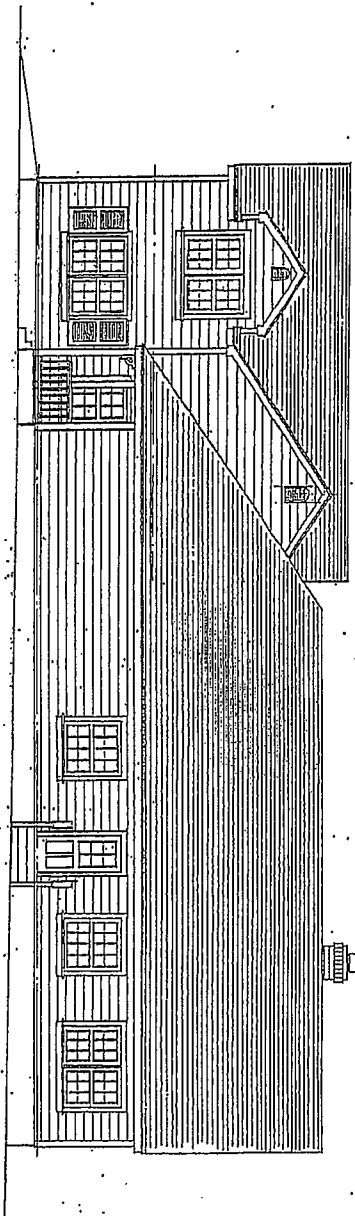
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		completed by a registered civil engineer or licensed surveyor certifying the structure has been constructed in accordance with Chapter 16.16 of the Monterey County Code. (Water Resources Agency)	Resources Agency for review and approval.			
20.		FIRE011 - 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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		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 schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
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.	

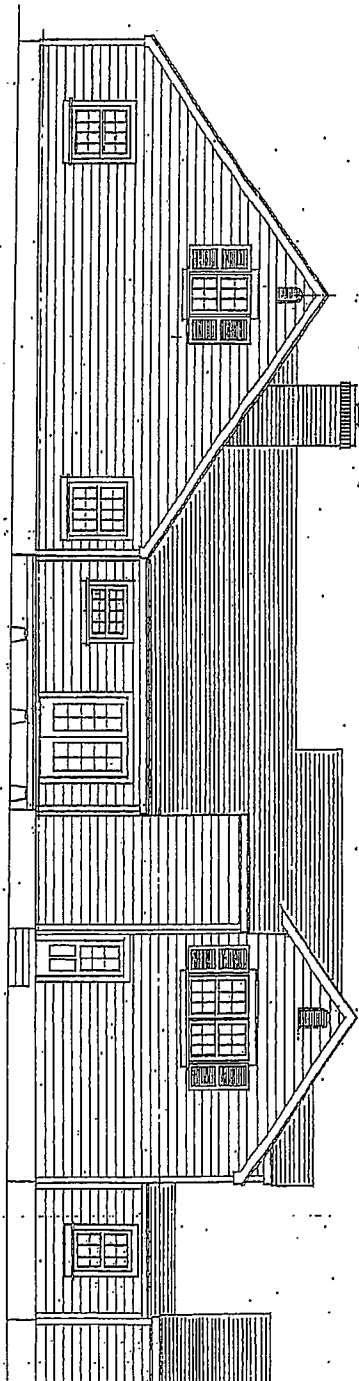
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			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
22.		FIRE028 - 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

SOUTH ELEVATION



EAST ELEVATION



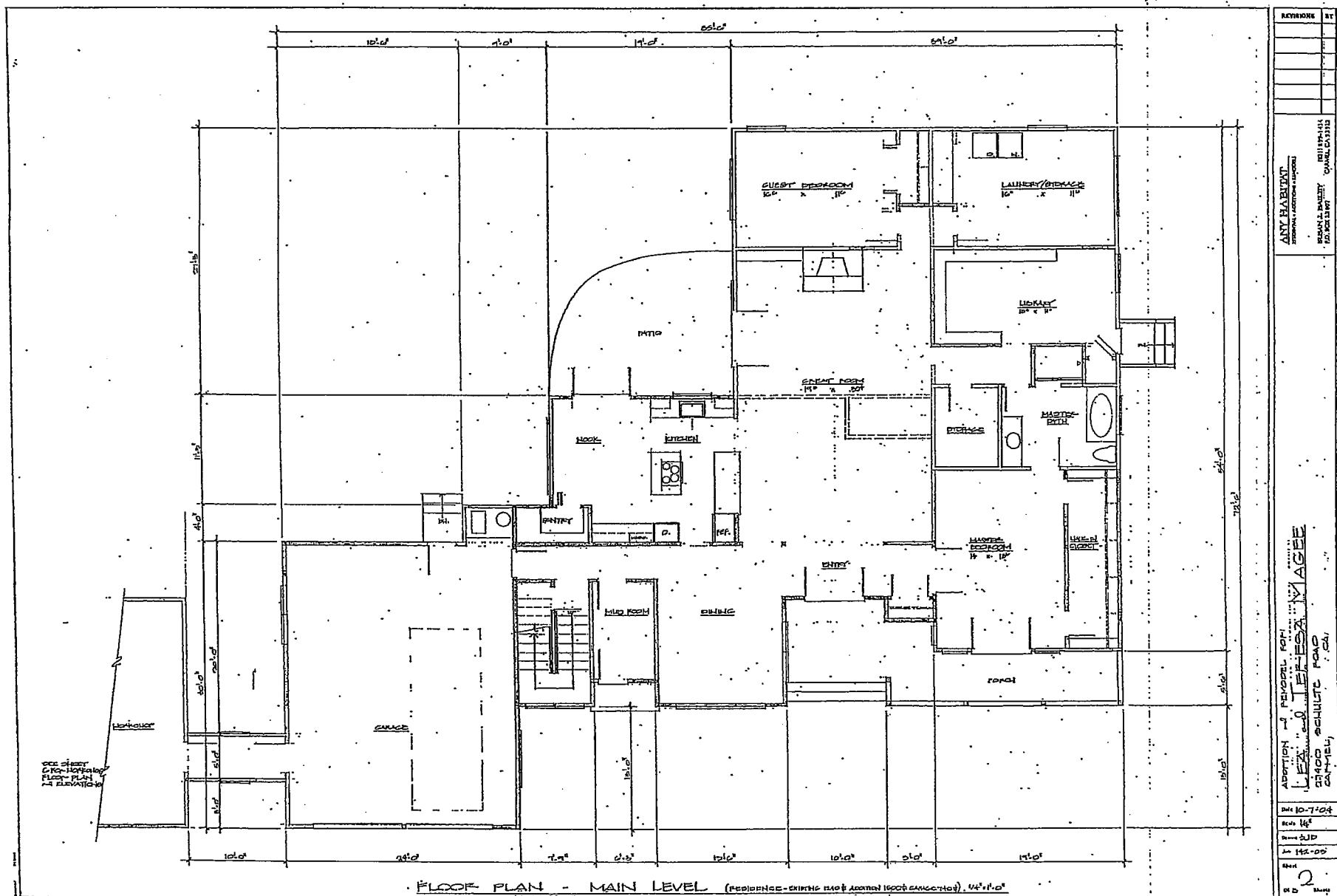
Sheet
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Scale 1/4" = 1'-0"
Date 10/1/80
Drawn by JLB
Check by JLB

ADDITION & REMODEL FOR:
LEA & TERESA MAGEE
27400 SCHULTE ROAD
CARMEL VALLEY, CA.

ANY HABITAT
REPAIRS • ADDITIONS • REMODELS
SUSAN J. BAILEY (415) 551-6361
P.O. BOX 31903 CARMEL, CA 93923

REVISIONS



SHEET 1 SITE PLAN

SHEET 2 FLOOR PLAN - MAIN LEVEL

SHEET 3 FLOOR PLAN - UPPER LEVEL

SHEET 4 EXTERIOR ELEVATIONS

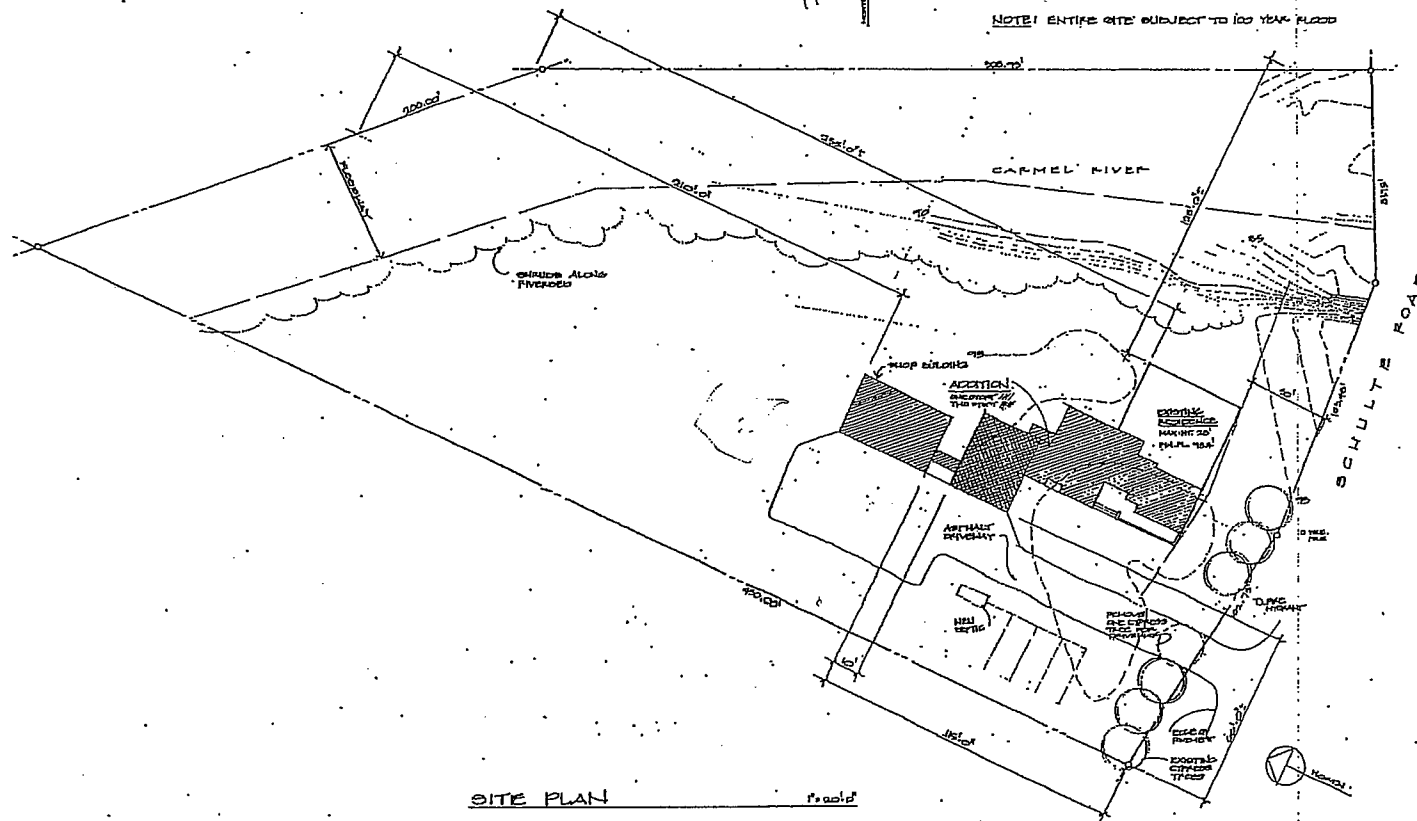
SHEET 5 EXTERIOR ELEVATIONS

SHEET 6 FLOOR PLAN AND ELEVATIONS - WORKSHOP

SHEET 7 FLOOR PLAN, EXISTING FLOOR PLAN - NORTH ELEVATION - WORKSHOP

A.P.N.	167-151-017
LOT AREA	70220 1/2
LOT COVERAGE	
EXISTING RESIDENCE	1240 1/2
PROPOSED ADDITION	2240 1/2
PROPOSED SUEP	2240 1/2
TOTAL	4704 1/2 6.6%
FLOOR AREA RATIO	
EXISTING RESIDENCE	1240 1/2
PROPOSED SUEP	2240 1/2
PROPOSED ADDITION - MAIN LEVEL	2240 1/2
PROPOSED ADDITION - UPPER LEVEL	2220 1/2
TOTAL	8140 1/2 11.5%
WATER	CE-100
SEWER	SE-110
GRADING	FOOTING CHIT
TREE REMOVAL	ONE 14" X 20" CYPRESS

NOTE: ENTIRE SITE SUBJECT TO 100 YEAR FLOOD



REVIEWS	5
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ANY HABITAT

ADDITION 1 MARCEL FORI
LEA and TEPEA: MAGEE
27400 SCHULTE ROAD
CARMEL, CA

Date	10.7-04
Scale	1"=20'
Drawn	3.10
Job	142.05
Sheet	1
Of	8
By	3/1/10