

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 05032

APN# 239-101-014-000
FINDINGS & DECISION

In the matter of the application of

MADDOX DAVID B & PATRICIA A MADDOX TRS (PLN040761)

Combined Development Permit to include an Administrative Permit and Design Approval for the construction of a 5,642 square-foot, two-story single-family dwelling with an attached, two-car garage; Use Permit for the removal of 38 oak trees; and grading (approximately 263 cubic yards cut/69 cubic yards fill). The project is located at 7 Corral Run; Carmel. The project came on regularly for hearing before the Planning Commission on July 13, 2005.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto;

FINDINGS OF FACT

1. FINDING: CONSISTENCY, SITE SUITABILITY - The Maddox Combined Development Permit (PLN050191), as described in Condition #1, and as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, the Monterey County Zoning Ordinance (Title 21) and the Comprehensive Development Plan for the Santa Lucia Preserve. The property is located at 7 Corral Run, Carmel (Assessor's Parcel Number 239-101-014-000), Santa Lucia Preserve, Greater Monterey Peninsula area. The parcel is zoned "RG/10-D-S-RAZ" (Rural Grazing, 10 acres per unit, Design and Site Review, Residential Allocation Zoning District). The site is physically suitable for the use proposed.

EVIDENCE: (a) The text, policies, and regulations in the above documents have been evaluated during the course of the review of the applications. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulations in these documents.

(b) Project planner conducted a site visit on June 22, 2005, and verified that the project on the subject parcel conforms to the plans listed above.

(c) Potential impacts (e.g., archaeological, geological, sensitive habitat, slope and drainage) are analyzed in the certified Final EIR for the Santa Lucia Preserve (EIR 94-005). Applicable mitigations are included as permit conditions.

(d) The Geotechnical Investigation Report dated January 2005 concludes that the site is suitable for the proposed development, provided the recommendations of the report are followed.

(e) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Carmel Valley Fire Protection Department, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department and Monterey County Health Department. There has been no indication from these agencies that the site is not suitable for the use proposed. There are no physical or environmental constraints such as geologic or seismic

hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

(f) Preceding findings and supporting evidence.

2. FINDING: **TREE REMOVALS** - The proposed tree removal is consistent with the policies of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21). The tree removal is the minimum required under the circumstances of the case. The removal will not involve a risk of adverse environmental impacts.

EVIDENCE: The Forest Management Plan, dated March 2, 2005, prepared by James Allen indicates that the home has been placed in the most appropriate location within the homeland boundary where natural openings in the canopy occur. The report also indicates that the building and access road have been placed to allow the maximum number of trees to be retained. Tree removal will not have a negative impact on soil erosion. Compliance with Monterey County Erosion Control Measure will be required during construction activities.

Removal of 38 oak trees will not have a negative impact on water quality. The site is located on a ridge top that receives only the precipitation that falls directly on the property. No off-site runoff enters the property. As a result, the filtering effect of the trees will continue with the new native landscaping (3:1 replacement) combined with the existing vegetation on the site.

EVIDENCE: Environmental Impact Report certified for the Santa Lucia Preserve (EIR No. 94-005).

EVIDENCE: Site visit by project planner on June 22, 2005. The site is heavily wooded and contains some slope constraints that limit the area where the structure can be located.

EVIDENCE: Conditions 4a and 4b.

3. FINDING: **CEQA** - Potential impacts (e.g., archaeological, geological, sensitive habitat, slope and drainage) are analyzed in the certified Final EIR for the Santa Lucia Preserve (EIR 94-005). Applicable mitigations are included as permit conditions.

EVIDENCE: The project is consistent with the conclusions and mitigations contained in the certified Santa Lucia Preserve Final EIR No. 94-005.

4. FINDING: **PUBLIC NOTICE** - Public Notice of the pending Administrative Permit was provided pursuant to Section 21.70.040, Title 21, Monterey County Code (Zoning).

EVIDENCE: Public Notice and support materials found in the project file.

5. FINDING: **WATER AND SEWER** - Adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.

EVIDENCE: The project has been reviewed by the Monterey County Health Department. There has been no indication from the Health Department that the site is not suitable for development.

6. FINDING: **APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.76.030A and 20.80.040A of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 13th day of July, 2005 by the following vote:

AYES: Errea, Parsons, Hawkins, Padilla, Vandever, Sanchez, Diehl, Salazar, Rochester, Wilmot
NOES: None
ABSTAIN: None
ABSENT: None

DALE ELLIS, SECRETARY

Copy of this decision mailed to the applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS 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 and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

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

Project Name: Maddox

Approval by: Planning Commission **Date:** July 13, 2005

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

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1		<p>PBD029 - SPECIFIC USES ONLY The subject Combined Development Permit consists of an Administrative Permit, Use Permit and Design Approval for the construction of a 5,642 square-foot, two-story single-family dwelling and attached, two-car garage; the removal of 38 oak trees and grading (approximately 263 cubic yards cut/69 cubic yards fill). The property is located at 7 Corral Run, Carmel (Assessor's Parcel Number 239-101-014-000). This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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2		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 040761) was approved by the (Planning Commission) for Assessor's Parcel Number 239-101-014-000 on July 13, 2005. The permit was granted subject to 23 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		<p>PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	
4		<p>PBD014 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)</p>	None	Owner/ Applicant	Ongoing	

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5		<p>PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>All exterior lighting shall be unobtrusive, 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)</p>	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
6		<p>PBD013 - GEOLOGIC CERTIFICATION</p> <p>Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (Planning and Building Inspection)</p>	Submit certification by the geological consultant to PBI showing project's compliance with the geological report.	Owner/ Applicant/ Geological Consultant	Prior to Final Building Inspection	

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7		<p>PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</p> <p>The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)</p>	<p>Submit landscape plans and contractor's estimate to PBI for review and approval.</p> <p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	<p>Owner/ Applicant/ Contractor</p> <p>Owner/ Applicant</p>	<p>At least 60 days prior to final inspection or occupancy</p> <p>Ongoing</p>	
8		<p>PBD026 – NOTICE OF REPORT</p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Engineering Report has been prepared for this parcel by The Twining Laboratories, Inc, dated December 22, 2004 and is on record in the Monterey County Planning and Building Inspection Department. All development shall be in accordance with this report." (Planning and Building Inspection)</p>	<p>Proof of recordation of this notice shall be furnished to PBI.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of grading and building permits</p>	

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9		PBD032(B) – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	
10		PB – NONSTANDARD CONDITION The recommendations contained in the Construction Impact Assessment Report prepared by James Allen and Associates dated March 2, 2005 shall be followed including a 3:1 replacement ratio (114 total replacement trees) for oak trees removed during construction. The replacement trees shall be planted prior to final inspection.	Submit evidence of compliance to PBI for review and approval.	Owner/ Applicant	Ongoing	

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11		<p>WR0040 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:</p> <ol style="list-style-type: none"> 1. 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. 2. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency) 	Submit evidence of compliance to WRA prior to final building inspection or occupancy.	Applicant	Prior to Final Building Inspection or Occupancy	
12		<p>DRAINAGE PLAN (NON-STANDARD WORDING) A drainage plan shall be prepared by a registered civil engineer or architect, addressing on-site and off-site impacts, to include stormwater dispersion facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency)</p>	Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	

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13		COMPLETION CERTIFICATION (NON-STANDARD WORDING) The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater dispersion 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	Prior to final inspection	
14		PW0006 – CARMEL VALLEY - The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution No. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI). (Public Works Department)	Pay fee prior to issuance of grading or building permit.	Applicant	Prior to issuance of grading or building permit	
15		PW0040 – HIGHWAY 1 SHORT TERM IMPROVEMENTS – Applicant shall contribute (\$730.00) to County of Monterey as payment of the project’s pro rata share of the cost of short-term operational improvements to State Highway One. (Public Works Department)	Pay fee prior to issuance of grading or building permit.	Applicant	Prior to issuance of grading or building permit	

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16		<p>FIRE007 - DRIVEWAYS</p> <p>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the “T” shall be a minimum of 60 feet in length. (Carmel Valley Fire Protection District).</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p>	

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17		<p>FIRE008 - GATES</p> <p>All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Carmel Valley Fire Protection District).</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	<p>Prior to submittal for building permit</p> <p>Prior to final building inspection.</p>	

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18		<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Carmel Valley Fire Protection District).</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	<p>Prior to issuance of building permit.</p> <p>Prior to final building inspection</p>	

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19		<p>FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Remove combustible vegetation from within a minimum of 150 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Carmel Valley Fire Protection District).</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p>	
20		<p>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 Protection District).</p>	<p>Applicant shall enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	<i>Applicant or owner</i>	<p>Prior to issuance of building permit.</p> <p>Prior to framing inspection</p> <p>Prior to final building inspection</p>	

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21		<p>FIRE024 - FIRE ALARM SYSTEM - (SINGLE FAMILY DWELLING)</p> <p>The residence shall be fully protected with an approved household fire warning system as defined by NFPA Standard 72. Plans and specifications for the household fire warning system shall be submitted by a California licensed C-10 contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the Uniform Building Code shall be required to be placarded as permanent building equipment. (Carmel Valley Fire Protection District).</p>	<p>Applicant shall enumerate “Fire Dept. Notes” on plans.</p> <p>Applicant shall submit fire alarm plans and obtain approval.</p> <p>Applicant shall schedule fire alarm system acceptance test.</p>	Applicant or owner	<p>Prior to issuance of building permit.</p> <p>Prior to rough sprinkler or framing inspection</p> <p>Prior to final building inspection</p>	
22		<p>FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING)</p> <p>Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. (Carmel Valley Fire Protection District).</p>	<p>Applicant shall enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire alarm system acceptance test.</p>	Applicant or owner Applicant or owner	<p>Prior to issuance of building permit.</p> <p>Prior to final building inspection</p>	

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23		<p>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 Protection District).</p>	Applicant shall enumerate "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	