

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> June 27, 2007 Time: 9:00 AM	<b>Agenda Item No.:</b> 1
<b>Project Description:</b> Combined Development Permit consisting of; 1) A Coastal Administrative Permit to allow the construction of a new one-story 3,306 square feet single family dwelling with a 646 square feet attached garage, 43 cubic yards of cut and 22 cubic yards fill; 2) A Coastal Development Permit to allow the removal of up to 39 Monterey Pines and 1 Coast Live Oak; 3) A Variance to reduce the front setback from El Bosque Drive from 20 feet to 10 feet; and 4) Design Approval.	
<b>Project Location:</b> 4041 El Bosque Drive, Pebble Beach	<b>APN:</b> 008-102-015-000
<b>Planning File Number:</b> PLN060721	<b>Name:</b> Sat Kirtan Khalsa, Owner
<b>Plan Area:</b> Del Monte Forest Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> : MDR/4-D(CZ) [Medium Density Residential, 4 units per acre with a Design Control Overlay (Coastal Zone)]	
<b>CEQA Action:</b> Categorically Exempt per section 15303(a)	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission approve a Combined Development Permit consisting of a Coastal Administrative Permit to allow the construction of a new 3,306 square feet single family dwelling with an attached 646 square feet attached garage, a Coastal Development Permit to allow the removal of 39 Monterey Pines and 1 Coast Live Oak, and Design Approval based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

### PROJECT OVERVIEW:

Mr. and Mrs. Khalsa, applicants, submitted plans to develop a vacant, 10,736 square foot, lot with a new single family home. Staff reviewed the project for consistency with applicable policies and regulations for the Del Monte Forest and determined that tree removal is the primary issue with this project. Although the project was designed to meet all development standards, staff explored an option to reduce the front set back in order to retain the dense stand of trees towards the rear of the property. Using the same house design, staff (in conjunction with the applicant and a representative of the DMF Design Review Board) developed an option that includes a front set back variance:

Option 1: Without a variance, the project includes removal of thirty nine native Monterey Pine trees and 1 Coast Live Oak greater than six inches diameter at breast height (DBH). One of the pine trees is dying. This Option meets all the site development standards and does not require removal of any landmark trees.

Option 2: With a Variance to reduce the front setback requirement from El Bosque Drive from 20 feet to 10 feet, the tree removal is reduced to 31 native Monterey Pine trees and one Coast Live Oak. The dying tree still included. This Option requires removal of one landmark tree (25-inch Monterey pine) in exchange for nine pines between 6-12 inches DBH for a net reduction of eight pines to be removed.

In considering these two options, staff evaluated the site based on the primary goal of the Del Monte Forest Land Use Plan (LUP) to protect the long-term health of the forest. While Option 2 would remove one landmark pine tree, there is a stand of very healthy, younger pines on the Costado Place end of the lot. On the other hand, granting a variance would establish precedence

as a privilege for other properties in the area. Therefore, staff recommends that the Commission approve the project without a variance (Option 1).

As designed and conditioned, staff finds that the proposed project is consistent with the LCP policies and can be categorically exempt from CEQA. The project is located on an infill lot surrounded by an established residential neighborhood. Staff reviewed technical reports prepared for the proposed project relative to biology and forest management (**Exhibit F**). These reports conclude that the undergrowth consists of pine needles, mowed grass, and several invasive species subtracting from the habitat quality of the site. No evidence of any unique conditions was observed and no potential impacts to the environment are foreseen.

See **Exhibit B** for a more detailed discussion.

**OTHER AGENCY INVOLVEMENT:**

- ✓ Pebble Beach Community Services Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ California Coastal Commission

The above checked agencies and departments have reviewed this project. Conditions recommended by Pebble Beach FPD and the Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit D**).

On April 5, 2007 the Del Monte Forest Land Use Advisory (LUAC) voted 3 to 1 to approve the project as proposed. Comments were received from the public regarding roof height and driveway entrance, and exit hazards.

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June 27, 2007

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission

**cc: Planning Commission Members (10); Pebble Beach Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Carl Holm, Planning Services Manager; Craig Spencer, Planner; Carol Allen, Sat Kirtan Khalsa, Applicants; Deb Hilliard, DFG; Planning File PLN060721.**

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Del Monte Forest Land Use Advisory Committee Minutes (04/05/2007)
	Exhibit F	Biological and Forest Management Plan reports
	Exhibit G	Site Plan, Floor Plan and Elevations

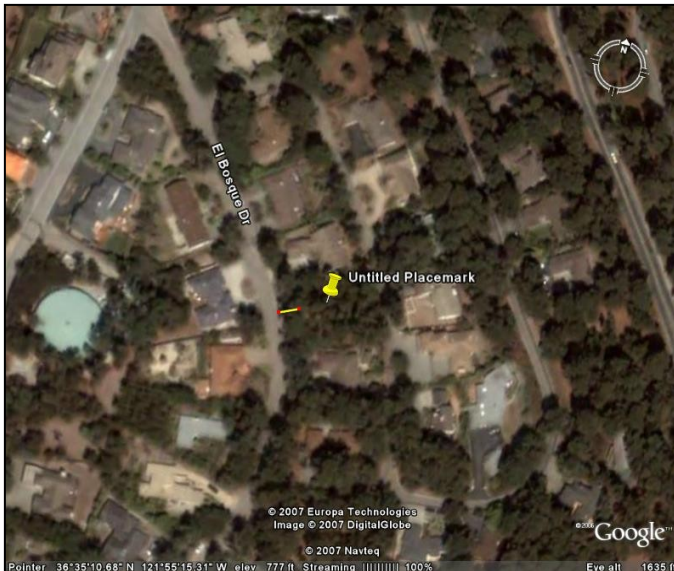
This report was reviewed by Carl Holm, AICP, Acting Planning Services Manager

**EXHIBIT B**  
**PROJECT DISCUSSION**  
**PLN060721 (Khalsa)**

**I. PROJECT SETTING AND DESCRIPTION:**

**Setting**

The project site is approximately one quarter of an acre (10,736 square feet) with frontage on both El Bosque Drive and Costado Place in the Huckleberry Hill planning area of Pebble Beach. This parcel was created by the Del Monte Forest Subdivision No. 2 and is suitable for development of a single family home. It is an undeveloped, rectangular, flat lot that is densely



populated with Monterey pine trees. The parcel is zoned for medium density residential use and is surrounded by lots of similar size and shape that were previously developed with single family residences.

The lot can be divided into two sections due to the location and characteristics of the trees occupying those sections:

- 1) The El Bosque half of the lot has sparse coverage, larger, older Monterey pine trees that screen the area proposed for development.
- 2) The Costado Place half of the property consists of dense coverage, younger, healthier, Monterey pine trees.

**Project Description**

Mr. and Mrs. Khalsa, owners, submitted plans to construct a new 3,306 square foot, 1-story, single family dwelling with a 646 square foot attached garage. They have designed the house to access the site from Costado Place while maintaining a “front” appearance, with a walkway, from El Bosque Drive. A patio is proposed on the Southern side of the residence connected to the driveway. The driveway, walkway and patio will all be constructed using pervious pavers to reduce impact to the drip lines of the trees not proposed for removal. Construction impacts from building and grading (65 cubic yards total) will require removal of up to 39 Monterey pine trees and one Coast Live Oak.

Staff, in conjunction with the applicant and the Del Monte Forest design review board, developed an alternative design that would reduce tree removal by allowing a variance to reduce the front set back from El Bosque. Although staff supports the original design, both Options are analyzed in the following discussion for the Planning Commission to consider the pros and cons of each. Including the variance in the project description allows the Commission to discuss and consider this entitlement as part of the public hearing.

## **II. ANALYSIS**

### **Development Standards**

The site is designated for medium density residential development (MDR/4-D(CZ)). Section 20.12.060 of the Coastal Implementation Plan (CIP) establishes development standards for height (27 feet), building site coverage (35%), floor area ratio (35%), and set backs.

Option 1: meets all of the development standards for the MDR/4 zoning district as follows:

- Height (24 feet 4 inches),
- Building site coverage (34.4%, 3,662 square feet), and
- Floor Area Ratio (34.4%, 3,662 square feet)

All set backs are met.

Option 2: Staff identified issues relative to the number of trees required for the project. Using the proposed design, staff explored a variance to reduce front setback requirements from 20 feet to 10 feet along El Bosque Drive. This variance was considered in order to minimize tree removal and preserve the younger, healthier, denser stand of pine trees on the Costado Place side of the lot. All other development standards are met similar to Option 1.

### **Tree Removal**

The parcel is densely forested and construction of a dwelling anywhere on the lot would require tree removal. According to the Del Monte Forest Coastal Implementation Plan (CIP), removal of native trees or other major vegetation requires a Coastal Development Permit (Section 20.147.050 A1 CIP) and is subject to a finding that there is no feasible alternative. Based on analysis of the two options below, staff concluded that Option 1 is the best solution for this property.

Option 1: The original proposal submitted for the project had the dwelling placed within the required setbacks essentially in the middle of the lot. This configuration requires removal of 39 Monterey Pine trees and 1 Coast Live oak greater than 6 inches DBH. Given the densely forested nature of the lot and required setback requirements, the proposal was determined to be adequately located and designed. The design of the flat work around the dwelling is located around trees where possible and will consist of pervious pavers to reduce risks and impact to the drip lines of the trees that will be retained. No landmark trees are proposed for removal under this option. Staff found that moving the dwelling within the setbacks resulted in impact to different trees, but no significant change in the number impacted. If required to meet all development standards, staff finds that there is no feasible alternative for the project as designed.

Option 2: This option represent's staff exploring alternatives that may better meet the policies of the Del Monte Forest LUP regarding tree removal (Policies 31-39). There are pros and cons to supporting this option:

- Nine young, healthy trees ranging from six to twelve inches DBH will be saved on the Costado Place side of the lot in exchange for removing one 25-inch pine tree defined as a landmark tree by section 20.147.020.O of the Coastal Implementation Plan (CIP) for a net reduction of eight trees.
- Due to the number of trees on the lot, in consideration with the two fronts, staff determined that reducing the front setback along El Bosque meets the intent of the

LUP Policies 31 and 34 by maximizing the natural forest character and minimizing removal of vegetation. *PRO*

- During a meeting on site to discuss project alternatives, the project Forester, Matt Horowitz, stated that the younger healthier trees along Costado Place are more worthy of protection than the older wind thrown trees because the older trees will pose a hazard to the newly constructed house at some point in the near future. *PRO*
- Removal of the landmark pine tree on the El Bosque side of the property conflicts with LUP policy 36 and 37 because the landmark tree is screening the property and dwelling from El Bosque Drive and neighbors on that side of the property. *CON*
- Removal of the landmark pine tree on the El Bosque side of the property conflicts with policy 54 in the LCP due to the increased visibility of the proposed dwelling. *CON*
- Removal of trees along El Bosque creates a visual impact by not allowing the proposed dwelling to blend with the site (Policy 56 LUP). *CON*
- Locating the dwelling within the front setbacks, also recognized by the forester, include loss of the El Bosque front area for tree replacement planting. *CON*
- All other properties in this area have been developed with homes that meet the development standards. Approving a variance would change the visual character of the streetscape along El Bosque. *CON*

Determination of compliance with LCP policies regarding tree removal proves difficult as both options have advantages and disadvantages and policy 32 (DMF LUP) states “Where LUP objectives conflict, preference should be given to long-term protection of the forest resources.” Since this lot is a residential infill lot with minimal impact to overall forest resources, preference has been given by staff for the option that conforms to policies and meets site development standards.

Recommendations contained in the report have been made conditions of approval to protect the trees not proposed for removal. The required replacement allows flexibility to re-plant 1 Monterey Pine, Cypress, or Oak tree for each tree removed that is greater than 12 inches (DBH). Proposed replanting will be subject to review and approval of the project forester, Pebble Beach Company, and the RMA-Planning Department (Condition # 12).

### **Variance (Option 2)**

Staff met with the applicant, forester, and biologist at the site to discuss and evaluate the proposed design relative to minimizing the cutting of trees consistent with the Del Monte Forest LUP. We identified that the El Bosque Drive half of the property is less dense and that placing the dwelling on that side of the lot would reduce the number of trees to be removed. The forester supported that idea saying, the younger, denser, healthier growth of Pines along the Costado Place side of the property would resist construction impacts and adapt better to new surroundings. Some of the larger trees on the El Bosque side of the property will create hazardous situations sooner than the smaller trees due to natural life spans of these trees and construction impacts.

Staff determined that a variance could reduce the number of trees being removed without changing the proposed design. Setbacks from the front property line were explored from zero to twenty feet (minimum required by code). The property line on El Bosque Drive is setback 20

feet from the edge of pavement for a Pebble Beach easement. Due to how the road has been constructed within the right-of-way, a zero setback from the property line is about 20 feet from the edge of pavement for the roadway. However, the Pebble Beach Architectural Review Committee determined that a zero setback was not acceptable due to standards for visual uniformity of the neighborhood. Allowing a 10-foot setback from the property line would still maintain the appearance of a 30-foot setback from the edge of pavement. It was determined during the course of review that a 10-foot setback may be acceptable to both the Pebble Beach Architectural Review Committee and from a visual stand point.

A variance requires three separate findings that;

- 1) the proposed project is an *allowed use*.
- 2) there are *special circumstances* applicable to the subject property...
- 3) the variance would not constitute a grant of *special privileges* inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, and

Providing evidence for #3 listed above is difficult without having some sort of precedence (*privilege*) or overriding policy issue to address. Most properties in the neighborhood conform to the site development standards regarding required setbacks; however, staff's research found three set back variances have been approved for properties located in the vicinity of the subject parcel. Two variances have been approved to reduce front set back requirements for bridge structures, but the homes meet all set back requirements. The third (ZA0698/Snyder) reduces the side set back requirement for a home in order to retain vegetation for screening.

Staff finds that the only site constraint (*circumstance*) is the dense tree coverage where policies are designed to protect the long-term health of the forest and to screen development. Emphasis of this latter policy is evident in the Snyder variance case. Granting a variance to reduce the front set back in this case (Khalsa) would preserve nine Monterey Pine trees with a net reduction of eight pines due to the removal of the landmark tree. As noted in the report above, moving the house forward (reducing the front variance) on the Khalsa property would reduce the area where re-vegetation could better screen the development and requires removal of a landmark tree that adds to the screening. Although a variance would reduce tree removal, staff recommends that a variance is not approved in this case in order to retain the maximum potential area for screening.

## LUAC

On April 5, 2007, the Del Monte Forest LUAC voted to approve the Khalsa proposed residence PLN060721 with a vote of 3-1. The LUAC was not presented Option 2 since the variance was included by staff later in the process. Comments were received by the public expressing the following concerns:

- 1) The roof is too high in comparison with surrounding homes. The majority of the committee agreed that the area has very little consistency in roof height or design. The project consists of a 1-story dwelling that is under the maximum allowable height by three feet.
- 2) Safety concerns regarding the driveway entry and exit (from Costado Place). According to Public Works encroachment staff, driveway dangers are related to visibility along with the amount and speed of traffic on the road where a connection (e.g. driveway) is being made. Although traffic studies were not required, staff can reason from the nature of the project that Costado Place (small frontage road serving 14 properties, including the Khalsa's) would have fewer trips and a lower average speed than El Bosque Drive which is a standard residential right of way. Staff also found during site visits that visibility

from the El Bosque Drive front is limited due to topography. Furthermore, the project has been reviewed by the Pebble Beach Community Services Fire District and there is no substantial evidence that driveway location on Costado Place would present a hazard.

### **CEQA**

The project entails development of a single family home on an existing legal lot of record created through the Del Monte Forest subdivision number 2 in 1948. The project includes removal of 39 Monterey pine trees on a site that is densely populated with trees. Staff reviewed biological and forest management reports prepared for the proposed project. These reports evaluated the site for unique conditions that may supersede a Categorical Exemption (Class 1) and conclude that undergrowth consists of pine needles, mowed grass, and several invasive species subtracting from the habitat quality of the site.

Section 15303(a) of the California Environmental Quality Act (CEQA) exempts the construction of single family residences (Class 3). The project is not located within the public viewshed (Section 20.147.070.A.1 CIP), and is a vacant infill lot surrounded by an established residential neighborhood. Staff visits found no evidence of any unique conditions and the project is consistent with the Local Coastal Program, which serves as the functional equivalent of an environmental impact report with policies acting as mitigation measures.

### **CONCLUSION**

Staff determined that the benefits and impacts of the Variance (Option 2) are worthy of consideration; however, staff supports Option 1 to not include the Variance based on the following:

- 1) Impacts from the Variance including the requirement to remove a landmark tree that adds screening of the proposed development.
- 2) Maintaining the set back is consistent with existing development of the surrounding neighborhood and retains greater amount of area to screen the development from El Bosque Drive.
- 3) Approving a Variance would grant a special privilege (e.g. precedence) that is not shared by other properties that are already developed in the area.

**EXHIBIT C**  
**RECOMMENDED FINDINGS AND EVIDENCE**  
**PLN060721 (Khalsa)**

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Del Monte Forest Land Use Plan, Coastal Implementation Plan Part 5, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

**EVIDENCE:** (a) Plan Conformance The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No other conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) Zoning Consistency The property is located at 4041 El Bosque Drive (Assessor's Parcel Number 008-102-015-000), Del Monte Forest Land Use Plan. The parcel proposed for development is zoned Medium Density Residential, 4 units per acre, Design Control, in the Coastal Zone ("MDR/4-D(CZ)"). The project entails removal of pine trees in order to construct a new 3,306 square feet single family dwelling on a vacant lot. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20. The site is therefore suitable for the proposed development.

(c) Site Visit The project planner conducted a site inspection on March 14, 2007 and again of April 18, 2007 to verify that the project on the subject parcel conforms to the plans listed above.

(d) Forest Resources The site is densely forested Monterey pine and development anywhere on the lot would require removal of trees. A Forest Management Plan was prepared by Forest City Consulting on January 24, 2007 and amended May 11, 2007 for the project. As designed, the project requires removal of 39 Monterey Pine Trees and 1 Coast Live Oak. One of the Monterey Pines is dead and should be removed for the health of the forest. A separate entitlement (CDP) is included in this permit for the removal of healthy, native Monterey Pine trees (*See Finding 3*).

(e) Land Use Advisory Committee (LUAC) The Del Monte Forest LUAC reviewed the project on April 5, 2007 and recommended approval (3-1). Comments from the public were received regarding height, and driveway safety concerns. The committee response was that there is very little consistency in roof height and design in the area. No comment from the LUAC was documented regarding the driveway; however, the project has been reviewed by the Pebble Beach Community Services Fire Protection District, Public Works, and Planning staff. There is no substantial evidence that connection of the driveway to Costado Place would create a hazard.

(f) Variance A variance to reduce the front setback from El Bosque Drive in order to save nine Monterey Pine trees 6-12 inches DBH, is not justified in this case because the ramifications of the variance would create inconsistencies with the Del Monte Forest LUP (Policies 36, 54, and 56)



due to the requirement for removal of one 25-inch land mark pine tree.  
(See Findings 5, 6, & 7)

- (g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060721.

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

**EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Pebble Beach Fire Protection District, Public Works, Environmental Health Division, Water Resources Agency, and the California Coastal Commission. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Technical reports by an outside archaeology, biology and forester consultants indicated that there are not physical or environmental constraints that would indicate that the site is not suitable for the use propose. County staff concurs. The following reports have been prepared:

- *“Preliminary Archaeological Reconnaissance of Assessor’s Parcel 008-102-015” prepared by Archaeological Consulting, Salinas, CA, January 29, 2007.*
- *“Botanical/Biological Report” prepared by Jud Vandever, Monterey, CA, January 2007.*
- *“Forest Management Plan” (LIB070110) prepared by Forest City Consulting, Carmel, CA, January 24, 2007.*
- *“Amended Forest Management Plan (LIB070236) prepared by Forest City Consulting, Carmel, CA, May 11, 2007.*

- (c) The site has access from two roads, El Bosque Drive to the West and Costado Place to the East. A through lot has two front setback requirements and allows the possibility for access from either direction. The driveway has been located on Costado Place, a small frontage road serving 14 properties including the Khalsa’s, due to safety concerns. Conversation with a neighbor during staff’s site visit supported the idea that connection of a driveway to Costado Place is ideal as the project is located on the down hill side of a crest in El Bosque Drive where speed of through traffic could pose a hazard. Staff concurs that the driveway is adequately located.

- (d) The site is served by established infrastructure including Pebble Beach sewer system, water system, and existing electric utility poles.

- (e) Staff conducted a site inspection on March 14, 2007 and again of April 18, 2007 to verify that the site is suitable for this use.

- (f) Materials in Project File PLN060721.

3. **FINDING: TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan and Coastal Implementation Plan (Part 5).

**EVIDENCE:** (a) The project includes a Coastal Development Permit for the removal of 39 Monterey pines and 1 Oak tree within the Del Monte Forest. One of the Monterey pines is dead leaving removal of 38 healthy pines and one Coast

Live Oak. Since dead trees can be removed with a waiver, a total of 39 trees are subject to a Coastal Development Permit for their removal. (Section 20.147.050 A CIP).

- (b) Section 20.147.050.D.4 of the Monterey County Coastal Implementation Plan, Part 5, states that “new residential development, including driveways and parking areas, shall be sited and designed to minimize cutting of trees, especially trees screening the development from neighboring properties.” Development locations are limited due to setback requirements including two front set backs; however, developing the structure in the middle of the lot allows for retention of trees screening the property from the road and neighbors.
- (c) The driveway, patios, and walkways have been adequately located and will consist of permeable pavers to allow water and oxygen to penetrate and have less impact on trees and their root zones.
- (d) Protection of trees screening the property promotes consistency with tree removal policies 36 and 37 and visual policies 54 and 56, by allowing the structure to blend with the site. No landmark trees or trees screening the property are proposed for removal. A standard condition requiring protection of the remaining trees has been incorporated (Condition 6).
- (e) Removal of trees that measure 12-inches or greater DBH are required to be replaced on site at a 1:1 ratio by Section 20.147.050.D CIP. Seven of the thirty nine trees to be removed are 12-inches or greater DBH. The Forest Management Plan also recommends a 1:1 ratio including the use of pines, oaks and cypress trees to be planted as replacements; this has been incorporated in the standard conditions of approval (Conditions 7 & 9). A mixture of species is recommended to better reflect the natural diversity of a Monterey pine forest in surrounding areas.
- (f) When reviewing requests for tree removal, environmental considerations shall include review of forest plant associations, native soil cover, aesthetic values, as well as maintenance of the overall health of the stand (Policy #32 LUP). The Forest Management Plan (FMP) and the Biological Report both indicate that the existing ground cover consists of dead pine needles, mowed grass, and several invasive species with limited plant associations. FMP recommendations, including limiting construction activities to the building site in order to minimize development related impacts to the native soil cover and retained forested areas, have been incorporated (Condition # 11).
- (g) A Monterey County standard condition of approval (Condition # 9) has been implemented requiring the applicant to record a notice stating that a Forest Management Plan has been prepared and any tree removal shall be in accordance with the approved plan (20.147.050.D.7 CIP).
- (h) Forest Management Plan prepared by Forest City Consulting, dated January 24, 2007 and subsequent report by Forest City Consulting dated May 11, 2007 contained in Project File PLN060721.
- (i) The removal will not significantly impact the overall health of the forest as the property is located within an established residential neighborhood.

4. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.

- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts the construction of single family residences. Another exemption is given for in-fill development projects 15332. Although the lot is not within city limits it is a small lot created by a subdivision, served by public utilities, and surrounded by an established residential neighborhood.
- (b) The project as proposed is consistent with the Local Coastal Plan policies. There are no landmark trees proposed for removal and the site is not visible from any designated scenic corridor or public viewing area.
- (c) The Forest Management Plan prepared for the project identifies only construction related impacts such as root and trunk damage and soils compaction due to use of heavy equipment. Standard conditions of approval requiring a construction staging area, replacement planting at a 1:1 ratio for seven of the thirty nine trees to be removed twelve inches or greater Diameter at Breast Height (20.147.050D CIP), and tree and root protection for the trees being retained (Policy #34 LUP) have been included (Conditions 6,7 & 12)
- (d) The biological report prepared for the project determined that there is no sensitive habitat at the site. No significant impacts were identified.
- (e) The Archaeological report prepared for the project was negative and concluded that “The proposed new construction project should not be delayed for archaeological reasons.
- (f) There are no unusual circumstances related to the project or property.
- (g) No potential adverse environmental effects were identified during staff review of the development application and during site visits on March 14, 2007 and again on April 18, 2007.
- (h) See preceding and following findings and supporting evidence.

5. **FINDING: VARIANCE (AUTHORIZED USE)** – This project will not constitute a grant for an activity or use otherwise not expressly authorized by the zone regulations governing the parcel.

- EVIDENCE:** (a) A single family residence is listed as a “Use Allowed” subject to a Coastal Administrative Permit per Section 21.12.040 A in the Medium Density Residential zoning district Title 20.
- (b) Tree removal is allowed subject to approval of a Coastal Development Permit.
- (c) Materials in Project File PLN060533

6. **FINDING: VARIANCE (SPECIAL CIRCUMSTANCE)** – There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings. As a result, the strict application of Title 20 would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Although it was determined that special, circumstances exist, Variances are granted on a case-by-case basis and the findings and evidence for this project do not necessarily apply to other parcels.

- EVIDENCE:** (a) The parcel has frontage on both El Bosque Drive, to the West and Costado Place, to the East creating two front yards and no rear. This is a feature that is shared by many of the parcels in the vicinity.

- (b) The parcel is more densely forested on the Costado Place (east) half of the property. Reducing the front set back along El Bosque (west) would result in removal of eight fewer trees but would eliminate an area for replanting. There are no site limitations besides trees that restrict development of this site.
- (c) Site inspection on March 14, 2007 and again of April 18, 2007 including meeting and discussing the project with the Forester, biologist, and applicants on April 18.
- (d) Plans and materials contained in project file PLN060721.

7. **FINDING: VARIANCE (SPECIAL PRIVILEGE)** – The Variance does not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and identical zoning classification in which such property is situated.

**EVIDENCE:** (a) Surrounding parcels including the subject parcel are designated medium density residential (MDR/4). All of the surrounding lots have been developed with single family dwellings leaving the parcel as a vacant infill lot. Surrounding parcels have been developed with single family homes that meet the required site development standards with the exception of three variances (see evidence “b” below).

(b) Research of Planning and Building Inspection Department files revealed that three variance have been granted within the vicinity of the subject parcel:

- ZA0698/Snyder (Assessor’s Parcel Number 008-102-019-000). Approved a reduction of the side yard setback. The finding was made that this location allowed existing vegetation to screen the project, reduce tree removal, and site disturbance.
- Two variances (ZA6215 / APN: 008-101-024, and ZA6218 / APN: 008-101-025) were approved allowed reduced front set backs for bridge structures due to slope constraints. However, the homes on these lots meet all required set backs. Both lots were developed by Sacramento Pension Trust and are located on the opposite side of Costado Place from the subject parcel.

(c) The Snyder variance provides guidance that retaining vegetation for screening warrants approval of a set back variance. In the subject (Khalsa) case, approving a front set back variance would remove existing screening and reduce the amount of area for replanting that would increase that screening.

(d) Plans and materials contained in project file PLN060721.

8. **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 costs, if any, have been paid.

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

9. **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 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest 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 March 14, 2007 and April 18, 2007.

10. **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.

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

**EVIDENCE:** (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

(b) The project may be appealed to the California Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 because:

1) tree removal is subject to a Coastal Development Permit.

2) the site is located between the sea (Pacific Ocean) and the first public road paralleling the sea (Highway One).

<b>EXHIBIT D</b> <b>Monterey County Resource Management Agency</b> <b>Planning Department</b> <b>Condition Compliance and/or Mitigation Monitoring</b> <b>Reporting Plan</b>	<b>Project Name:</b> <u>Sat Kirtan Khalsa</u> <b>File No:</b> <u>PLN060721</u> <b>Approved by:</b> <u>Planning Commission</u>	<b>APN:</b> <u>008-102-015-000</u> <b>Date:</b> <u>June 27, 2007</u>
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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.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<b>PBD029 - SPECIFIC USES ONLY</b> This Combined Development Permit (PLN060721) consist of the following entitlements 1) A <i>Coastal Administrative Permit to allow the construction of a new 3,036 square feet one-story single family dwelling with a 646 square feet attached garage and associated grading (43 cubic yards cut and 22 cubic yards fill);</i> 2) A <i>Coastal Development Permit for the removal of 39 Monterey Pine trees and 1 Coast Live Oak;</i> and 3) <i>Design Approval.</i> The property is located at 4041 El Bosque Drive (Assessor's Parcel Number 008-102-015-000), Del Monte Forest 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 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. <b>[Resource Management Agency (RMA) - Planning and Building Inspection]</b>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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2.		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b>  The applicant shall record a notice which states: "A permit (<b>Resolution No. _____</b>) was approved by the Planning Commission for Assessor's Parcel Number 008-102-015-000 on June 27, 2007. The permit was granted subject to 17 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.  <b>(RMA - Planning Department)</b></p>	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.		<p><b>PBD030 - STOP WORK - RESOURCES FOUND</b>  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. <b>(RMA - Planning Department)</b></p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning 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	

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4		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(RMA - Planning Department)</b></p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	



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5		<b>PD007 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. <b>(RMA – Planning Department and Building Services Department)</b>	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
6		<b>PD011 – TREE AND ROOT PROTECTION</b> 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, 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 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. <b>(RMA - Planning Department)</b>	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	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During Construction	

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7		<p><b>PD012(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</b></p> <p>The site shall be landscaped. At least three (3) weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. 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 include an irrigation plan. The plan 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 RMA - Planning 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. <b>(RMA – Planning Department)</b></p>	<p>Submit landscape plans including the types and locations of the replacement trees and contractor's estimate to the RMA - Planning Department for review and approval.</p>	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	At least three (3) weeks prior to final inspection or occupancy	
			<p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	Owner/ Applicant	Ongoing	
8		<p><b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</b></p> <p>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</p>	<p>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.</p>	Owner/ Applicant	Prior to the issuance of building permits.	

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		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. <b>(RMA – Planning Department)</b>	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
9		<b>PD016 – NOTICE OF REPORT - FOREST</b> 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 Forest City Consulting, dated January 24, 2007 and is on record in the Monterey County RMA - Planning Department, Library No's. LIB070110. All development shall be in accordance with this report." <b>(RMA – Planning Department)</b>	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.	
10		<b>PD035 - UTILITIES - UNDERGROUND</b> All new utility and distribution lines shall be placed underground. <b>(RMA - Planning Department; Public Works)</b>	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
11		<b>SPPD001-CONSTRUCTION STAGING AREA</b> The staging area for the construction equipment and materials shall be sited on the existing road or on other disturbed areas away from natural vegetation. <b>(RMA–Planning Department)</b>	Submit a staging Plan to the RMA-Planning Department for review and approval	Owner/ Applicant/ Contractor	Prior to issuance of grading or building permits	

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12		<p><b>SPPD002- TREE REPLACEMENT</b></p> <p>The applicant shall plant at least one Coast Live Oak, Monterey Cypress, or Monterey Pine on site for each native tree remove that is 12-inches DBH or greater. A Planting Plan providing the replacement information shall be subject to review and approval of the project forester, Pebble Beach Company, and the RMA-Planning Department. If a proposed replacement tree is not of the same variety as the trees being removed, then the applicant shall submit written approval from the forester and Pebble Beach Company with the Landscape Plans.</p>	<p>Submit tree replacement types and locations in the Landscape Plan required by Condition 7.</p> <p>Provide written approval of the proposed tree replacement from the Pebble Beach Company when the proposed plans are submitted to the County for review.</p>	<p>Owner/Applicant/Forester</p> <p>Owner/Applicant/Forester</p>	<p>At least three (3) weeks prior to final inspection or occupancy</p>	
13		<p><b>WR1 - DRAINAGE PLAN</b></p> <p>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. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. <b>(Water Resources Agency)</b></p>	<p>Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.</p>	<p>Owner/Applicant/Engineer</p>	<p>Prior to issuance of any grading or building permits</p>	
14		<p><b>WR40 - WATER CONSERVATION MEASURES</b></p> <p>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. <b>(Water Resources Agency)</b></p>	<p>Compliance to be verified by building inspector at final inspection.</p>	<p>Owner/Applicant</p>	<p>Prior to final building inspection/occupancy</p>	

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15		<b>WR43 - WATER AVAILABILITY CERTIFICATION</b> 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. ( <b>Water Resources Agency</b> )	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
16		<b>FIRE011 - ADDRESSES FOR BUILDINGS</b> 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. <b>Responsible Land Use Department: Pebble Beach Fire District.</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection		Prior to final building inspection	

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17		<p><b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b></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.</p> <p><b>Responsible Land Use Department: Pebble Beach Fire District.</b></p>	<p>Applicant shall enumerate as “Fire Dept. Notes” on plans.</p>	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection		Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection		Prior to framing inspection	