

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> October 27, 2010 <b>Time:</b> 9:00 A.M.		<b>Agenda Item No.:</b> 1
<b>Project Description:</b> Combined Development Permit consisting of an Administrative Permit and Design Approval to allow an addition to a single family dwelling within a Site Plan review district and Use Permit to allow development within the Carmel Valley Floodplain. Development consists of partial demolition, remodel, and addition to a single family dwelling (a 703 square foot addition to the main level, demolition of the existing 609 square foot second story and construction of a new 1,234 square foot second story, and the construction of a 536 square foot attached garage, a 351 square foot covered front porch, and a 759 square foot rear deck). Materials and colors to consist of stucco and wood painted brown and taupe for the walls, green clad windows and metal guardrails, and grey asphalt shingles. The project includes the replacement of the existing septic system and approximately 200 cubic yards of grading (less than 100 cubic yards of cut and less than 100 cubic yards of fill).		
<b>Project Location:</b> 35 Paso Hondo Road, Carmel Valley		<b>APN:</b> 189-111-014-000
<b>Planning File Number:</b> PLN090006		<b>Owner:</b> Morgandinho, Fernando M & Marilyn M <b>Agent:</b> Terry Latasa
<b>Planning Area:</b> Carmel Valley Master Plan		<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> “LDR/1-D-S-RAZ” (Low Density Residential, 1 acre per unit with Design Control, Site Plan Review, and Residential Allocation Zoning Overlays)		
<b>CEQA Action:</b> Categorically Exempt per Section 15301		
<b>Department:</b> RMA - Planning Department		

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1)       Categorically Exempt the project from environmental review pursuant to CEQA Guidelines Section 15301; and
- 2)       Approve PLN090006, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**):

**PROJECT OVERVIEW:**

The subject property is a .87 acre developed parcel located at 35 Paso Hondo Road, Carmel Valley (Assessor’s Parcel Number 189-111-014-000), within the Carmel Valley Master Plan area. Zoning for the property is “Low Density Residential, 1 acre per unit with Design Control, Site Plan Review, and Residential Allocation Zoning overlay districts” or “LDR/1-D-S-RAZ”.

The property contains a single family dwelling with an attached garage. The applicant proposes to demolish add a new second story to the single family dwelling, remodel and add to the main story, and construct front and rear decks.

Based on the requirements of the Monterey County Zoning Ordinance (Title 21), the Greater Monterey Peninsula Area Plan, the Greater Monterey Peninsula Inventory and Analysis, and the Carmel Valley Master Plan, the proposed project requires a Combined Development Permit and Design. A more detailed discussion can be found in **Exhibit B**.

CEQA Guidelines exempt additions to single family dwellings. No unusual circumstances were identified to exist on the property or for the proposed project. Therefore, the project is found to be categorically exempt from environmental review.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Carmel Valley Fire Protection District

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by the RMA – Public Works Department, Water Resources Agency, and Carmel Valley Fire Protection District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit C**).

The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on October 18, 2010. Unfortunately, there were not enough members present at the meeting for a quorum. However, the two members present reviewed the project and made comments as individuals, resulting in an unofficial recommendation of approval of the project to the Planning Commission.

Note: The decision on this project is appealable to the Board of Supervisors.

/s/ Anna V. Quenga  
Anna V. Quenga, Assistant Planner  
(831) 755-5175, [quengaav@co.monterey.ca.us](mailto:quengaav@co.monterey.ca.us)  
September 15, 2010

cc: Front Counter Copy; Planning Commission; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Laura Lawrence, Planning Services Manager; Anna V. Quenga, Project Planner; Carol Allen, Senior Secretary; Fernando M. and Marilyn M. Morgandinho, Owner; Terry Latasa, Agent; Planning File PLN090006.

Attachments: Exhibit A Project Data Sheet  
Exhibit B Project Discussion  
Exhibit C Draft Resolution, including:  
1. Conditions of Approval  
2. Site Plan, Floor Plan and Elevations  
Exhibit D Vicinity Map

This report was reviewed by Laura Lawrence, Planning Services Manager

## Project Data Sheet for PLN090006

**Project Title:** Morgandinho

**Location:** 35 Paso Hondo Road  
Carmel Valley

**Primary APN:** 189-111-014-000

**Applicable Plan:** CVMP

**Coastal Zone:** NO

**Permit Type:** Use Permit

**Zoning:** LDR/1-D-S-RAZ

**Environmental Status:** Exempt per 15301

**Plan Designation:** Low Density Residential

**Advisory Committee:** N/A

**Final Action Deadline (884):** 11/12/2010

### Project Site Data:

**Lot Size:** .87 Acres

**Coverage Allowed:** 25 %

**Coverage Proposed:** 10 %

**Existing Structures (SF):** 2,201 Square Feet

**Height Allowed:** 30 Feet

**Proposed Structures (SF):** 3,585 Square Feet

**Height Proposed:** 29 Feet 6 Inches

**Total SF:** 5,175 Square Feet

**Floor Area Ratio Allowed:** N/A

**Floor Area Ratio Proposed:** N/A

### Resource Zones and Reports:

**Environmentally Sensitive Habitat:** N/A

**Erosion Hazard Zone:** Moderate

**Biological Report #:** N/A

**Soils Report #:** LIB100264

**Forest Management Rpt. #:** N/A

**Archaeological Sensitivity Zone:** High

**Geologic Hazard Zone:** Undetermined

**Archaeological Report #:** LIB100176

**Geologic Report #:** N/A

**Fire Hazard Zone:** High

**Traffic Report #:** N/A

### Other Information:

**Water Source:** Public

**Sewage Disposal (method):** Septic

**Water Dist/Co:** Cal Am

**Sewer District Name:** N/A

**Fire District:** Carmel Valley FPD

**Total Grading (cubic yds.):** Less than 100 yds<sup>3</sup> cut and  
less than 100 yds<sup>3</sup> fill

**Tree Removal:** N/A

## **EXHIBIT B PROJECT DISCUSSION**

### **Project Overview**

The subject property is a .87 acre parcel located within the Carmel Valley Master Plan area, southeast of Carmel Valley Village and northwest of Garland Ranch Regional Park. At its closest point, the Carmel River bank is less than 550 feet from the subject property. There is an existing one-story single family dwelling with an attached garage on the property and the applicant proposes to construct an addition to the first story, demolish and replace the existing second story, and construct a new garage, covered porch, and deck. The proposed project will result in a 3,529 square foot two story single family dwelling with a 536 square foot attached garage, a 351 square foot covered front porch, and a 759 square foot rear deck. The creation of an additional bedroom will require the applicant to replace the existing septic system. Additional site work includes grading of approximately 200 cubic yards (less than 100 cubic yards of cut, and 100 cubic yards of fill) which will be balanced on site.

### **Project Issues**

During review of the project, potential issues involving hazards were identified. Based on resource information available through the County's Geographic Information System, the subject property is located within 1/8<sup>th</sup> of a mile of a known fault. In addition, the subject property is located entirely within Zone AE<sup>1</sup>, 100-year floodplain of the Carmel River.

Based on the requirements of the Monterey County Zoning Ordinance (Title 21), the applicant was required to submit a Geotechnical report to identify potential seismic and/or soil hazards and make any special recommendations if necessary. The Geotechnical report, by Grice Engineering and Geology Inc., indicates that the closest local fault, the Tularcitos Fault, is located 0.19 miles southwest of the subject property. The fault is considered to be "potentially active" and is expected to produce seismic events. However, the fault is short and localized and the energy released will be considerably less significant than regional faults or Holocene Faults, such as the San Andreas Rift System. During the onsite geotechnical investigation, surface features indicative of a fault rupture occurring on the site were not found, nor did the existing improvements on the site reveal any strains attributed to subsurface lateral or vertical displacements caused by fault slips. The Geotechnical Engineer recommends that the proposed structures be designed and built in accordance with the California Building Code and no additional special recommendations were made. The report concludes that the native soils are acceptable for the proposed foundation and the soils' engineering properties are adequate for the anticipated soil pressures.

Due to the proposed development within the Carmel Valley Flood Plain, the project was reviewed by the Water Resources Agency. The Water Resources Agency found that the project as proposed and conditioned, is consistent with the Monterey County Code Chapter 16.16, Regulations for Floodplains in Monterey County. Section 16.16.050.C of the Monterey County Code requires that if substantial improvements are made to any structure within this zone, the lowest floor (including basements) shall be elevated to at least one foot above the base flood elevation (BFE). In this case, the BFE for the subject property is 261 feet. The applicant submitted a FEMA Elevation Certificate, as part of the application, certifying that the top of the bottom floor elevation for the building is 262.27 ft. In addition, the project has been condition

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<sup>1</sup> "Zone AE" means the flood insurance rate zone that corresponds to the one-percent annual chance floodplains. In most instances, whole-foot base flood elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. (Section 16.16.020.MMM of the Monterey County Code)

by the Water Resources Agency requiring the applicant to: record notices on the property stating that the property is located within a floodplain and that wet floodproofed garage remain unfinished or constructed of flood resistant materials, and design all fully enclosed areas below the lowest floor and subject to flooding to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Furthermore, upon completion of construction of the structure addition, the elevation of the lowest floor shall be certified by a registered civil engineer or surveyor or verified by the County Building Inspector that elevation requirements have been met.

### **Conclusion**

The proposed project is found to be consistent with the site development standards of the Low Density Zoning District and the policies listed for residential development within the Greater Monterey Peninsula and Carmel Valley Master Plan areas. The potential issues caused by seismic and flood hazards were found to have no impact, provided the construction is consistent with the requirements of the California Building Code and Chapter 16.16 of the Monterey County Code, and the project has been conditioned to ensure this occurs.

**EXHIBIT C  
DRAFT RESOLUTION**

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**Morgandinho (PLN090006)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission:

- 1) Categorically Exempt the project from environmental review pursuant to CEQA Guidelines Section 15301; and
- 2) Approving the Combined Development Permit consisting of an Administrative Permit and Design Approval to allow an addition to a single family dwelling within a Site Plan review district and Use Permit to allow development within the Carmel Valley Floodplain. Development consists of partial demolition, remodel, and addition to a single family dwelling (a 703 square foot addition to the main level, demolition of the existing 609 square foot second story and construction of a new 1,234 square foot second story, and the construction of a 536 square foot attached garage, a 351 square foot covered front porch, and a 759 square foot rear deck). Materials and colors to consist of stucco and wood painted brown and taupe for the walls, green clad windows and metal guardrails, and grey asphalt shingles. The project includes the replacement of the existing septic system and approximately 200 cubic yards of grading (less than 100 cubic yards of cut and less than 100 cubic yards of fill).

[PLN090006, Fernando and Marilyn Morgandinho, 35 Paso Hondo, Carmel Valley, Carmel Valley Master Plan area (APN: 189-111-014-000)]

**The Morgandinho application (PLN090006) came on for public hearing before the Monterey County Planning Commission on October 13, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission 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) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the Monterey County General Plan,
  - Greater Monterey Peninsula Area Plan,
  - Greater Monterey Peninsula Area Plan, Inventory and Analysis,
  - Carmel Valley Master Plan
  - Monterey County Zoning Ordinance (Title 21)

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 35 Paso Hondo, Carmel Valley (Assessor's Parcel Number 189-111-014-000), Carmel Valley Master Plan. The parcel is zoned "LDR/1-D-S-RAZ" (Low Density Residential, 1 acre per unit with Design Control, Site Plan Review, and Residential Allocation Zoning Overlays), which allows additions to single family dwellings. Therefore, the project is an allowed land use for this site.
- c) The subject property is located within a Design Approval district. Therefore, the project requires a Design Approval for the proposed exterior modifications. Policy No. 26.1.32 (CV) of the Carmel Valley Master Plan requires that materials and colors used in construction to be selected for compatibility with the structural system of the building and with the appearance of the buildings natural and man-made surroundings. The proposed project includes the use of stucco and horizontal wood siding painted taupe for the exterior walls, green wood clad windows, and grey/green color blended asphalt shingles for the roofing materials. The proposed design, materials, and colors for the proposed single family dwelling were found to be consistent with the Carmel Valley Master Plan Policy.
- d) The subject property is located within a Site Plan Review district. Section 21.45.010 of Title 21 requires that all development applications within "S" Districts be strictly reviewed due to the potential of sensitive natural resources or unusual site constraints on the property. In this case, the subject property's close proximity to the Carmel river. Therefore, structure additions within "S" Districts require approval of an Administrative Permit. Consistent with the requirements of Title 21, the application includes an Administrative Permit for the addition to the single family dwelling.
- e) The project planner conducted a site inspection on September 16, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
- f) The subject property is located entirely within the 100-year floodplain of the Carmel River. Therefore, pursuant to Section 21.64.130.D.1.A of the Monterey County Zoning Ordinance (Title 21), the proposed project requires a Use Permit for development within the Carmel Valley Floodplain. The project was reviewed by the Water Resources Agency and was found to be consistent with Chapter 16.16 of the Monterey County Code, Regulations for Floodplains in Monterey County. In addition, conditions of approval have been incorporated as a requirement of floodplain development regulations. For further discussion, see Finding No. 3, Evidence e.

- g) The Monterey Geographic Information System indicates that the subject property is located within an “Undetermined” seismic hazard zone and within 1/8<sup>th</sup> mile (600 feet) of a known fault. Therefore, consistent with Section 21.66.040.C.1.b of Title 21, the proposed project and existing conditions of the property were reviewed and investigated by a Geotechnical Engineer, Grice Engineering and Geology, Inc.. No issues relative to seismic or soil hazards were identified. See Finding No. 3, Evidence d for further discussion.
- h) The Monterey County Geographic Information System indicates that the property is located within a high archaeological sensitivity zone. Pursuant to the requirements of Section 21.66.050.C.1.a of Title 21, an archaeological report (see Finding No. 2, Evidence B) was submitted. The archaeological report concluded that no surface evidence of archaeological resources were found on site during field a reconnaissance and that there were no previous reports indicating sites located on the property. Therefore, it is assumed that there is a low probability of cultural resources to be located onsite and the proposed development should not be delayed for archaeological reasons. However, as normal County practice, a standard condition of approval has been incorporated requiring the contractor to halt construction work if remains are accidentally uncovered.
- i) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on October 18, 2010. Based on the LUAC Guidelines, not enough members of the committee were present to form a quorum. The project was not rescheduled for a subsequent LUAC meeting in order to meet the Permit Streamlining Act. Therefore, no official recommendation of the project was made to Planning Commission.
- j) In an effort to limit water consumption, Section 18.50.050.B of the Monterey County Code requires that new construction include as part of the exterior landscape development, low water use or native drought-resistant plant material and low precipitation sprinkler heads, bubblers, drip irrigation system and timing devices. Therefore, as a condition of a discretionary permit and prior to the issuance of any grading or building permits, the applicant is required to submit a landscape plan for review and approval by the Director of Building Services in conformity with landscape guidelines adopted by the Board of Supervisors. However, in this particular case, existing landscaping, native grass and trees, exists on the subject property. The applicant proposes to keep what is existing; therefore, a landscaping condition of approval is not required.
- 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 PLN090006.

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 Bureau,



and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to archaeological resources and soil and/or seismic hazards. Consistent with the requirements of the Monterey County Zoning Ordinance (Title 21), technical reports by outside consultants were required as part of the application. The Archaeological and Geotechnical reports by outside 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 independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
  - *“Preliminary Archaeological Reconnaissance” (LIB100176) prepared by Archaeological Consulting, Salinas, CA, June 21, 2010.*
  - *“Geotechnical Report” (LIB100264) prepared by Grice Engineering and Geology Inc, Salinas, CA, July 2010.*
- c) Staff conducted a site inspection on September 16, 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 PLN090006.

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 the Carmel Valley Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies 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.
  - b) Necessary public facilities are available for the existing single family dwelling and will continue to be available post-project. California American Water Company is the current water purveyor and staff received no indication that there isn't sufficient water available for the proposed addition to the single family dwelling. The existing septic system was installed in 1983 and the proposed additional bedroom requires that the system be upgraded. The project was not conditioned by the Environmental Health Bureau. However, as part of the project, the applicant requests to upgrade the septic system and install an additional "at grade bed system." This was found to be acceptable to the Environmental Health Bureau as there is adequate room on the property for the system and for future repairs to the system.
  - c) The project was reviewed by the Water Resources Agency, and as proposed and conditioned, was found to be consistent with the

Monterey County Code Chapter 16.16, Regulations for Floodplains in Monterey County. Based on the FEMA (Federal Emergency Management Agency) Flood Insurance Rate Map 06053C-05330G, dated April 2, 2009, the subject property is located entirely within Zone AE<sup>2</sup>, 100-year floodplain of the Carmel River. Section 16.16.050.C of the Monterey County Code requires that if substantial improvements are made to any structure within this zone, the lowest floor (including basements) shall be elevated to at least one foot above the base flood elevation<sup>3</sup>. In this case, the BFE for the subject property is 261 feet (NAVD 1988). The applicant submitted a FEMA Elevation Certificate, as part of the application, certifying that the top of the bottom floor elevation for the building is 262.27 ft (NAVD 1998). In addition, the project has been condition by the Water Resources Agency requiring the applicant to: record notices on the property stating that the property is located within a floodplain and that wet floodproofed garage remain unfinished or constructed of flood resistant materials, and design all fully enclosed areas below the lowest floor and subject to flooding to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Furthermore, upon completion of construction of the structure addition, the elevation of the lowest floor shall be certified by a registered civil engineer or surveyor or verified by the County Building Inspector that elevation requirements have been met. Conditions of approval are incorporated and can be found within **Exhibit 1**.

- d) The Monterey County Geographic Information System indicates that a known fault is located within 1/8<sup>th</sup> mile (600 feet) of the subject property. Furthermore, the seismic hazard zone for the area is undetermined. Therefore, as part of the application materials, the applicant was required to submit a Geotechnical report to address any issues related to existing soils conditions and/or seismic activity. The applicant submitted a Geotechnical report by Grice Engineering and Geology Inc. (see Finding No. 2, Evidence b). The closest local fault, the Tularcitos Fault, is located 0.19 miles southwest of the subject property. The fault is considered to be “potentially active” and is expected to produce seismic events. However, the fault is short and localized and the energy released will be considerably less significant than regional faults or Holocene Faults, such as the San Andreas Rift System. During the onsite geotechnical investigation, surface features indicative of a fault rupture occurring on the site were not found, nor did the existing improvements on the site reveal any strains attributed to subsurface lateral or vertical displacements caused by fault slips. The Geotechnical Engineer recommends that the proposed structures be designed and built in accordance with the California Building Code and no additional special recommendations were made. The report concludes that the native soils are acceptable for the proposed

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<sup>2</sup> "Zone AE" means the flood insurance rate zone that corresponds to the one-percent annual chance floodplains. In most instances, whole-foot base flood elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. (Section 16.16.020.MMM of the Monterey County Code)

<sup>3</sup> Base Flood Elevation (BFE)" means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of being equaled or exceeded in any given year.

foundation and the soils' engineering properties are adequate for the anticipated soil pressures.

e) Preceding findings and supporting evidence for PLN090006.

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.

**EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.  
b) Staff conducted a site inspection on September 16, 2010 and researched County records to assess if any violation exists on the subject property.  
c) There are no known violations on the subject parcel.  
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 PLN090006.

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, categorically exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structure, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.  
b) Subsection (e) of the section states that additions to existing structures are categorically exempt provided that the addition will not result in an increase of more than 50% of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. However, the section is not intended to be all-inclusive and a project can be categorically exempt if it involves negligible or no expansion of an existing use. For instance, although the proposed project includes a single family dwelling addition of 3,585 square feet which is larger than 50% of the existing floor area, the use structure will continue as a single family dwelling. Therefore, staff has determined that the project meets the requirements of this section.  
c) The subject property is located within the 100-year floodplain of the Carmel Valley River. The project, as designed and conditioned, was found to be consistent with FEMA requirements and does not constitute the construction of structures in a hazardous location. For further discussion, see Finding No. 3, Evidence c.  
d) The Tularcitos Fault, a local fault, is found to be 0.19 miles southwest of the subject property. The proposed project and existing conditions of the property were reviewed and investigated by a Geotechnical Engineer, Grice Engineering and Geology, Inc., and no issues relative to seismic or soil hazards were identified. See Finding No. 3, Evidence d for further discussion.  
e) Section 15300.2 of the CEQA Guidelines list exceptions to the exemptions, were projects normally found to be exempt from CEQA

may require an environmental review. These exceptions include: project location, cumulative impact, significant effect, scenic highways, hazardous waste sites, or historical resources. The subject property is not located within an officially designated state scenic highway, it is not listed on the Cortese List (for hazardous materials sites) from the Department of Toxic Substances Control (DTSC), nor are there any historic resources located on the site. No environmental resource of hazardous or critical concern was found on the property and no unusual circumstance exists where the project will have a significant effect on the environment. Construction impacts will be temporary; however, the project as proposed and conditioned will not create a significant impact on the environment and cumulative impacts were not identified.

- f) No adverse environmental effects were identified during staff review of the development application during a site visit on September 16, 2010.
- g) See preceding and following findings and supporting evidence.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.  
**EVIDENCE:** Section 21.80.040.D Monterey County Zoning Ordinance (Board of Supervisors).

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

- A. Categorically Exempt the project from environmental review pursuant to CEQA Guidelines Section 15301; and
- B. Approve the Combined Development Permit consisting of an Administrative Permit and Design Approval to allow an addition to a single family dwelling within a Site Plan review district and Use Permit to allow development within the Carmel Valley Floodplain. Development consists of partial demolition, remodel, and addition to a single family dwelling (a 703 square foot addition to the main level, demolition of the existing 609 square foot second story and construction of a new 1,234 square foot second story, and the construction of a 536 square foot attached garage, a 351 square foot covered front porch, and a 759 square foot rear deck). Materials and colors to consist of stucco and wood painted brown and taupe for the walls, green clad windows and metal guardrails, and grey asphalt shingles. The project includes the replacement of the existing septic system and approximately 200 cubic yards of grading (less than 100 cubic yards of cut and less than 100 cubic yards of fill), 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 27<sup>th</sup> day of October, 2010 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

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.

<b>RESOLUTION ### - EXHIBIT 1</b> <b>Monterey County Resource Management Agency</b> <b>Planning Department</b> <b>Condition Compliance and/or Mitigation Monitoring</b> <b>Reporting Plan</b>	<b>Project Name:</b> <u>Morgandinho</u> <b>File No:</b> <u>PLN090006</u> <b>APNs:</b> <u>189-111-014-000</u> <b>Approved by:</b> <u>Planning Commission</u> <b>Date:</b> <u>October 27, 2010</u>
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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.*

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 (PLN090006) consisting of an Administrative Permit and Design Approval for an addition to a single family dwelling within a Site Plan review district and Use Permit for development within the Carmel Valley Floodplain allows the of partial demolition, remodel, and addition to a single family dwelling (a 703 square foot addition to the main level, demolition of the existing 609 square foot second story and construction of a new 1,234 square foot second story, and the construction of a 536 square foot attached garage, a 351 square foot covered front porch, and a 759 square foot rear deck). Materials and colors to consist of stucco and wood painted brown and taupe for the walls, green clad windows and metal guardrails, and grey asphalt shingles. The project includes the replacement of the existing septic system and approximately 200 cubic yards of grading (less than 100 cubic yards of cut and less than 100 cubic yards of fill). The property is located at 35 Paso Hondo Road, Carmel Valley (Assessor’s Parcel Number 189-111-014-000), Carmel Valley Master Plan. This permit was	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	

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		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>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution [REDACTED]) was approved by the <b>Planning Commission</b> for Assessor's Parcel Number 189-111-014-000 on October 27, 2010. The permit was granted subject to <b>21</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 October 13, 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(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	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	Owner/ Applicant/ Archaeo- logist	Ongoing	

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		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. <b>(RMA - Planning Department)</b>	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.			
5.		<b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. <b>(RMA - Planning Department and RMA - Building Services Department)</b>	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	
			Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection	
6.		<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	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	



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		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 required, the owner/applicant shall obtain required permits.(RMA - Planning Department)	Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During Construction	
			Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection	
7.		<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. (RMA – Planning Department)	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	Prior to Occupancy / Ongoing	
8.		<b>PD041 – HEIGHT VERIFICATION</b> The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/ Applicant	Prior to the issuance of grading or building permits	
			2) The applicant shall provide evidence	Owner/	Prior to the	

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		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>(RMA – Planning Department and Building Services Department)</b>	from a licensed civil engineer or surveyor, to the Director of the RMA-Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.	Applicant	founda- tion pre- pour inspection	
			3) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA-Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant/ Engineer	Prior to the final inspection	
<b>Monterey County Water Resources Agency</b>						
9.		<b>WR3 - 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 grading or building permits	
10.		<b>WR8 - COMPLETION CERTIFICATION</b> 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. <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 inspect- ion	

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11.		<b>WR14 - CONCRETE SLAB INSPECTION</b> The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate 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. <b>(Water Resources Agency)</b>	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 foundation pre-pour inspection	
12.		<b>WR15 - 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	
13.		<b>WR16 - 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	
14.		<b>WR20 - WET FLOODPROOFING – NON CONVERSION AGREEMENT</b> 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, and all interior walls, ceilings and floors below the minimum lowest floor elevation shall be unfinished or constructed of flood resistant materials. <b>(Water Resources Agency)</b>	Submit the 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	

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15.		<p><b>WR21 - FOUNDATION PLAN – ENCLOSURES/GRADE ELEVATIONS</b></p> <p>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 as, the location and dimensions of all vents. <b>(Water Resources Agency)</b></p>	Submit the engineered foundation plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	
16.		<p><b>WR22 - FLOODPLAIN RECORDATION</b></p> <p>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></p>	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	
17.		<p><b>WR43 - WATER AVAILABILITY CERTIFICATION</b></p> <p>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></p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
18.		<p><b>WRSP001 – ZONE AE ELEVATION REQUIREMENTS (NON-STANDARD)</b></p> <p>The lowest floor and attendant utilities shall be constructed at a minimum elevation of 262 feet (NAVD 1988). The applicant shall provide the Water Resources Agency certification from a registered civil engineer or</p>	Submit a letter, prepared by a registered civil engineer or licensed land surveyor, to the Water Resource Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	

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		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. <b>(Water Resources Agency)</b>				
<b>Carmel Valley Fire Protection District</b>						
19.		<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 Protection 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	

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20.		<p><b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b></p> <p>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. <b>(Carmel Valley Fire Protection District)</b></p>	<p>Applicant shall enumerate as “Fire Dept. Notes” on plans.</p>	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	
21.		<p><b>FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD)</b></p> <p>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 Protection District)</b></p>	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit	

**END OF CONDITIONS**

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