

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**GUY LAVERTY (PLN090304)**

**RESOLUTION NO. 10-023**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Categorically Exempt per Section 15301 (e) and CEQA Section 15064.5 (c) (4);
- 2) Combined Development Permit consisting of: 1) Variance for an after the fact permit to remedy existing Code Violation (CE060359) by allowing the applicants to keep 186.3 square foot of illegal additions but remove 192 square foot existing deck (over 24" in height) on the south side of the structure and bring the site coverage back to its original 45.1% legal nonconforming building site coverage; 2) Coastal Development Permit for development within 750 feet of a known archaeological resource; and 3) Design Approval.

(PLN090304, Guy Laverty, 26291 Ocean View Avenue, Carmel, Carmel Area Land Use Plan (APN: 009-431-030-000

**The Combined Development Permit application (PLN090304) came on for public hearing before the Monterey County Zoning Administrator on July 8, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

**EVIDENCE:** a) The property is located at 26291 Ocean View Avenue, Carmel (Assessor's Parcel Number 009-431-030-000), Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential/ two (2) units per acre with Design Control Overlay, 18 foot maximum height limit, in the Coastal Zone ("MDR/2-D (18) (CZ)"). Currently, the subject property does not comply with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20. In accordance with Section 20.12.060 of the Monterey County Coastal Implementation Plan (Part 1), floor area ratio (FAR) in the MDR/2 Zoning District shall not exceed 45% while building site coverage shall not exceed 35%. As originally permitted, prior to the adoption of the Local Coastal Program, development of the site included a 1,226 square foot residence, 223 square foot attic, 336 square foot deck with stairs,

- and a 312 square foot attached garage; creating a floor area ratio (FAR) of 37.3% and building site coverage of 45.1%, thus creating a legal nonconforming structure.
- b) Sometime between 1988 and 2006, a 45 square foot bedroom addition and 141.3 square foot courtyard/den conversion were constructed on the parcel without the benefit of a coastal permit, building permit, design review, or an Archaeological Report as required by Section 20.146.090 of the Carmel Area Coastal Implementation Plan (Part 4). Construction of these additions increased the existing FAR from 37.3% to 41.6%, while increasing the existing legal non-conforming building site coverage from 45.1% to 47.1% without the issuance of a Variance.
  - c) On August 8, 2007, the Planning Commission denied a previous request to allow entitlements consisting of: a Variance to increase the maximum lot coverage from 45.1 % to 48% for the unpermitted additions; plus the construction of a 35 square foot stairway to allow internal access to the existing attic; a Coastal Development Permit to allow development on a property with a positive archaeological report, and Design Approval.
  - d) The Director of Planning is hereby authorized to take such measures as deemed necessary or expedient to enforce and secure compliance with the provision of this Title, including measures ordering the immediate restoration of a degraded site to pre-violation, natural conditions in a manner that will not further degrade the environment (Section 20.90.020 MCC). Since this parcel contains surface evidence of potentially significant archaeological resources, requiring the applicant to restore the property to its natural state would cause more harm to the any potential resources than requiring the hand removal of an existing 192 square foot deck over 24 inches in height. Removing the deck will bring the site coverage to its original nonconforming allowable 45.1%.
  - e) On June 7, 2010, the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) recommended approval (5-0 vote) of the project as long as the coverage goes back to down to its original legal nonconforming coverage of 45.1%. At the time this report was prepared, staff had not received the minutes from the Carmel Highlands/Unincorporated LUAC. Staff will read the minutes into the record at the Zoning Administrator hearing.
  - f) Pursuant to Section 20.12.030.F, a Coastal Development is required for a positive archaeological report. Although there is no land disturbance and the additions have already been installed, the Coastal Development Permit is still required to rectify the Code Enforcement Violation.
  - g) The project planner conducted site visits on February 18, 2010 and June 9, 2010, to verify that the project on the subject parcel conforms to the plans listed above.
  - h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090304.

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, Cypress 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 by the RMA-Planning Department have been incorporated.
  - b) A technical report by an outside archaeological consultant indicates that based on the background research and the surface reconnaissance, it has been concluded that the project area does contain surface evidence of potentially significant archaeological resources. However, no direct soil impacts are expected with the proposed project as the 192 square foot deck will be removed by hand. The study was triggered by the fact that a previous remodel had been undertaken without necessary permits. County staff concurs. However, because of the possibility of unidentified cultural resources, a standard condition of approval will require that work shall be halted within 50 meters if any archaeological resources or human remains are found. The following report has been prepared:
    - *“Preliminary Archaeological Report for Assessor’s Parcel 009-431-030-000” (LIB060616)* prepared by Mary Doane and Gary Breschini, Salinas, CA, September 12, 2006.
  - c) Staff conducted site inspections on February 18, 2010 and June 9, 2010 to verify that the site is suitable for this use.
  - d) 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 PLN090304.
3. **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) The project was reviewed by RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. The RMA-Planning Department has 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.
  - b) Necessary public facilities presently are available. Approval of this project will not affect any public facilities.
  - c) See Findings #1 and #2 and supporting evidence for PLN090304.

4. **FINDING:** **VIOLATION** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. A violation exists on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and RMA Building Services Department Monterey County records and determined that a pending code enforcement case (CE060359) exists on the property. The proposed application includes discretionary actions designed to alleviate the existing violation.
  - b) Staff conducted site inspections on February 18, 2010 and June 9, 2010 to confirm that a violation exists.
  - c) On June 8, 2010, staff received a phone call from a neighbor indicating the possibility of a remodeled attic with internal stairway. Staff visited the site on June 9, 2010, entered the structure and determined that the attic remains unfinished with no stairway as originally built.
  - d) Building Inspection Department files indicate that the residence was constructed in 1973 (BP24760) prior to certification of the Local Coastal Program. As originally permitted, development of the site included a 1,226 square foot residence, 223 square foot attic, 336 square foot deck with stairs, and a 312 square foot attached garage; creating a floor area ratio (FAR) of 37.3% and building site coverage of 45.1%.
  - e) Subsequently, staff determined that, between 1988 and 2006, a series of minor additions had been constructed on the property without the benefit of Planning and Building permits. These additions include a 141.3 square foot courtyard/den conversion, and a 45 square foot master bedroom addition for a total expansion of 186.3 square feet. Construction of these additions increased the existing legal non-conforming building site coverage from 45.1% to 47.1% without the issuance of a Variance.
  - f) The Director of Planning is hereby authorized to take such measures as deemed necessary or expedient to enforce and secure compliance with the provision of this Title, including measures ordering the immediate restoration of a degraded site to pre-violation, natural conditions in a manner that will not further degrade the environment (Section 20.90.020 MCC). Since this parcel contains surface evidence of potentially significant archaeological resources, requiring the applicant to restore the property to its natural state would cause more harm to the any potential resources than requiring the hand removal of an existing 192 square foot deck over 24 inches in height. Removing the deck will bring the site coverage to its original nonconforming allowable 45.1%.
  - g) Zoning violation abatement costs, if any, have been paid. A condition is included to assure that all zoning abatement costs, if any, have been paid.
  - h) Staff is also requiring applicant obtain a demolition permit to remove the south deck by hand in order clear CE060359.
  - i) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the

proposed development are found in Project File PLN090304.

5. **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 15301 (e) categorically exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition.
- b) Pursuant to CEQA Section 15064.5(c) 4, if an archaeological report is neither a unique archaeological nor an historic resource, the effects of the project shall not be considered a significant effect and need not be considered further in the CEQA process.
- c) No direct soil impacts are expected with the proposed project as the 192 square foot deck will be removed by hand. The archaeological study was triggered by the fact that a previous remodel had been undertaken without necessary permits.
- d) No adverse environmental effects were identified during staff review of the development application during a site visit on February 18, 2010 and June 9, 2010.
- e) See preceding and following findings and supporting evidence.

6. **FINDING:** **VARIANCE (Authorized Use)** - The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:** a) The parcel is zoned Medium Density Residential/ two (2) units per acre with Design Control Overlay, 18 foot maximum height limit, in the Coastal Zone ("MDR/2-D (18) (CZ)"). The authorized use is consistent with a residential use.
- b) In accordance with Section 20.12.060 of the Monterey County Coastal Implementation Plan (Part 1), floor area ratio (FAR) in the MDR/2 Zoning District shall not exceed 45% while building site coverage shall not exceed 35%. However, prior to the adoption of the Local Coastal Program, the residence was constructed in 1973 (BP24760) which included a 1,226 square foot residence, 223 square foot attic, 336 square foot deck with stairs, and a 312 square foot attached garage; creating a floor area ratio (FAR) of 37.3% and building site coverage of 45.1%, creating a legal nonconforming structure, and thus authorizing the use.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090304.

7. **FINDING:** **VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under identical zoning classification.

- EVIDENCE:** a) Section 20.12.060 of Monterey County Code requires a building site coverage maximum of 35%. The intent of this regulation is to limit the amount of square footage on a lot to preserve natural views out on the Carmel Point.
- b) As originally permitted, and prior to the adoption of the Local Coastal Program, approved development of the site included a 1,226 square foot residence, 223 square foot attic, 336 square foot deck with stairs, and a 312 square foot attached garage; creating a floor area ratio (FAR) of 37.3% and building site coverage of 45.1%, thus creating a legal nonconforming structure. Construction of the illegal additions increased the existing legal non-conforming building site coverage from 45.1% to 47.1% without the issuance of a Variance. There is no special circumstance that would allow the additional site coverage, therefore, staff is requiring that the project be reduced back to the original legal nonconforming 45.1% building site coverage.
- c) However, because this parcel contains surface evidence of potentially significant archaeological resources, requiring the applicant to restore the property to its natural state would cause more harm to the any potential resources than requiring the hand removal of an existing 192 square foot deck over 24 inches in height causing a special circumstance. Therefore, Director of Planning is hereby authorized to take such measures as deemed necessary or expedient to enforce and secure compliance with the provision of this Title, including measures that that will not further degrade the environment (Section 20.90.020 MCC).
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090304.
- e) The project planner conducted site inspections on February 18, 2010 and June 9, 2010 to verify the circumstances related to the property.

8. **FINDING:** **VARIANCE (Special Privileges)** - The variance shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

- EVIDENCE:** a) Building Inspection Department files indicate that the residence was constructed in 1973 (BP24760) prior to certification of the Local Coastal Program. As originally permitted, development of the site included a 1,226 square foot residence, 223 square foot attic, 336 square foot deck with stairs, and a 312 square foot attached garage; creating a floor area ratio (FAR) of 37.3% and building site coverage of 45.1%, thus creating a legal nonconforming structure.
- b) Pursuant to Section 20.68.020.A, no such land use shall be expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established. Staff is requiring the hand removal of an existing 192 square foot deck over 24 inches in height. Removing the deck will bring the site coverage to its original nonconforming allowable 45.1% coverage.
- c) Staff recognizes that a number of houses in the vicinity exceed FAR

and building site coverage, as these approvals were granted prior to adoption on the 1983 Local Coastal Program (LCP). There is no grant of special privilege as the County created the legal nonconforming site coverage and a Variance is required because that site coverage exceeds current standards in Monterey County Code (Title 20).

- d) The project planner conducted a site inspection on February 18, 2010 to identify circumstances related to other property in the vicinity and in the same zoning district.

9. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area Land Use Plan).
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090304
  - e) The project planner conducted a site inspection on February 18, 2010.

10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

- EVIDENCE:**
- a) Section 20.86.030 Monterey County Zoning Ordinance (Board of Supervisors).
  - b) Section 20.86.030 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the project includes conditional uses (Coastal Development Permit) to allow development on a property with a positive archaeological report.

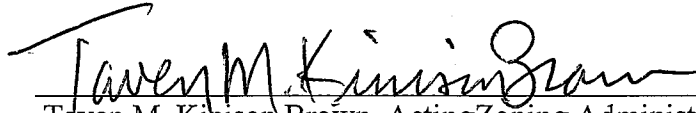
### **DECISION**

**NOW, THEREFORE,** based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically Exempt per Section 15301(e) and CEQA Section 15064.5 (c) (4);
- B. Combined Development Permit consisting of: 1) Variance for an after-the-fact permit to remedy existing Code Violation (CE060359) by allowing the applicants to keep 186.3 square foot of illegal additions but remove 192 square foot existing deck (over 24" in height) on the south side of the structure and bring the site coverage back to its original 45.1% legal nonconforming building site coverage; 2) Coastal Development Permit for

development within 750 feet of a known archaeological resource; and 3) Design Approval, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of July, 2010 by the following vote:

  
Taven M. Kinison Brown, Acting Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **JUL 20 2010**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **JUL 30 2010**

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.



**RESOLUTION 10-023 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance Plan**

Project Name: Laverty

File No: PLN090304

APNs: 009-431-030-000

Approved by: Zoning Administrator

Date: July 8, 2010

*\*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)
<b>RMA – Planning Department</b>						
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Combined Development Permit (PLN090304) allows: 1) Variance for an after-the-fact permit to remedy existing Code Violation (CE060359) by allowing the applicants to keep 186.3 square foot of illegal additions but remove 192 square foot existing deck (over 24" in height) on the south side of the structure and bring the site coverage back to its original 45.1% legal nonconforming building site coverage; 2) Coastal Development Permit for development within 750 feet of a known archaeological resource; and 3) Design Approval. The property is located at 26291 Ocean View Avenue, Carmel (Assessor's Parcel Number 009-431-030-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. <b>(RMA-Planning Department)</b>	Adhere to conditions and uses specified in the permit.  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.  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.	Owner/ Applicant  RMA - Planning  WRA  RMA - Planning	Ongoing unless otherwise stated	

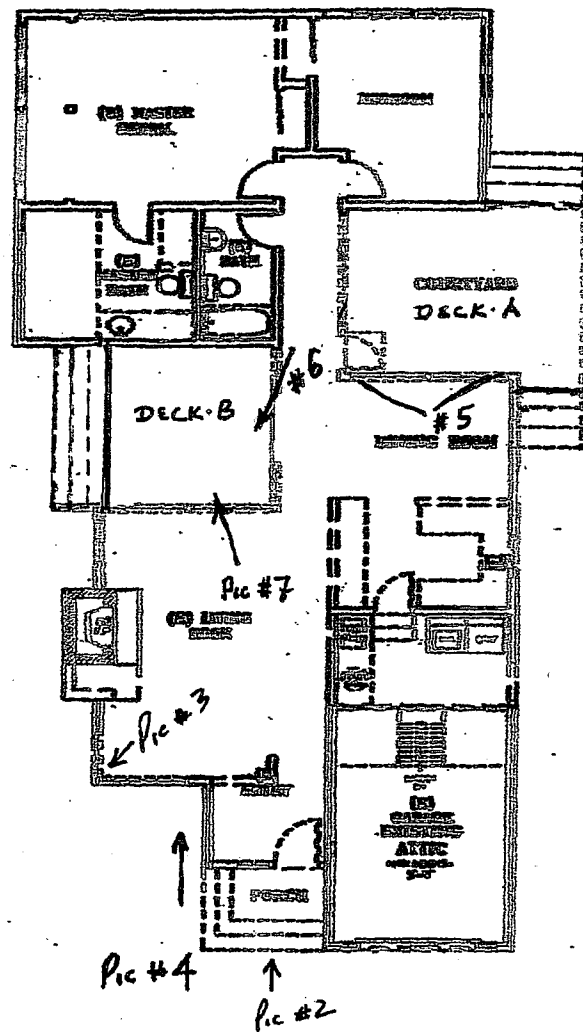
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 10-023) was approved by the <b>Zoning Administrator</b> for Assessor's Parcel Number 009-431-030-000 on July 8, 2010. The permit was granted subject to <b>5</b> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." ( <b>RMA-Planning Department</b> )	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant  RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 3 years, to expire on July 8, 2013 unless use of the property or actual construction has begun within this period. ( <b>RMA – Planning Department</b> )	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
4.		<b>PD003(B) – CULTURAL RESOURCES – POSITIVE ARCHAEOLOGICAL REPORT</b> If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken: There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and If the coroner determines the remains to be Native American: - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours. - The Native American Heritage Commission shall	The applicant shall submit the contracts with a Registered Professional Archeologist and a Registered Professional Anthropologist to the Director of the RMA – Planning Department for approval.	Owner/ Applicant per archaeologist or anthropologist	Prior to the issuance of grading or building permits or approval of Sub. Improvement Plans, whichever occurs first.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.</p> <ul style="list-style-type: none"> <li>- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or</li> <li>- Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: <ol style="list-style-type: none"> <li>1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</li> <li>2. The descendent identified fails to make a recommendation; or</li> <li>3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</li> </ol> </li> </ul> <p><b>(RMA - Planning Department)</b></p>	<p>The requirements of this condition shall be included as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&amp;Rs, and shall be included as a note on an additional sheet of the final map.</p>	Owner/ Applicant	Prior to the issuance of grading or building permits.	
5.		<p><b>PDSP002 – OBTAIN BUILDING PERMIT TO CLEAR CODE VIOLATION (NON-STANDARD)</b></p> <p>Applicant shall obtain a demolition permit to remove the existing 192 square foot south deck by hand in order to clear code violation CE060359. <b>(RMA – Planning</b></p>	Obtain a demolition permit from the Building Services Department.	Applicant/ Owner	Upon clearance of conditions	

<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>
		Department)	Submit evidence in the form of photos to the RMA Planning Department that the deck was removed by hand.	Applicant/ Owner	Prior to Final of demolition permit	

**END OF CONDITIONS**

Rev. 11/21//2009



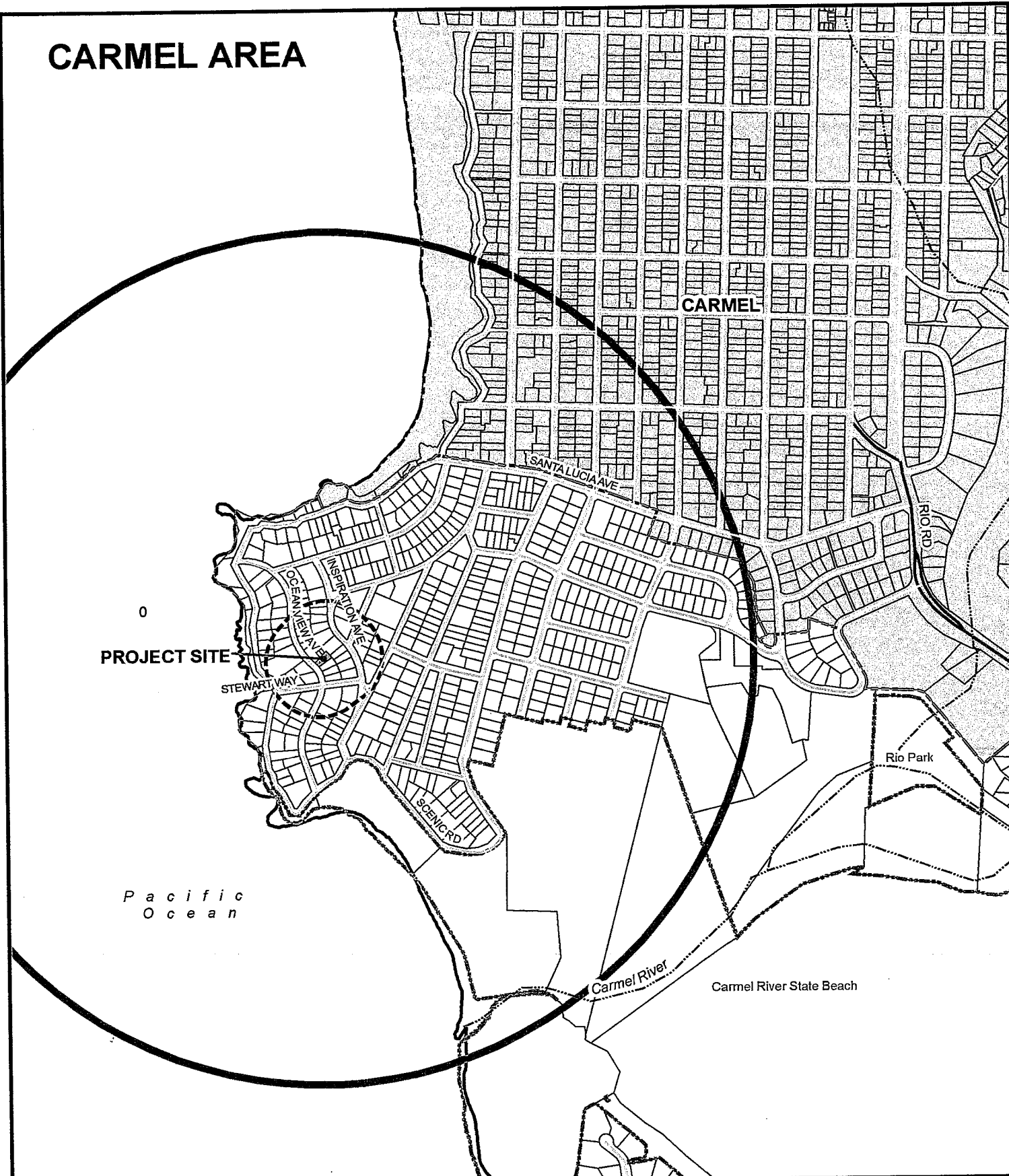
MAIN LEVEL EVOLUTION PLAN

3/16/14



EXISTING HOUSE SHOWING ORIGINAL DECK COVERAGE

# CARMEL AREA



APPLICANT: LAVERTY

APN: 009-431-030-000

FILE # PLN090304

300' Limit 2500' Limit City Limits Water

