PLANNING COMMISSION COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION # 05040

A.P. # 187-272-019-000

In the matter of the application of

FINDINGS & DECISION

Matthew & Janet Bogoshian (PLN050027)

for a Combined Development Permit in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of an Administrative Permit to allow the construction of a two story 2,641 sq. ft. single family dwelling with a 506 sq. ft. attached garage in an site plan review district; a Use Permit to allow for ridgeline development; a Variance to allow the reduction of the front yard setbacks; and a Design Approval. The property is located at 13499 Middle Canyon Road, Carmel Valley, northeasterly of the intersection of Carmel Valley Road and Rancho Road, Carmel Valley Master Plan area. The project came on regularly for meeting before the Planning Commission on August 31, 2005.

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

FINDINGS OF FACT

- 1. FINDING:
- **CONSISTENCY** The Project, as conditioned is consistent with applicable plans and policies, the Carmel Valley Master Plan, the Monterey County Zoning Ordinance (Title 21), and the Monterey County General Plan which designates this area as appropriate for residential development.
- EVIDENCE: (a)
- (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). It has determined that the project is consistent with the applicable plans and designates this area as appropriate for residential development. Staff notes are provided in Project File PLN050027.
 - (b) Project planner conducted on-site inspections on March 15, 2005, March 28, 2005, and May 25, 2005 to verify that the project on the subject parcel conforms to the plans listed above.
 - (c) The project for a single family residence is an allowed use in accordance with Section 21.14.030.A of the Monterey County Zoning Ordinance (Title 21).
 - (d) The project, including the granting of a variance, would be consistent with the site development standards listed in 21.14.060 and 21.42.030.F of the Monterey County Zoning Ordinance (Title 21).
 - (e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN050027.
- 2. FINDING: SITE SUITABILITY The site is suitable for the use proposed.

- **EVIDENCE:** (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and the Carmel Valley Fire Protection District. Conditions recommended have been incorporated.
 - (b) Technical reports by outside consultants indicate that 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. "Preliminary Archaeological Reconnaissance" prepared by Archaeological Consulting, Salinas CA, July 25, 2001. "Geologic Report" prepared by Nielsen and Associates, Santa Cruz, CA, December 2001. Reports are in Project File PLN050027.
 - (c) Staff conducted on-site visits on March 15, 2005, March 28, 2005, and May 25, 2005 to verify that the site is suitable for this use.
 - (d) Necessary public facilities are available and will be provided.
- 3. **FINDING: CEQA** (Exempt): The project is exempt from environmental review.
 - **EVIDENCE:** (a) CEQA Guidelines Section 15303 categorically exempts single family dwellings.
 - (b) No adverse environmental effects were identified during staff review of the development application during site visits on March 15, 2005, March 28, 2005, and May 25, 2005.
 - (c) The project redesign dated June 30, 2005 and conformance with Section 21.66.010.D of the Monterey County Zoning Ordinance (Title 21).
- 4. **FINDING:** NO VIOLATIONS The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.
 - **EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.
- 5. FINDING: RIDGELINE DEVELOPMENT The development, as conditioned by permit, will not create a substantially adverse visual impact when viewed from a common public viewing area.
 - **EVIDENCE:** (a) The redesign of the project recommended by the Carmel Valley LUAC has been implemented and is included in the project plans. This application lowers the overall height of the project and when viewed from a common public viewing area is less of a visual impact.
 - (b) Condition numbers 5, 9, and 10 mitigate visual impacts by screening with landscape planting, shielding of exterior lighting and prevention of up-lighting of skylights and using natural colors and materials.
- 6. **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 Section 21.42.030.F. of the Monterey County Zoning Ordinance (Title 21) is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.
 - **EVIDENCE:** (a) A scenic easement recorded on reel 1165 page 958 covers the majority of the property and leaves less than 10,000 square feet of building area.

- (b) A right of way easement cuts through the 10,000 square foot building area, creating three front yards and their required setbacks. Pursuant to section 21.42.030.F of the Monterey County Zoning Ordinance a 30 foot setback would be required. This would reduce the building site area further to roughly 3,151 square feet.
- (c) The southeasterly side of the property, which is not included in the scenic easement, has areas in slopes in excess of 30%.
- (d) Other property owners in the vicinity and under identical zoning classification have been afforded the same privileges sought by the property owner of this application (See Finding #7).
- (e) Materials and documents in Project File No. PLN050027.
- 7. **FINDING:** VARIANCE (Special Privileges) The variance to reduce the front yard setbacks 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) There are at least three other instances where Variances have been granted for the reduction of setbacks within the Rancho Del Monte Subdivision, including the Ray Variance (PC58882), the Thompson Variance (ZA05625), and the Fidles Variance (PC06940).
 - (b) Materials and documents in Project File No. PLN050027.
- 8. 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 project for a single family dwelling is an allowed use under the property's Low Density Residential designation.
 - (b) Section 21.14.030 of the Monterey County Zoning Ordinance (Title 21).
- 9. 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:** Preceding findings and supporting evidence.
- 10. FINDING: APPEALABILITY The decision on this project is appealable to the Board of Supervisors.
 - **EVIDENCE:** Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of the Planning Commission that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 31st day of August 2005, by the following vote:

AYES:

Errea, Hawkins, Parsons, Padilla, Vandevere, Sanchez, Salazar, Rochester, Wilmot, Diehl

NOES:

None

ABSENT:

None

DALE ELLIS, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON OCT 4 2015

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

NOTES

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

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

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

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

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

Project Name: Bogoshian

File No: PLN050027

APNs: 187-272-019-000

Approval by: Planning Commission

Date: August 31, 2005

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

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1		PBD029 - SPECIFIC USES ONLY This Combined Development Permit (PLN050027) allows an Administrative Permit and design approval for the construction of a two-story 2,641 square foot single- family dwelling with a 506 square foot attached garage with in a site plan review district; a Use Permit to allow ridgeline development; a Variance to allow the reduction of the front yard setbacks; and Design Approval. The property is located at 13449 Middle Canyon Road (Assessor's Parcel Number 187-272-019-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of 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)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 05040) was approved by the Planning Commission for Assessor's Parcel Number 187-272-019-000 on August 31, 2005. The permit was granted subject to 20 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	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.	

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		furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)				
3		PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present onsite. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical, or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeo- logist	Ongoing	
4		PBD011 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed the Director of Planning and Building Inspection. 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 Planning and Building Inspection. The improvement and grading plans shall include an implementation schedule of	Evidence of compliance with the Erosion Control Plan shall be submitted to PBI prior to issuance of building and grading permits.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	

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		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 Planning and Building Inspection. (Planning and Building Inspection)	2) Evidence of compliance with the Implementation Schedule shall be submitted to PBI during the course of construction until project completion as approved by the Director of PBI.	Owner/ Applicant	Prior to Final Inspect- ion	
5		PBD- (NON-STANDARD) LANDSCAPE SCREENING PLAN AND MAINTENANCE Landscaping which will screen the views of the project from all public viewing areas is required. Prior to issuance of building permits, three (3) copies of a landscaping screening plan shall be submitted to the Director of Planning and Building Inspection for approval. A plan review fee is required for this project and shall be paid at the time of landscape screening plan submittal. The landscape screening plan shall be in sufficient detail to identify the location, based on a survey indicating metes and	Submit landscape plans and contractor's estimate to PBI for review and approval. The approved installed landscaping screening shall be inspected prior to occupancy in order to determination adequacy of screening protecting the public viewshed.	Owner/ Applicant/ Contractor Owner/ Applicant/ Contractor	Prior to issuance of building permits At least 60 days prior to final inspect-ion or occu- pancy	
	bounds of the proposed scenic easement, species, and size of the proposed landscaping screening. All planted trees must be maintained and kept green. When trees reach a mature size, the lowest branch shall not be less than six feet from the ground. The approved installed landscaping screening shall be inspected prior to occupancy in order to determine adequacy of screening protecting the public viewshed. All landscaping plants and trees that do not conform to the approved plan or are damaged or destroyed by fire, explosion, act of god, or public enemy shall be replaced by the property owner. The landscaping shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)	All landscaping plants and trees shall be continuously maintained and replaced which do not conform to the approved plan or damaged or destroyed by fire, explosion act of god, or public enemy by the property owner. The landscaping shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing		
6		PBD018(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) 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	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspect-ion or occu-	

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		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)			pancy	
7		PBD026 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A geological report has been prepared for this parcel by Nielsen and Associates, Inc., dated December, 2001 and is on record in the Monterey County Planning and Building Inspection Department Library No. L1020021. All development shall be in accordance with this report." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of building permits	
8		PBD026 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "An Archeological report has been prepared for this parcel by Archaeological Consulting, dated July, 2001 and is on record in the Monterey County Planning and Building Inspection Department Library No. LIB020020. All development shall be in accordance with this report." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of building permits	

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9		LIGHTING PLAN – DEED RESTRICTION Prior to the issuance of a building permit the applicant shall record a deed restriction stating that "All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and offsite glare is fully controlled. All exterior lighting on the south elevation of the structure shall be adequately shielded. All skylights shall be shielded to prevent up lighting. 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	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
			Proof of recordation of this deed restriction shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of building permits.	
10		PBD — (NON STANDARD) DEED RESTRICTION — EXTERIOR COLORS Prior to the issuance of a building permit the applicant shall record a deed restriction stating that "The house shall be painted with natural-toned colors and materials. Any modification to the exterior colors and materials of the house shall be approved by the Planning and Building Inspection Department before the colors are changed." (Planning and Building Inspection)	Proof of recordation of this deed restriction shall be furnished to PBI.	Owner/ Applicant	Prior to the Issuance of Building Permits	

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11		PBD040 – HEIGHT VERIFICATION 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 Planning and Building Inspection for review and approval, that the height of	I) 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 Issuance of Grading or Building Permits	
	the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (Planning and Building Inspection)	2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for review and approval that the height of the structure from the benchmark is consistent with what was approved on the building permit.	Engineer/ Owner/ Applicant	Prior to Final Inspect- ion		
12		PW0006 – CARMEL VALLEY The applicant shall pay the Carmel Valley Master Plan 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)	Applicant shall pay to PBI the required traffic mitigation fee.	Owner/ Applicant	Prior to Building Permits Issuance	
13		WR2 - STORMWATER CONTROL 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. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	
14		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	

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		tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems, and timing devices. (Water Resources Agency)				
15		WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
		EH – (NON-STANDARD) Submit detailed plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. The design needs to show cross sectional slope analysis with seepage pit "burning" indicated. (Environmental Health)	Submit Plans to the Division of Environmental Health for review and approval. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer/O wner/Appli cant	Prior to the issuance of the building permit.	
17		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers, and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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)
		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)				
18	(HAZARDOUS CONDITIONS) Remove combustible vegetation from within a minimum of 100 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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.		
		determined by Reviewing Authority and the Director of Planning and Building Inspection. (Carmel Valley Fire	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
19		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	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to framing inspection	
	submitted by a California licensed C-16 contractor and approved	Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection		

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		Protection District)	Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
20		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)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	