

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 000440

A. P. # 009-121-003-000

In the matter of the application of
David & Wendy Moore (PLN000440)

FINDINGS AND DECISION

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Administrative Permit to allow for the demolition of an existing one-story single family dwelling and the construction of a two-story single family dwelling with an attached two-car garage, and a Coastal Development Permit to allow the removal of one Monterey pine with a diameter of 35 inches and three coast live oaks with diameters of 13.5, 8, and 8 inches; Grading (approximately 248 cu. yds. of cut / 100 cu. yds. of fill); and Design Approval. The property is at 24844 Dolores Street, Carmel, north of First Avenue, Coastal Zone, came on regularly for meeting before the Zoning Administrator on November 18, 2004.

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

1. **FINDING: CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies, the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.
EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), and Part 6 of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and has determined that the project is consistent with the Carmel Area Land Use Plan, which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN000440.
(b) Project planner conducted on-site inspections on December 26, 2000 and October 4, 2004 to verify that the project on the subject parcel conforms to the plans listed above.
(c) A single family home is an allowed use in accordance with Section 20.12.040.A of the Zoning Ordinance.
(d) The parcel is zoned Medium Density Residential, 2 units/acre, Design Control District, Coastal Zone ("MDR/2-D [CZ]"). The existing site is a legal nonconforming parcel according to size, but is consistent with the minimum building site of 6,000 sq ft. The project is in compliance with Site Development Standards for a Medium Density Residential District in accordance with Section 20.12.060.
(e) The Carmel Unincorporated/ Highlands Land Use Advisory Committee recommended approval of the project by a vote of 5 for and 0 against. Discussions between the applicant and the Committee resulted in design changes, which are included as a condition of approval.

(f) 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 PLN000440.

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 Cypress Fire Protection District. Conditions recommended have been incorporated.
(b) An August 29, 2003 report by Kent L. Seavey, an architectural historian on the County's list of approved Historical Resource Consultants, found no potential historical significance in the home
(c) Staff conducted on-site visits on December 26, 2000 and October 4, 2004 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 15302 categorically exempts the replacement or reconstruction of existing facilities and 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 December 26, 2000 and October 4, 2004.
(c) Development constitutes the demolition and replacement of an existing single-family dwelling. Tree removal is minimal. The structure to be demolished has been determined to not be an historic resource. There are no unusual circumstances related to the project or property.

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: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

5. **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 (see 20.70.050.B.4). 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 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the 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 site visits on December 26, 2000 and October 4, 2004.

6. FINDING: TREE REMOVAL – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Carmel Area Land Use Plan and Coastal Implementation Plan (Part 4).

EVIDENCE: (a) Section 20.146.060.D.3 of the Monterey County Coastal Implementation Plan, Part 4, states that: “Removal of native trees shall be limited to that which is necessary for the proposed development. Prior to the application being considered complete, the development shall be adjusted for siting, location, size and design as necessary to minimize tree removal.” The project proposes to remove one Monterey pine (35” dbh) and three Coast live oaks, ranging from 13.5” to 8” in diameter. Due to the parcel’s relatively small size and the site’s dense tree cover staff has determined that the removal of these trees is the minimum necessary for development. Prior to declaring the project complete the project’s footprint was redesigned to avoid the need to remove an additional nine trees.

(b) A condition 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.

(c) Forest Management Plan prepared by Rob Cain, a forester on the County’s list of approved foresters, dated November 28, 2000 and letter from Rob Cain amending the FMP dated October 6, 2004.

7. FINDING: LANDMARK TREE REMOVAL- No alternatives to development exist whereby the removal of the landmark tree, a Monterey pine with a diameter of 35 inches, can be avoided.

EVIDENCE: (a) The 8,000 sq ft size of the parcel and its heavily wooded nature makes site design difficult in the context of resiting the structure around existing trees and providing the vehicular access to the required off-street parking.

(b) The location of the 35-inch Monterey pine approximately 11 feet from the property line makes its avoidance difficult.

(c) As proposed the site plan spares nine trees, including 4 landmark Monterey pines, including two, which were originally planned for removal, and one landmark Coast live oak (24 inches dbh). Alternate site plans to avoid the subject landmark tree could endanger these trees.

8. FINDING: HEALTH AND SAFETY - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

9. FINDING: APPEALABILITY - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: (a) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).

DECISION

It is the decision of the Zoning Administrator of the County of Monterey 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 18th day of November, 2004.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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

<p style="text-align: center;"><u>Planning and Building Inspection Department</u> <u>Condition Compliance & Mitigation Monitoring and/or Reporting Plan</u></p>	<p>Project Name: <u>Moore</u> File No: <u>PLN000440</u> APNs: <u>009-121-003</u> Approval by: _____ Date: <u>October 28, 2004</u></p>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1		<p>PBD029 - SPECIFIC USES ONLY This Combined Development Permit consists of a Coastal Administrative Permit to allow for the demolition of an existing one-story single family dwelling and the construction of a two-story single family dwelling with an attached two-car garage, and a Coastal Development Permit to allow the removal of one Monterey pine with a diameter of 35 inches and three Coast live oaks with diameters of 13.5, 8, and 8 inches; grading (approximately 248 cu yds of cut / 100 cu yds of fill); and Design Approval.</p> <p>The property is located at 24844 Dolores Street, Carmel (Assessor's Parcel Number 009-121-003-000), Coastal Zone. 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 otherwise stated	

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2		<p>PBD025 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice that states: "A permit (Resolution 000440) was approved by the Zoning Administrator for Assessor's Parcel Number 009-121-003-000 on October 28, 2004. The permit was granted subject to 16 conditions of approval that 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 building or grading permits.	
3		<p>PBD030 - STOP WORK - RESOURCES FOUND</p> <p>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>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</p>	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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		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)	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.	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.	
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	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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		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 copies of inspections by an arborist or forester during the construction of the foundation and structure certifying that the requirements of this condition and the Forest Management Plan are followed. These inspections shall include photographs of the tree and root protection measures taken.	Owner/ Applicant/ Forester	Prior to final building inspection/occupancy	
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 Forest Management Plan has been prepared for this parcel by Rob Cain, dated November 28, 2000, and amended on October 6, 2004, and is on record in the Monterey County Planning and Building Inspection Department Library No. _____. 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	
8		TREE REPLACEMENT The four native trees authorized for removal shall be replaced and maintained on-site at a 1:1 ratio with minimum one-gallon size trees of the same species. This is in addition to the four Monterey pine trees previously required by a tree removal waiver. Every effort shall be taken to secure native/locally adapted seedlings with demonstrated pitch canker resistance rather than nursery stock of unknown origin. The location and installation methods shall be approved by the consulting forester (Planning and Building Inspection)	These eight trees shall be shown on the required landscape plan. Prior to final inspection, the consulting forester shall submit both written & photographic verification that all required re-placement trees have been planted including the location, species, installation methods & required maintenance schedule.	Owner/ Applicant	At least 60 days prior to final inspection or occupancy	Prior to final inspection

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			An annual report detailing the number and condition (i.e. health and hazard level) of all replacement trees shall be submitted for 5 years after final inspection. If a net loss of replacement trees is found during the annual inspection, additional trees meeting the qualifications above shall be planted and reported to the Director of Planning and Building Inspection including the location, species, installation methods and required maintenance schedule.	Owner/ Applicant	Annually for five years from date of final inspection	
9		DESIGN ELEMENTS (Non-Standard Condition) The design of the home shall include an extension of the Carmel stone façade along the front elevation to the height of the bottom windowsill, excluding the garage, and an extension of the stone façade above the front entry. Garage doors and all exterior wood trim shall be stained wood to match the stained wood of the front door. (Planning and Building Inspection)	The building plans must clearly show and/or state these design elements.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
10		ENCROACHMENT (Non-Standard Condition) No portion of the retaining wall as shown on the plans shall encroach into the Public right of way on Dolores Street. (Public Works)	The building plans must clearly identify the limits of the public right of way on Dolores Street, and clearly show that this wall is not within this area.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
11		STORMWATER CONTROL (Non-Standard Condition) A drainage plan shall be prepared to address on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, over the least steep available slopes, with erosion control at outlets, (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	

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12		<p><u>WR40 - WATER CONSERVATION MEASURES</u> 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> <p>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.</p> <p>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)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
13		<p><u>WR43 - WATER AVAILABILITY CERTIFICATION</u> 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)</p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
14		<p><u>FIRE011 - ADDRESSES FOR BUILDINGS</u> 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</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Owner/ Applicant	Prior to issuance of building permit.	

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		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. (Cypress Fire Protection District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
15		<p><u>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)</u></p> Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire 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. (Cypress Fire Protection District)	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.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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16		<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Cypress Fire Protection District)</p>	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	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
		End of Conditions				