

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040434

APN# 008-441-026-000
FINDINGS & DECISION

In the matter of the application of
LYON MICHAEL D (PLN040434)

Coastal Administrative Permit and Design Approval for a 1,146 square-foot addition to and remodel of an existing one-story single-family dwelling; and Variance to the Pescadero Watershed's maximum allowable structural coverage of 5,000 square feet. Project includes the removal of 3,950 square feet of an existing 6,571 square-foot asphalt driveway. The project is located at 1463 Susan Way, Pebble Beach (Assessor's Parcel Number 008-441-026-000). The project came on regularly for hearing before the Zoning Administrator on April 28, 2005.

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

FINDINGS OF FACT

- 1. FINDING:** **CONSISTENCY** - The project as conditioned is consistent with applicable Monterey County plans and policies, including the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), and Title 20 of the Monterey County Zoning Ordinance, which designates the project area as appropriate for residential development.
- EVIDENCE:**
- (a) 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 PLN040434.
 - (b) PBI staff has reviewed the project application and accompanying materials for consistency with the Del Monte Forest Land Use Plan, Coastal Implementation Plan (Part 5), and Title 20 of the Monterey County Zoning Ordinance.
 - (c) The project planner conducted an on-site inspection on February 23, 2005 to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) Single-family dwellings are allowed uses in the subject property's zoning district according to Section 20.14.040 of the Zoning Ordinance.
 - (e) The parcel is zoned "LDR/1.5-D(CZ)" (Low Density Residential (Coastal) with a maximum density of 1.5 acres/unit and a Design Control Overlay). The project is in compliance with site development standards for Low Density Residential zoning districts (Section 20.14.060 of the Zoning Ordinance).
 - (f) A Design Approval application was submitted, and staff has determined that the project will not negatively impact public viewsheds, neighborhood character, or the visual integrity of the development.
 - (g) An archaeological report (dated August 5, 2004) was prepared for this project by Archaeological Consulting. The report concludes that there is no evidence of archaeological resources on the property. In the event that archaeological resources

are uncovered during construction, the project has been conditioned to require that work be halted immediately until the find can be properly evaluated.

- (h) A Forest Management Plan (FMP) was prepared for this project by Frank Ono, Forester, on December 16, 2004. The FMP recommends that a double-stemmed coast live oak tree (with 12” and 8” stems) located within the footprint of the proposed addition be removed. It also recommends that the tree be replaced by planting two 15-gallon coast live oak trees to the east of the home. Because the double-stemmed oak was removed without permits, restoration was required prior to deeming the project application complete in accordance with Monterey County policies. The applicant planted two 15-gallon coast live oaks as recommended in the FMP, exceeding the one-to-one replacement ratio required by Section 20.147.050D.4 of the Monterey County Zoning Ordinance.

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, Environmental Health, Parks, the Water Resources Agency, and the Pebble Beach Community Services District. Recommended conditions have been incorporated.
 - (b) The Geotechnical and Geological Hazards Report prepared by Grice Engineering, Inc. for the subject property (dated August 5, 2004) concludes that the site is suitable for the project.
 - (c) Staff conducted a site visit on February 23, 2005 to verify that the site is suitable for this use.
 - (d) Necessary public facilities are available and will be provided.

3. FINDING: CEQA (Exempt) - The project is exempt from environmental review.

- EVIDENCE:**
- (a) The project is exempt from environmental review per Section 15301(e) of the CEQA Guidelines (Existing Facilities).
 - (b) No adverse environmental effects were identified during a site visit to the subject property on February 23, 2005 or during review of the project application.
 - (c) Development is largely contained in an already disturbed area of the property. Additional disturbance would be minimal.
 - (d) There are no unusual circumstances related to the project or property.

4. FINDING: NO VIOLATIONS – The project as approved brings the subject property into compliance with all rules and regulations pertaining to zoning uses and any other applicable provisions of the county's zoning ordinances. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

- EVIDENCE:**
- (a) Staff discovered construction activity at the site during a site visit on February 23, 2005. (See the photos in the project folder under the heading “Project Review”.)
 - (b) The subject property has been red-tagged due to the applicant starting work without permits. Before issuance of the building permit, the applicant must pay doubled building permit fees in order to remedy the violation. However, 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.

(c) Staff has reviewed Monterey County Planning and Building Inspection Department records and is not aware of any other violations existing on the 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. No access is required as part of the project as no substantial adverse impacts 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 visit on February 23, 2005.

6. FINDING: **PESCADERO WATERSHED POLICY** - The project is not consistent with Section 20.147.030.A.1.b of the Monterey County Zoning Ordinance, which limits structural coverage to 5,000 square feet, but the project is consistent with the 4,000 square-foot maximum allowed for surface impervious coverage. It also meets the maximum total impervious coverage of 9,000 square feet allowed for each property in the Pescadero Watershed.

EVIDENCE:

- (a) The project application contained in File No. PLN040434 proposes structural coverage of approximately 5,949 square feet and surface impervious coverage of 2,621 square feet for a total of 8,570 square feet of impervious coverage. Total impervious coverage post-project (8,570 square feet) would be less than pre-project total impervious coverage (11,374 square feet, with 4,803 square feet of structural coverage and 6,571 square feet of other impervious surfaces).
- (b) See the Variance findings below.

7. FINDING: **VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under an identical zoning classification.

EVIDENCE:

- (a) The intent of the Pescadero watershed coverage limitations (Section 20.147.030.A.1.b of the Monterey County Coastal Implementation Plan, Part 5) is to limit the amount of stormwater runoff into Carmel Bay, thereby protecting an area of biological significance. Although the proposed project exceeds the 5,000 square-foot limit for structural coverage by 949 square feet, the proposed 2,621 square feet of surface impervious coverage is below the allowable 4,000 square-foot limit. The project will not exceed the 9,000 square-foot combined structural and impervious surface coverage limit, and therefore complies with the intent of the Pescadero watershed

impervious coverage standards. The project meets all other zoning requirements regarding size and bulk, lot coverage, and setbacks.

- (b) A condition has been added by the Water Resources Agency for a final drainage plan in order to conform to policies 1, 2, & 6 of the Del Monte Forest Land Use Plan, relating to drainage issues and addressing on-site and off-site impacts and retention facilities.
- (c) Other property owners in the vicinity and under identical zoning classification have been afforded the same privileges sought by the project applicant.
- (d) The Board of Supervisors' Resolution 94-149 (Steakley) allowed a Variance to exceed the 5,000 square-foot limit on structural coverage as long as stormwater runoff was controlled on site. The Board recognized that retaining stormwater on site and maintaining the combined structural and surface impervious coverage below the 9,000 square foot limit supported the intent of Section 20.147.030.A.1.b of the certified Monterey County Coastal Implementation Plan (Part 5) regarding impervious coverage in the Pescadero watershed.
- (e) Materials and documents in Project File No. PLN040434.

8. FINDING: **VARIANCE (Special Privileges)** - The Variance to exceed the maximum structural coverage allowable in the Pescadero watershed shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which the subject property is situated.

- EVIDENCE:**
- (a) There are many other instances where Variances to the Pescadero watershed's structural and/or surface impervious coverage limits for residential structures have been granted.
 - (b) The Board of Supervisors' resolution 94-149 (Steakley) allowed a Variance to exceed the 5,000 square-foot limit on structural coverage as long as stormwater runoff was controlled on site. The Board recognized that retaining stormwater on site and maintaining the combined structural and surface impervious coverage under the 9,000 square-foot limit supported the intent of Section 20.147.030.A.1.b of the certified Coastal Implementation Plan (Part 5) regarding impervious coverage in the Pescadero watershed.
 - (c) Total structural and surface impervious coverage proposed by the project is below the 9,000 square-foot maximum allowed.
 - (d) Materials and documents in Project File No. PLN040434.

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

- EVIDENCE:**
- (a) Preceding findings and supporting evidence.

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

- EVIDENCE:**
- (a) Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance.

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Coastal Administrative Permit and Design Approval be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 28th day of April, 2005.

MIKE NOVO
ZONING ADMINISTRATOR

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 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.

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

Project Name: Lyon

File No: PLN040434

APN: 008-441-026-000

Approval by: Zoning Administrator

Date: April 28, 2005

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.		<p>PBD029 - SPECIFIC USES ONLY This Coastal Administrative Permit, Design Approval, and Variance (PLN040434) allows a 1,146 square-foot addition to and remodel of an existing one-story single-family dwelling; the removal of 3,950 square feet of an existing 6,571 square-foot asphalt driveway; and a Variance to exceed the Pescadero Watershed's maximum allowable structural coverage of 5,000 square feet. The property is located at 1463 Susan Way, Pebble Beach (Assessor's Parcel Number 008-441-026-000), 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 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 other- wise stated	

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2.		<p>PBD025 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution 040434) was approved by the Zoning Administrator for Assessor's Parcel Number 008-441-026-000 on April 28, 2005. The permit was granted subject to 11 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)</p>	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	
3.		<p>PBD026 - NOTICE OF REPORT</p> <p>Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A forestry report dated December 16, 2004 has been prepared for this parcel by Frank Ono 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)</p>	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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4.		<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 the 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	
5.		<p>WR0003 - DRAINAGE PLAN - RETENTION</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. The plan shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of grading or building permits	
6.		<p>WR0043 - WATER AVAILABILITY CERTIFICATION</p> <p>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	

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7.		<p>WR0008 - COMPLETION CERTIFICATION</p> <p>The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)</p>	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant/ Engineer/ Contractor	Prior to final inspection	
8.		<p>WR0040 - WATER CONSERVATION MEASURES</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> <ol style="list-style-type: none"> 1. 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. 2. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency) 	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

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9.		<p>FIRE007 - DRIVEWAYS</p> <p>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.</p> <p>(Pebble Beach Community Services District)</p>	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 permits	

<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>
			Applicant shall schedule fire dept. clearance inspection.	Applicant or owner	Prior to final building inspection.	
10.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Pebble Beach Community Services 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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11.		<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>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. (Pebble Beach Community Services District)</p>	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	Applicant or owner	Prior to final building inspection	