JEFF MAIN ZONING ADMINISTRATOR STATE OF CALIFORNIA COUNTY OF MONTEREY

RESOLUTION NO. 060629

A.P.# 009-094-012-000

In the matter of the application of

Frederick Knoop TR ET AL (PLN060629)

FINDINGS & DECISION

for an Appeal of a **Coastal Administrative Permit** in accordance with Title 20 (Zoning) Chapter 20.76 (Coastal Administrative Permits) of the Monterey County Code, to allow for a Coastal Administrative Permit and Design Approval to allow the construction of a 406 square foot detached guesthouse. The property is located at 24595 Camino Del Monte Street, Carmel, Carmel Area, Coastal Zone, and came on regularly for meeting before the Zoning Administrator on May 31, 2007.

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

FINDINGS OF FACT

- 1. **FINDING:** CONSISTENCY The project, as conditioned, is consistent with the policies, requirements, and standards of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, Monterey County Code Title 16 section 16.12 (Erosion Control) and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for residential development.
 - EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. 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 regulation in these documents.
 - (b) The property is located at 24595 Camino Del Monte, Carmel (Assessor's Parcel Number 009-094-012-000), Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential, 2 units per acre, with a Design Control overlay, in the Coastal Zone ("MDR/2-D(CZ)"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development. Guesthouses are allowed in the MDR zone, subject to an Administrative Permit.
 - (c) The project planner conducted a site inspection on February 13, 2007 to verify that the proposed detached, 406 square feet, one-story guesthouse, on the subject parcel conforms to the plans listed above.
 - (d) The project is consistent with Monterey County Zoning Ordinances Tile 20 section 20.64.020, "regulations for guesthouses". The guesthouse meets all the site development standards including floor area (406 square feet proposed/425 square feet allowed) and a 12-foot height limit. The guesthouse will not contain a kitchen or cooking facility, will share utilities with the main residence, is subordinate to the main structure, and will not be separately rented, let, or leased. A standard condition of approval requiring a guesthouse deed restriction is contained in the conditions of approval, attached hereto and incorporated herein by reference (Condition #8).
 - (e) Monterey County Code Title 16 section 16.12.070.a requires all runoff in excess of predevelopment levels be retained on the site. This requirement may be waived where it is determined that high groundwater, slope stability problems, or other conditions would

inhibit or be aggravated by onsite retention, or where retention will provide no benefits for ground water recharge or erosion control. Aggravation to the site, and lack of benefits from recharge or erosion control due to the size of the proposed structure, are both facets of this project. Therefore, County staff has determined that compliance with standard BMPs will be adequate to address the minimal increase in runoff from the small structure (See Finding 3k).

(f) The project was not referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, Administrative Permits and Design Approval projects with no other issues do not warrant referral to the LUAC.

(g) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN060629.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE: (a) The project has been reviewed for suitability by the following departments and agencies: RMA Planning Department, Carmel Highlands Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable. Conditions recommended have been incorporated.
 - (b) Risks to life and structure from fire have been reduced by implementing Carmel Highlands FPD standard condition of approval to requiring clearance of flammable vegetation such as dead grass and brush around the proposed structure (Condition #13). The three Oak trees near the structure are not considered "fuel" for the purposes of clearing flammable vegetation. Limbs within ten feet of the chimney may require removal and shall be done under the supervision of a qualified arborist. There are no impacts to habitat as the site is a small residential, lot currently landscaped with three oak trees in the project vicinity.
 - (c) A report by an outside arborist consultant indicated that the project is not likely to affect the surrounding trees negatively provided the recommendations in the report are implemented. Monterey County standard conditions of approval have been incorporated to adhere to the report and protect the trees from damage (Condition #'s 4 & 6). County staff concurs. The following reports have been prepared:
 - "Arborist Report" (LIB<u>0</u>70051) prepared by Frank Ono, Pacific Grove, CA, on January 11, 2007.
 - (d) The project has been designed to include foundation bridging in the critical root zone in order to reduce impacts to the nearby trees. Reporting by a qualified arborist following construction activities is required to assess the impact sustained, and long term viability of the trees. If the trees are terminally impacted due to construction activities a Costal Development Permit shall be required for their removal (Condition #7).
 - (e) An archeology report was not requested due to the project site being located in an area previously disturbed by construction of existing structures and landscaping. A minuscule amount of ground disturbance required. The project is not within a positive archaeological buffer zone.
 - (f) There is no evidence that physical or environmental constraints exist that would indicate that the site is not suitable for the use propose.
 - (g) Staff conducted a site inspection on February 13, 2007 to verify that the site is suitable for this use.

- 3. FINDING: PUBLIC HEARING— The County has conducted a fair and impartial review on the application.
 - EVIDENCE: (a) The Director of the Planning Department determined that PLN060629 is a use allowed on the project parcel subject to a Coastal Administrative Permit & Design Approval pursuant to Monterey County Zoning Ordinances Title 20 Sections 20.12.040 C and 20.64.020.
 - (b) The Monterey County Resource Management Agency (RMA)-Planning Department conducted a duly noticed, full, fair, and impartial review of the application. Notice of the intent to approve the Administrative Permit and Design Approval has been carried out pursuant to Section 20.84.040.A of the Coastal Implementation Plan.
 - (c) On March 16, 2007 notices were posted at three locations on or near the subject property.
 - (d) On March 9, 2007 notices were mailed to all property owners within 300 feet of the subject property.
 - (e) The public comment period was set forth from March 18, 2007 through 5:00 PM on March 27, 2007.
 - (f) Plans and materials contained in project file number PLN060629.
 - (g) On March 26, 2007, a letter requesting a hearing to review the cumulative drainage impacts of new construction in Carmel Woods was filed by Suzanne Paboojian.
 - (i) Said Appeal was hand delivered and submitted to the RMA Planning Department in writing attached hereto as Exhibit D.
 - (i) Said appeal has been determined to be complete.
 - (k) On May 31, 2007, the Zoning Administrator reviewed, evaluated, and considered the issue and responds as follows:

Issue: "The proposed project lies in the Pescadero Watershed, and repeated build-out of properties in Carmel Woods has caused surface waters to drain onto downhill properties, without sufficient requirements for drainage into public storm drains, or other effective measures, instead of onto downhill properties."

County's Response: Monterey County has a standard condition for the applicant to prepare a Drainage Plan (Condition WR3). Based on current BMP standards, this includes retention of impervious surface storm water runoff within the Pescadero Watershed where appropriate. The impervious surface area created from the proposed project is negligible in terms of its potential to increase storm water runoff. On-site retention would require an engineered drainage plan at the expense of the applicant and would result in additional site disturbance. According to the 2001 California Plumbing Code section 1101.11.1 roof areas of a building are required to be drained by roof drains or gutters providing some control of storm water. The project will not create significant increases in storm water runoff due to its size and engineered drainage plans are not warranted in this case. (See Finding 1e)

- 4. FINDING: CEQA (Exempt) The project is categorically exempt from environmental review.
 - **EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15303, Class 3 categorically exempts construction and location of limited numbers of new, small structures and accessory (appurtenant) structures. The project proposes construction of a 406 square foot guesthouse.
 - (b) The project would not provide substantial additional sources of polluted runoff, result in flooding on or off-site, create substantial erosion or siltation on or off-site, or otherwise substantially degrade water quality.
 - (c) No adverse environmental effects were identified during staff review of the project application and during site-visits on February 13, 2007. The guesthouse will be located in

- an established residential neighborhood on a previously disturbed/landscaped area.
- (d) There are no unusual circumstances related to the project or the property
- 5. FINDING: NO VIOLATIONS The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of the County's zoning ordinance (Title 20). Zoning violation abatement costs, if any, have been paid.
 - **EVIDENCE:** Staff verification of the Monterey County RMA Planning Department and Building Services Department records indicate that no violations exist on subject property.
- 6. FINDING: PUBLIC ACCESS The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
 - **EVIDENCE** (a) The subject property is not described as an area where the Local Coastal Program requires access.
 - (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, of the Public Access Map and complies with Carmel Area Land Use Plan.
 - (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - (d) Staff conducted a site visit on February 13, 2007.
- 7. FINDING: HEALTH AND SAFETY The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
 - **EVIDENCE:** Preceding findings and supporting evidence.
- **8. FINDING:** APPEALABILITY The decision on this project is appealable to the Board of Supervisors. It is not appealable to the Coastal Commission.
 - **EVIDENCE:** (a) In accordance with Section 20.86.080.3 of the Monterey County Zoning Ordinance (Title 20), this project may be appealed to the Board of Supervisors.
 - (b) In accordance with Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), administrative permits with no other issues are not subject to appeal to the Coastal Commission.

DECISION

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

PASSED AND ADOPTED this 30th day of May, 2007.



COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JUN - 7 2007

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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

JUN 1 7 2007

NOTES

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

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

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

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

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

Project Name: Frederick Knoop	
File No: <u>PLN060629</u>	APNs: <u>009-094-012-000</u>
Approval by: Zoning Administrator	Date: May 31, 2007

*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	Transfer to Communication and the Francisco	Owner/	Ongoing	;]
		This Coastal Administrative Permit (PLN060629) allows	in the permit.	Applicant	unless	
		A Coastal Administrative permit and Design Approval for			other-	
		the construction of a 406 square foot, detached, 1-story,			wise	-
		guesthouse. The property is located at 24595 Camino Del	•		stated	
		Monte, Carmel (Assessor's Parcel Number: 009-094-012-000), Carmel Area Land Use Plan. This permit was				.
•		approved in accordance with County ordinances and land				
		use regulations subject to the following terms and				
		conditions. Neither the uses nor the construction allowed				•
		by this permit shall commence unless and until all of the		•		
		conditions of this permit are met to the satisfaction of the				
		Director of RMA - Planning Department. Any use or				
		construction not in substantial conformance with the terms		ļ		
		and conditions of this permit is a violation of County				1
		regulations and may result in modification or revocation		1		
		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. [Resource Management Agency				
		(RMA) - Planning Department]				

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2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. PLN060629) was approved by the Director of Planning and Building for Assessor's Parcel Number 009-094-012-000 on May 31, 2007. The permit was granted subject to 13 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA – Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County 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	

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4		PD011 – 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	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
		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	Submit on-going evidence that tree protection measures are in place through out grading and construction phases. 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.	Owner/ Applicant/ Arborist	During Construc- tion
		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 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
5		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN 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	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.

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22 parts America Common or 1994	No. of the second secon	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)	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
6		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "An Arborist Report has been prepared for this parcel by Frank Ono, dated January 11, 2007 and is on record in the Monterey County RMA - Planning Department, Library No. LIB070051. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
7		PDSP001- TREE IMPACT REPORTING (NON-STANDARD) Prior to final inspection of building or grading permits, a health and construction impact report for the three (3) Oak trees near the project location, prepared by a qualified	Submit two copies of the arborist report addressing the health of the trees, and impacts from construction to the RMA-Planning Department for review and approval.	Owner/ Qualified Arborist	Prior to final inspection	
	}	arborist, shall be submitted to the RMA-Planning Department for review and approval. Should the report identify terminal construction related impacts to any of the trees, a Coastal Development Permit shall be required for their removal.	As necessary, a Coastal Development Permit shall be obtained for the removal of Coast Live Oak Trees.	Owner/ Contractor/ Arborist	Ongoing	

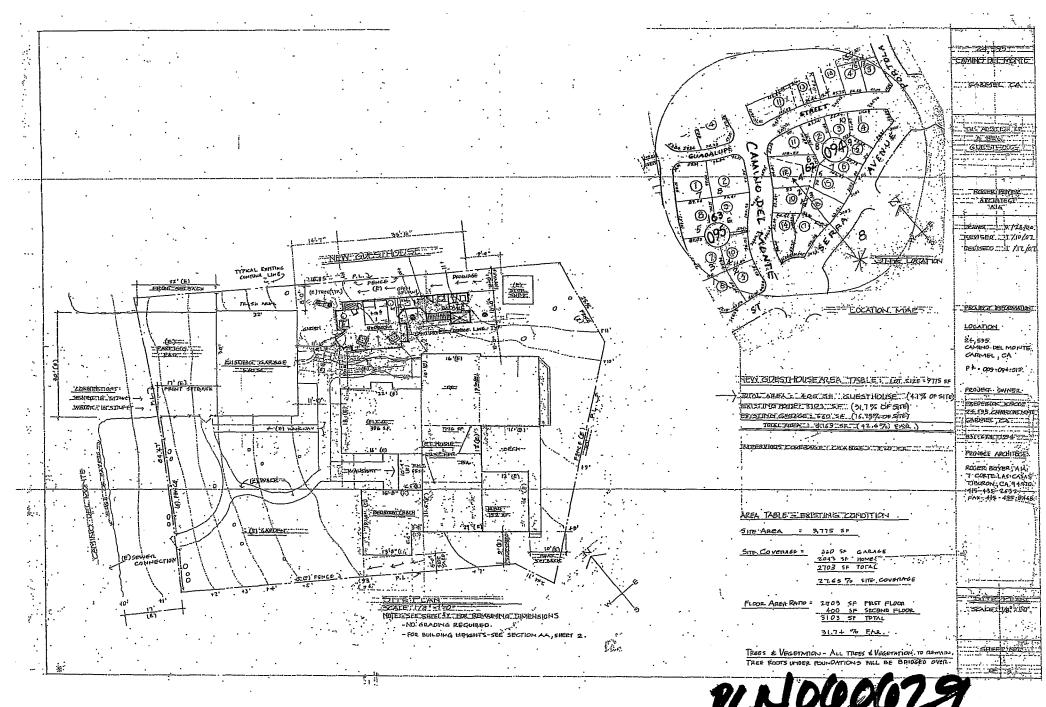
Permit Mitig: Number Number.	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
8	PD019(B) – DEED RESTRICTION – GUESTHOUSE (COASTAL) The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse as follows: Only one guesthouse shall be allowed per lot. Detached guesthouses shall be located in close proximity to the principal residence. Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements. The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens The guesthouse shall have a maximum of six (6) linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight (8) square feet of cabinet space, excluding clothes closets The guesthouse shall not exceed 425 square feet of livable floor area The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited. The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area. The guesthouse height shall not exceed 12 feet nor be more than one story. (RMA – Planning Department)	Submit signed and notarized Deed Restriction to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Deed Restriction shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to the issuance of grading or building permits	

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 of Gompliance (name/date)
9		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
10		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	
11		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	

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

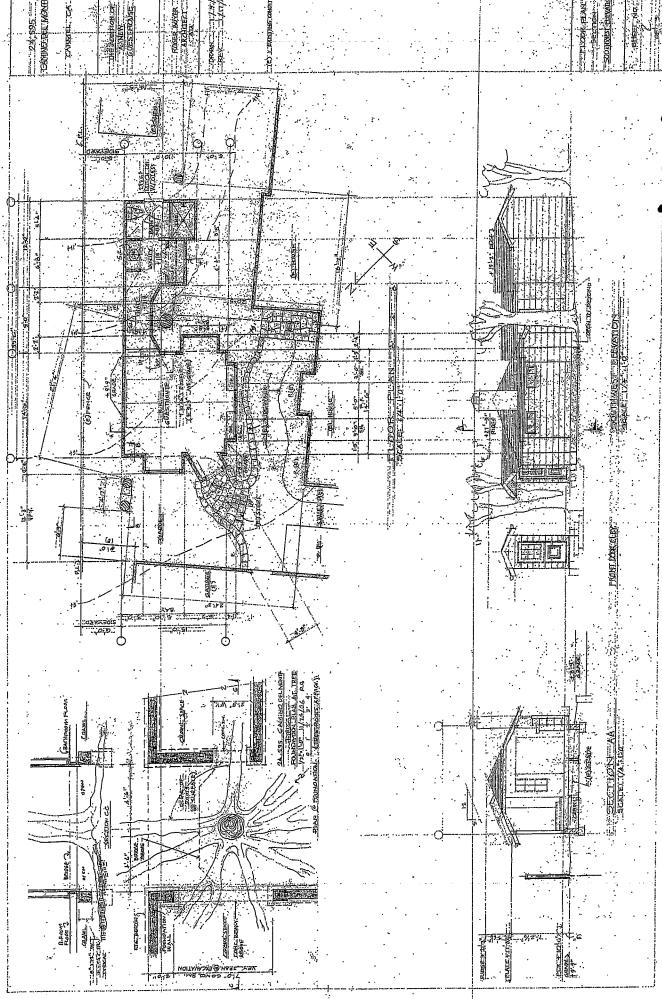
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13		FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Remove combustible vegetation from within a minimum of 100 feet of structures or to the property line. Remove limbs within 10 feet of chimneys. Existing Oak trees should not be limbed or removed under this condition. Removal of Oak trees requires RMA-Planning	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.	
		Department approval. 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. Responsible Land Use Department: Carmel Highlands Fire District.	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

END OF CONDITIONS

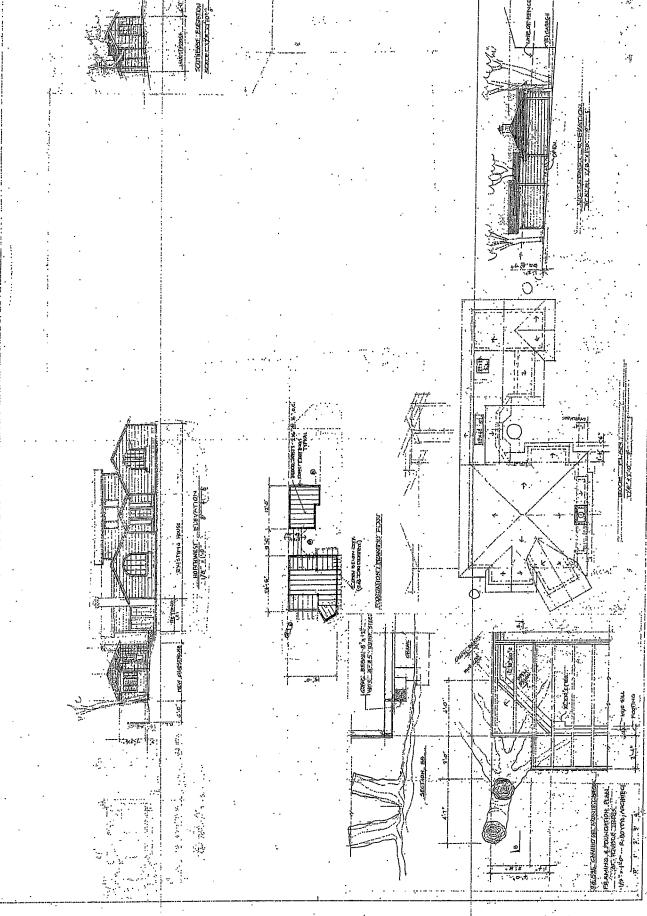


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CAMINGTREETINGS

