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

RESOLUTION NO. 05018

A.P. #007-544-001-000

#### FINDINGS AND DECISION

In the matter of the application

#### **Douglas and Elayne Catey (PLN040558)**

To adopt the Negative Declaration and approve the Use Permit, to allow for the removal of 26 Protected Coast Live Oak trees (ranging from 6" to 13" in diameter), and Design Approval to allow for the construction of a new 3,738 square foot Single Family Dwelling with attached garage. The project is located at 1127 Pelican Road, Pebble Beach, westerly of Bird Rock Road, Monterey Peninsula Country Club Area, Greater Monterey Peninsula Area Plan. This project came on regularly for hearing before the Planning Commission on March 30, 2005.

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

#### **FINDINGS OF FACT**

#### 1. **FINDING:**

CONSISTENCY & SITE SUITABILITY - The Use Permit and Design Approval (PLN040558), as described in Condition #1 and as conditioned are consistent with applicable plans, policies, requirements, and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 1127 Pelican Road (Assessor's Parcel Number 007-544-001-000), Monterey Peninsula Country Club Area. The parcel is zoned "MDR/B-6-D-RES" or Medium Density Residential, Building Site, Design Control and Recreational Equipment Storage Control. The site is physically suitable for the use proposed.

**EVIDENCE:** (a) The Planning and Building Inspection Staff has reviewed the project for consistency with: Monterey County General Plan

Greater Monterey Peninsula Area Plan

Chapter 21.64, Regulations for Preservation of Oak and Other Protected Species (Title 21)

Chapter 21.12, Regulations for Medium Density Residential Zoning Districts (Title 21)

Chapter 21.42, Regulations for Building Site Zoning Districts Title 21)

- (b) Project planner conducted on-site inspections on September 14, 2004, and November 10, 2004, to verify that the project on the subject parcel conforms to the plans listed above.
- (c) The removal of twenty six oaks is allowed with the approval of a Use Permit in accordance with Section 21.64.260 of Monterey County Code (Title 21).
- (d) The parcel is zoned Medium Density Residential, 4 units per acre, Design Control District, ("MDR/4-D"). The project is in compliance with Site Development Standards for Medium Density Residential Districts and Building Site Zoning Districts in accordance with Sections 21.12 and 21.42 which allow single family dwellings.
- (e) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and Pebble Beach Community Services District. Conditions recommended have been incorporated.

- (f) Design Approval request form, with recommendation for approval of the project by the Del Monte Forest Land Use Advisory Committee on October 21, 2004 (4-0).
- (g) An Archaeological Report was prepared for this project by Archaeological Consulting on March 10, 2004. The report concludes that there is no evidence of cultural resources within the area currently proposed for development. A condition is included to stop work in the event cultural resources are discovered during grading and/or construction activity.
- (h) A Geologic and Soil Engineering Report was prepared for this project by Landset Engineers, Inc. on May, 2004. The report states that the site is suitable for the proposed structure provided recommendations in the report are incorporated into the project design.
- (i) A Forest Management Plan (FMP) was prepared for this project by Forest City Consulting on April 27, 2004. The objective of the FMP is to minimize erosion, prevent soil loss, preserve natural habitat (including native forest under story and wildlife habitat), prevent forest fires, preserve scenic forest canopy, and preserve landmark trees. The FMP report states that the number of tree removal is the minimum required under the proposed building design. This residence has a relatively small footprint that is sited within the only area available within the setbacks. This project will retain more trees than many of the surrounding properties.
- (j) 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 PLN040558.

#### 2. FINDING:

**CEQA** (Negative Declaration): On the basis of the whole record before the Planning Commission there is no substantial evidence that the proposed project as designed and conditioned will have a significant effect on the environment. The negative declaration reflects the independent judgment and analysis of the County.

#### **EVIDENCE:**

(a) The Monterey County Planning and Building Inspection Department prepared an Initial Study pursuant to CEQA. The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a negative declaration. This Initial Study is on file in the offices of the Planning and Building Inspection Department and is hereby incorporated by reference. (PLN040558).

Evidence that has been received and considered includes:

- An Archaeological Report was prepared for this project by Archaeological Consulting on March 10, 2004. The report concludes that there is no evidence of cultural resources within the area currently proposed for development. A condition is included to stop work in the event cultural resources are discovered during grading and/or construction activity.
- A Geologic and Soil Engineering Report was prepared for this project by Landset Engineers, Inc. on May, 2004. The report states that the site is suitable for the proposed structure provided recommendations in the report are incorporated into the project design.
- A Forest Management Plan (FMP) was prepared for this project by Forest City Consulting on April 27, 2004. The objective of the FMP is to minimize erosion, prevent soil loss, preserve natural habitat (including native forest under story and wildlife habitat), prevent forest fires, preserve scenic forest canopy, and preserve landmark trees. The FMP report states that the number of tree removal is the minimum required under the proposed building design. This residence has a relatively small footprint that is sited within the only area available within the setbacks. This project will retain more trees than many of the surrounding properties.

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 PLN040558.

- Staff site visit on November 10, 2004.
- Staff reports that reflect the County's independent judgment
- (b) These reports are on file in the offices of PBI (File Reference No. PLN040558) and are incorporated by reference herein.
- (c) The negative declaration was circulated for public review from February 4, 2005 to March 4, 2005. No comments were received during the public review period,
- (d) 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 PLN030123.

#### 3. 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:** 

- (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.
- (b) Section 21.14 and 21.44 of the Monterey County Code (Title 21).

#### 4. FINDING:

**TREE REMOVAL** – The tree removal is the minimum required under the circumstances of the case; and the removal will not involve a risk of adverse environmental impacts such as: soil erosion; water quality; ecological impacts; noise pollution; air movement; and wildlife habitat.

#### **EVIDENCE:**

- (a) The FMP states that the number of tree removal is the minimum required under the proposed building design. This residence has a relatively small footprint that is sited within the only area available within the setbacks. This project will retain more trees than many of the surrounding properties. Tree replacement is not recommended on this small densely forested lot. The forester does recommend the maintenance of existing seedlings for native regeneration of the Coast Live Oak and Monterey Pine in appropriate areas. Tree protection measures for the preservation of the remaining forest have been recommended by the consulting forester and are mandated as conditions of approval.
- (b) The potential impact to native trees close to the proposed development was assessed in the Forest Management Plan. Measures for tree protection during construction have been incorporated as Conditions #6 & #7 and include tree protection zones, trunk protection, hand excavation and bridging roots.
- (c) Condition (#9) has been added that the applicant record a notice stating that a Forest Management Plan has been prepared and any tree removal be in accordance with the approved plan.
- (d) Condition (#8) has been added, that all trees that can be transplanted be donated to an organization that uses them in the same general are to retain the same genetic species.
- (e) Memo dated March 29, 2005, Legislative Analysis of SB1334 (Oak Woodlands Conservation, Conversion & Environmental Review) confirms that the threshold to use is one acre, and because the lot is only one quarter acre, it is exempt.
- (f) Forest Management Plan prepared by Forest City Consulting, dated April 27, 2004, contained in Project File PLN040558.

**5. FINDING:** The Planning Commission finds that the proposed project is not considered Oak Woodland as described in Senate Bill SB1334, Section 21083.4 of the Public Resources Code.

**EVIDENCE:** (a) Testimony at the March 9, 2005 hearing by Glen Flamik, Forester for the project stated the site is a Monterey Pine Forest with an oak understory.

- (b) Conditions of approval that require transplanting of trees where possible.
- (c) Conditions of approval require tree protection during construction so native seedling can be maintain to generate re-growth on the site.
- (d) More than ten percent of the oak canopy will be on the site after the removal of the twenty six trees
- (e) Oral testimony at the hearings; minutes, tapes of March 9, 2005, Planning Commission meetings and administrative record as found at the Planning and Building Inspection Department.
- 6. **FINDING:** The Planning Commission finds that the preliminary drainage plan prepared by a registered civil engineer or architect addressing on site and off site impacts has been approved by Water Resources Agency. Drainage improvements shall be constructed in accordance with the plans approved by the Water Resources Agency.
  - **EVIDENCE:** Preliminary approval by Water Resources Agency dated March 4, 2005, stating that it is acceptable to connect the proposed 4" diameter PVC pipe directly into the Pebble Beach catch basin.
    - (a) The Planning Commission considered public testimony at a publicly noticed hearing on March 9, 2005 by Al Mulholland, Water Resources Agency.
    - (b) Oral testimony at the hearings; minutes, tapes of March 9, 2005 Planning Commission meetings and administrative record as found at the Planning and Building Inspection Department.
- **7. FINDING: HEALTH & 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.

#### **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 30th day of March, 2005 by the following vote:

AYES: Errea, Padilla, Vandevere, Wilmot, Diehl, Rochester, Parsons, Hawkins, Sanchez

NOES:

ABSTAIN: Salazar

DALE ELLIS, SECRETARY

Copy of this decision mailed to 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 90<sup>th</sup> 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.

Project Name: DOUGLAS & ELAYNE CATEY

File No: PLN040558 APNs: 007-544-001-000

Approval by: Monterey County Planning Commission Date: March 30, 2005

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 Use Permit (PLN040558) allows for the removal of twenty-six (26) Coast Live Oak trees (ranging from 6" to 13" in diameter), and Design Approval to allow for the construction of a 3,738 square foot two-story single family dwelling. The property is located at 1127 Pelican Road, Pebble Beach (Assessor's Parcel Number 007-544-001-000), Greater Monterey Peninsula Area 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 otherwise stated	

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2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 040558) was approved by the (Planning Commission) for Assessor's Parcel Number 007-544-001-000 on (March 9, 2005). The permit was granted subject to 16 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)	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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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 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)	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	Owner/ Applicant/ Archaeologist	Ongoing	

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4		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 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)	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	

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			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weedfree, healthy, growing condition.	Owner/ Applicant	Ongoing	
5		PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN 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)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	

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6		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	

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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.

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7		NON STANDARD CONDITION  All construction contracts for the project shall include a provision requiring that all contractors and subcontractors performing work on this project be given a copy of the forest management plan and conditions of approval. In addition, the contracts shall also identify a County of Monterey approved arborist or forester to be present or consulted under circumstances where the provisions of the forest management plan or conditions of approval require that the arborist or forester be present or consulted. A copy of these contracts shall be supplied to the Planning and Building Inspection Department. (Planning and Building Inspection)	Submit contracts indicating arborist or forester to present.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	
8		NON STANDARD CONDITION  The smaller Coast Live Oaks (10" in diameter or less) that can be transplanted, as determined by applicant's forester, shall be donated to the Pebble Beach Company or other organization that uses them in the same general area to retain the same genetic species. (Planning and Building Inspection)	Submit evidence of tree donation to the Pebble Beach Company or other organization.	Owner/ Applicant	Prior to Final of Grading and/or Building Permits	

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9		NON STANDARD CONDITION A notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Forest City Consulting dated April 27, 2004 and is on record in the Monterey County Planning and Building Inspection Department library. 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 grading and building permits	

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10		PBD012 - FISH AND GAME FEE-NEG DEC/EIR  Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) calendar days of project approval – prior to filling of the Notice of Determination. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection)	Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first.	Owner/ Applicant	Prior to the start of the use or the issuance of building and grading permits.	

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11		NON STANDARD WRA CONDITION  The applicant shall provide the Water Resources Agency a revised drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. The plan shall be in substantial conformance with the preliminary drainage plan dated 02/11/2005; however, additional construction details must be included. 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/ Emgineer	Prior to issuance of any grading or building permits	
12		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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13		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)		Owner/ Applicant	Prior to final building inspection/ occupancy	

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14		EH6 - WATER SERVICE CAN/WILL SERVE  Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies that California American Water Co. can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards.  (Environmental Health)	Submit written certification to the Division of Environmental Health for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to filing a final map and/or issuance of a building permit	

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Douglas and E	layne Catey	FIREO11 - 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 providing access to that site. Permanent address provides access final clearance. (Pebble Beach Community Services	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	Dago 19
		District)				Page 18

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File No: PLN040558 APNs: 007-544-001-000

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			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
16		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. (Pebble Beach Community Services District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	

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Approval by: Monterey County Planning Commission Date: March 30, 2005

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)
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	