

MONTEREY COUNTY PLANNING COMMISSION

Meeting: December 11, 2013 Time: 9:00 a.m.	Agenda Item No.: 4
Project Description: Appeal by Steve Dallas of the approval by the RMA – Director of Planning of a Design Approval to clear Code Enforcement Violation (13CE00204) to allow a new driveway connection approximately 60 feet in length from the non-exclusive easement to the existing residence and a Fee Waiver request.	
Project Location: 18 La Rancheria Road, Carmel	APN: 187-121-017-000
Planning File Number: PLN130592	Owner: Kathleen Pokigo Applicant: Michael Harrington, Brian Finnegan’s Office Agent: Mark Maryesh
Planning Area: Carmel Valley Master Plan	Flagged and Staked: No
Zoning Designation: “LDR/1-D-S” [Low Density Residential, 1 acres per unit with Design Control, and Site Plan Review Overlays]	
CEQA Action: Categorically Exempt per Section 15304 (a) of the CEQA Guidelines	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit B**) to:

- 1) Find the project Categorically Exempt pursuant to 15304 (a) of the CEQA Guidelines;
- 2) Deny an Appeal by Steve Dallas of the approval by the RMA – Director of Planning of a Design Approval application to clear Code Enforcement Violation (13CE00204) to allow a new driveway connection approximately 60 feet in length from the non-exclusive easement to the existing residence;
- 3) Approve the Fee Waiver request; and
- 4) Approve the subject Design Approval (PLN130592), based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

PROJECT OVERVIEW:

The site is located in an “S”, Site Plan Review District which requires an over-the-counter Design Approval for a new driveway. The property owner installed a new driveway consisting of 6 inches of Class II base rock with a decorative decomposed granite finish between the existing residence and a non-exclusive easement that provides access to an adjacent property without the benefit of a permit. Access to the subject property was previously provided by an existing driveway onto La Rancheria driveway, which will remain.

A private party subsequently informed the RMA – Planning Department of the installation of the driveway. RMA Planning Department staff advised the property owner in a letter dated August 8, 2013 that a Design Approval application is required. On August 20, 2013, the applicant applied for a Design Approval (PLN130592). A Code Enforcement case was opened (13CE00204). The Design Approval was approved by the RMA - Planning Department on October 22, 2013. The appellant timely filed an appeal of the Design Approval on November 4, 2013. The appellant is also requesting a waiver of the appeal fee.

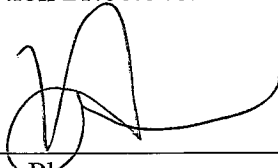
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ Monterey Regional Fire Protection District

The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because the subject application is an appeal of a discretionary permit that does not require review by the Zoning Administrator or Planning Commission.

Note: The decision of the Planning Commission on this appeal is final and no further appeals are available pursuant to Section 21.80.040.B

/S/ Valerie Negrete



Valerie Negrete, Assistant Planner
(831) 755-5227, negretev@co.monterey.ca.us
(November 27, 2013)

cc: Front Counter Copy; Planning Commission; Monterey Regional Fire Protection District; Wanda Hickman, Planning Services Manager; Bob Schubert, Senior Planner; Valerie Negrete, Project Planner; Kathleen Pokigo, Owner; Michael Harrington, Attorney; Steve Dallas, Appellant; Mark Maryesh, Agent; The Open Monterey Project; LandWatch; Planning File PLN130592

Attachments: Exhibit A Project Discussion
Exhibit B Draft Resolution, including:
• Conditions of Approval
• Site Plan
Exhibit C Vicinity Map
Exhibit D Notice of Appeal and Fee Waiver Request
Exhibit E Design Approval Application
Exhibit F Fee Waiver Policy
Exhibit G Correspondence
Exhibit H E-mail from Mark Setterland, Deputy Building Official, dated December 4, 2013

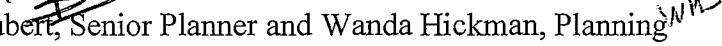
This report was reviewed by Bob Schubert, Senior Planner and Wanda Hickman, Planning Services Manager 

EXHIBIT B DISCUSSION

Background

The property owner installed a new driveway consisting of 6 inches of Class II base rock with a decorative decomposed granite finish approximately 60 feet in length in an area between the existing residence and a non-exclusive easement that provides access to an adjacent property owned by the appellant. A private party informed the County about the driveway and County staff advised the property owner in a letter dated August 8, 2013 that a Design Approval was required. A code enforcement case was opened (13CE00204). On August 20, 2013, the applicant applied for a Design Approval (**Exhibit E**) which was approved by the RMA - Planning Department on October 22, 2013.

Basis for the Appeal

An appeal of the Design Approval was timely filed by a neighbor, Steve Dallas, on November 4, 2013. The appellant has indicated that the reasons for the appeal are as follows:

- 1) Lack of a fair or impartial hearing;
- 2) Findings or decision or conditions are not supported by the evidence; and
- 3) The decision was contrary to the law.

The Notice of Appeal contains the following statement regarding the basis for the appeal:

“Please review Time Line and letters from County – Applicant has not correctly filled out design approval request – County did not process application correctly SEE ATTACHED – All E Mails in File. No drainage plan.”

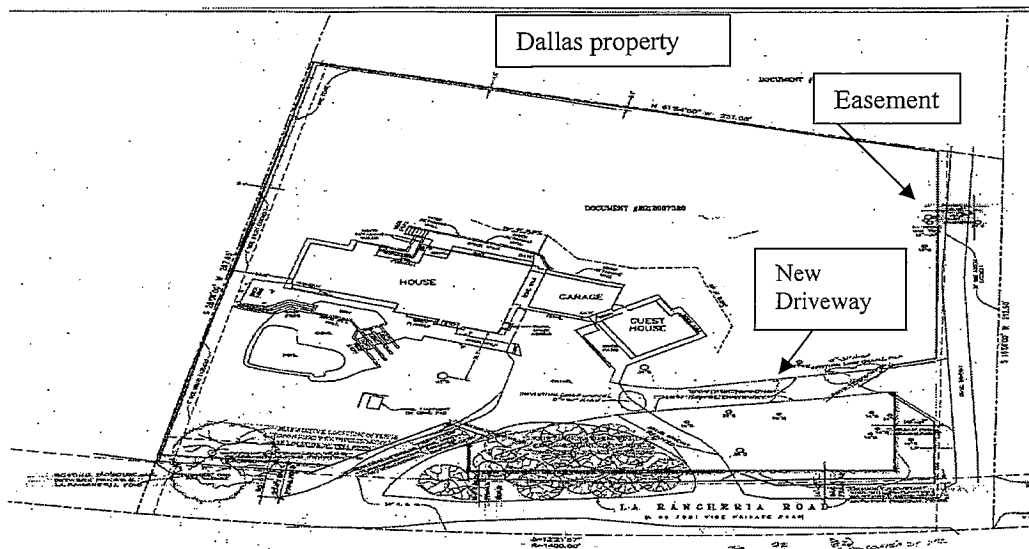
A letter from the appellant to the RMA Planning Department dated November 3, 2013 which is attached to the Notice of Appeal, states that potential drainage impacts from the new driveway is his main concern, as well as the review process that was followed that resulted in approval of the Design Approval application. The appellant attached a marked up site plan that identifies areas on the site where he believes the applicant’s driveway must be designed so *“we will not have a pond in our existing gravel driveway.”* In addition, the appellant highlighted areas on the Design Approval application that he believes were filled out incorrectly.

Staff Responses

Below are staff responses to the appellant’s contentions regarding drainage, the Design Review application form that was submitted by the applicant and the County’s review process for this project.

Drainage

The appellant states that a drainage plan should be required for the project because he believes that the natural flow of runoff will be altered by the new driveway to the extent that it may exasperate existing drainage problems on the non-exclusive easement which provides access to his property. It should be noted that the appellant has deposited granite base rock along the entire length of the non exclusive easement. The appellant’s property is located to the north which is along the property line that runs along the top of the site plan below.



The Monterey County Water Resources Agency and the RMA-Stormwater Management Division have indicated that a drainage plan is not required by their respective agencies because there is no defined drainage course on the subject property. An e-mail message (**Exhibit F**) from the County’s Deputy Building Official states:

“Based upon my site observation, it is my professional opinion that the addition of the driveway extension on the down slope side of the easement driveway will not change the drainage characteristics in this area, therefore a drainage study will not be required for the submittal of plans for the grading permit for the driveway extension. The submitted site plan will need to identify the topography of the area adjacent to the new driveway extension.”

Condition 1 (**Exhibit B**) requires that the grading permit application include a site plan prepared by a registered civil engineer showing original and finished contours, elevations for each side of the driveway approach, details of terrain and area drainage and any applicable site drainage, as deemed necessary by the Chief Building Official.

Design Approval Application Form

The appellant highlighted areas on a copy of the Design Approval application that he believes were filled out incorrectly. It should be noted that staff’s analysis of the Design Approval was based on staff’s review of the site plan and inspections of the site which were conducted on September 28, 2012, October 2, 2012 and September 20, 2013. This analysis determined that the site plan was accurate and that the project conforms to the applicable requirements. The information that the appellant indicates is incorrect on the application form did not affect staff’s analysis of the proposed project or decision to approve the Design Approval application.

Review Process

Finally, the appellant contends that the County did not process the Design Approval application correctly. In accordance with MCC Section 21.44.040.D, the appropriate authority to hear and decide Design Approvals for minor projects is the Director of Planning. No public notice is required for actions of the Director of Planning (MCC 21.45.040.C).

The appellant states that the project planner indicated that “*prior to the approval of the Design Approval there will be noticing to neighbors within 100 feet*”. However, noticing of over-the-

counter Design Approvals is not required under MCC Section 21.45.040.C. The County responded to this same concern on September 13, 2013, stating to the appellant in an e-mail message that *“there will be noticing to neighbors within 100 feet after the RMA - Planning Department approves the Design Approval”*. Notice of the approval was timely provided to the neighbors and the appellant received a copy. Therefore, the appropriate review process was followed for this application. The appeal process provides the appellant with notice and opportunity to be heard.

Fee Waiver Request

On November 4, 2013, in conjunction with the appeal for Planning File No. PLN130592, the appellant submitted a request for waiver of the appeal fee. The request for waiver or reduction of fees is subject to consideration by the Planning Commission per the County’s Fee Waiver Policy (**Exhibit F**) adopted by the Board of Supervisors on August 29, 2000 (Resolution No. 2000-342). The Planning Commission may waive or reduce permit fees when a request does not meet the listed criteria for RMA-Planning Department authorized fee waivers.

The appellant is requesting the Fee Waiver with a justification that County staff stated to him that *“prior to the approval of the Design Approval there will be noticing to neighbors within 100 feet”*. As discussed above, noticing is not required per MCC Section 21.45.040.C. Staff responded to this same concern by the appellant on September 13, 2013, stating that *“there will be noticing to neighbors within 100 feet after the RMA - Planning Department approves the Design Approval”*. Notice was provided to the neighbors and the appellant received the notice.

The amount of the fee for an appeal is based on the Monterey County Land Use Fee Schedule, adopted July 1, 2013. The fee for the subject appeal, in the amount of \$1,565.91, was paid by the appellant when the appeal was filed. The fee breakdown by department is as follows:

RMA – Planning Department \$ 807.00
Public Works Department \$ 108.68
Environmental Health Division \$ 130.00
Water Resources Agency \$ 365.83
County Counsel \$ 146.33
Document Management \$ 8.07
Total \$ 1,565.91

Staff recommends waiving the appeal fee because this is the appellant’s first opportunity for a public hearing on the Design Approval application for the driveway.

Environmental Review

The project was found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15304 (a) for projects with grading on slopes of less than 10%. The site is relatively flat and the material that was used to create the new driveway was not placed in an environmentally sensitive habitat or any protected resource. The area was formerly used for parking and there was no additional soil disturbance.

Conclusion

The applicant requested a Design Approval for a driveway that meets fire standards and will require a grading permit. There is existing access along La Rancheria and the new driveway is connected to an existing non-exclusive easement that provides access to the adjacent property which is owned by the appellant. The Monterey County Water Resources Agency and the RMA-Stormwater Management Division have indicated that a drainage plan is not required by their respective agencies because there is no defined drainage course on the subject property. It is the opinion of the County's Deputy Building Official that the new driveway will not change the drainage characteristics in this area and therefore a drainage study will not be required for the submittal of plans for the grading permit for the driveway. Condition 1 requires that the grading permit include a site plan prepared by a registered civil engineer showing original and finished contours, elevations for each side of the driveway approach, details of terrain and area drainage and any applicable site drainage. Finally, staff recommends approval of the Fee Waiver Request because this is the appellant's first opportunity for a public hearing on the Design Approval application.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Kathleen Pokigo (PLN130592)

RESOLUTION NO. PLN130592

Resolution by the Monterey County Planning
Commission:

- 1) Find the project Categorically Exempt pursuant to 15304 (a) of the CEQA Guidelines;
- 2) Deny an Appeal by Steve Dallas of the approval by the RMA – Director of Planning of a Design Approval application to clear Code Enforcement Violation (13CE00204) to allow a new driveway connection approximately 60 feet in length from the non-exclusive easement to the existing residence;
- 3) Approve the Fee Waiver request; and
- 4) Approve the subject Design Approval (PLN130592), based on the findings and evidence and subject to the condition of approval.

[PLN130592, Kathleen Pokigo, 18 La Rancheria, Carmel, Carmel Valley Master Plan (APN: 187-121-017-000)]

The Kathleen Pokigo application (PLN130592) came on for public hearing before the Monterey County Planning Commission on December 11, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is Design Approval application to clear Code Enforcement Violation (13CE00204) to allow a new driveway connection approximately 60 feet in length from the non-exclusive easement to the existing residence.
EVIDENCE: 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 PLN130592.

2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the

applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the 2010 Monterey County General Plan;
 - Carmel Valley Master Plan; and
 - Monterey County Zoning Ordinance (Title 21).

No 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) The property is located at 18 La Rancheria, Carmel Valley (Assessor's Parcel Number 187-121-017-000), Carmel Valley Master Plan. The parcel is zoned LDR/1-D/S, which allows [Low Density Residential, 1 acres per unit with Design Control, and Site Plan Review Overlays] and allows residential driveways subject to a Design Approval. Therefore, the project is an allowed land use for this site.
- c) Site Plan Review (S District) zoning district regulations require a Design Approval for structures, additions, deposit or removal of materials (MCC Section 21.45.040.A). The Director of Planning is the Appropriate Authority to hear and decide minor Design Approvals (MCC Section 21.44.050.D). In accordance with MCC 21.45.040.C, no public notice shall be required for actions of the Director of Planning.
- d) The property owner installed an approximately 60 foot long driveway in an area between the existing residence and a non-exclusive easement that provides access to an adjacent property without the benefit of a permit. A private party subsequently informed the RMA – Planning Department of the installation of the new driveway. The RMA Planning Department advised the property owner in a letter dated August 8, 2013 that a Design Approval application is required for the driveway. On August 20, 2013, the applicant applied for a Design Approval (PLN130592). A Code Enforcement case was subsequently opened (13CE00204). The Design Approval was approved by the RMA - Planning Department on October 22, 2013. The appellant filed an appeal of the Design Approval on November 4, 2013. The appellant also requested a waiver of the appeal fee.
- e) The project planner conducted site inspections on September 28, 2012, October 2, 2012 and September 20, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
- f) The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because the subject application is an appeal of a discretionary permit that does not require review by the Zoning Administrator or Planning Commission.
- 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 PLN130592.

3. **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 and the Monterey Regional Fire Protection District. 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) All of the potential impacts to the Design Approval have been addressed in this application.
 - c) The project planner conducted site inspections on September 28, 2012, October 2, 2012 and September 20, 2013 to verify that the site is suitable for this use.
 - d) 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 PLN130592.
4. **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) The project was reviewed by the RMA - Planning Department and the Monterey Regional Fire Protection District. The respective agencies have recommended one conditions for a grading permit to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. An additional condition is being added, a Permit Approval Notice, which serves as a notice on the property that a Design Approval has been approved.
 - b) The project is a Design Approval to allow a new driveway connection approximately 60 feet in length from the non-exclusive easement to the existing residence.
 - c) Staff conducted site inspections on September 28, 2012, October 2, 2012 and September 20, 2013 to verify that the site is suitable for this use.
 - d) 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 PLN130592.
5. **FINDING:** **NO VIOLATIONS** - The subject property is in not compliance with all rules and regulations pertaining to the County’s zoning ordinance. Violations exist on the property. The approval of this permit will correct the violations and bring the property into compliance.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is aware of a violation

existing on subject property.

- b) Staff conducted site inspections on September 28, 2012, October 2, 2012 and September 20, 2013 and researched County records to assess if any violation exists on the subject property.
- c) The subject application corrects an existing violation regarding the placement of Class II base rock with a decorative decomposed granite finish on the site for use as a driveway (13CE00204). Approval of the application will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violation.
- d) Zoning violation abatement costs, if any, have been paid.
- e) The application, plans and supporting materials submitted by the project applicant to the RMA - Planning Department for the proposed development are found in Project File PLN130592.

6. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15304 (a), categorically exempts grading on land less than 10% slope.
 - b) The application is a Design Approval to allow a new driveway connection approximately 60 feet in length from the non-exclusive easement to the existing residence. The area where the driveway is located was formerly used as parking and is flat with less than 10% slope. No tree removal or additional soil disturbance resulted from the installation of the driveway.
 - c) No adverse environmental effects were identified during staff review of the development application during site visits on September 28, 2012, October 2, 2012 and September 20, 2013.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.
 - e) 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 PLN130592.

7. **FINDING:** **APPEAL** - The Planning Commission has considered all the issues raised in the appeal and finds that the appeal is without merit for the reasons stated below.

- EVIDENCE:**
- a) The Planning Commission is the Appeal Authority to consider appeals from the decisions of the Director of Planning. An appeal must be made within 10 days after the discretionary permit was approved in accordance with MCC Section 21.80.050.C. The subject appeal was timely made on November 4, 2013.
 - b) **Basis for Appeal:**
The appeal states that the basis for the appeal is: 1) lack of a fair or impartial hearing; 2) findings or decision or conditions are not supported by the evidence and; 3) the decision was contrary to the law. A letter from the appellant to the RMA Planning Department dated November 3, 2013 states that potential drainage impacts from the new driveway is his main

concern, as well as the review process that was followed that resulted in approval of the Design Approval application. The appellant provided a marked up site plan that identifies areas on the site where he believes the applicant's driveway must be designed so "*we will not have a pond in our existing gravel driveway.*" In addition, the appellant highlighted areas on the Design Approval application that he believes were filled out incorrectly.

County Response:

Drainage

The appellant states that a drainage plan should be required for the project because he believes that the natural flow of runoff will be altered by the new driveway to the extent that it may exasperate existing drainage problems on the non-exclusive easement which provides access to his property. The Monterey County Water Resources Agency and the RMA-Stormwater Management Division have indicated that a drainage plan is not required by their respective agencies because there is no defined drainage course on the subject property. It is the opinion of the County's Deputy Building Official that the new driveway will not change the drainage characteristics in this area and therefore a drainage study will not be required for the submittal of plans for the grading permit for the driveway. Condition 1 requires that the grading permit include a site plan prepared by a registered civil engineer showing original and finished contours, elevations for each side of the driveway approach, details of terrain and area drainage and any applicable site drainage.

Design Approval Application Form

The appellant highlighted areas on the Design Approval application that he believes were filled out incorrectly. It should be noted that staff's analysis of the Design Approval was based on staff's review of the site plan and inspections of the site which were conducted on September 28, 2012, October 2, 2012 and September 20, 2013. This analysis determined that the site plan was accurate and that the project conforms to the applicable requirements. The information that the appellant indicates is incorrect on the application form did not affect staff's analysis of the proposed project.

Review Process

Finally, the appellant contends that the County did not process the Design Approval application correctly. In accordance with MCC Section 21.44.040.D, the appropriate authority to hear and decide Design Approvals for minor projects is the Director of Planning. No public notice is required for actions of the Director of Planning (MCC 21.45.040.C). The appellant states that the project planner indicated that "*prior to the approval of the Design Approval there will be noticing to neighbors within 100 feet*". However, noticing of over the counter Design Approvals is not required per MCC Section 21.45.040.C. The County responded to this same concern on September 13, 2013, stating to the appellant in an e-mail message that "*there will be noticing to neighbors*

within 100 feet after the RMA - Planning Department approves the Design Approval". Notice of the approval was subsequently provided to the neighbors and the appellant received a copy. The appeal process provides the appellant with notice and opportunity to be heard. Therefore, the appropriate review process was followed for this application.

8. **FINDING:** **FEE WAIVER REQUEST** – A fee waiver may be considered for projects identified in the fee waiver policy adopted by the Board of Supervisors on August 29, 2000.
- a) On November 4, 2013, in conjunction with the appeal for Planning File No. PLN130592, the applicant submitted a request for waiver of the appeal fee. The request for waiver or reduction of fees is subject to consideration by the Planning Commission per the County's Fee Waiver Policy adopted by the Board of Supervisors on August 29, 2000 (Resolution No. 2000-342). The Planning Commission may waive or reduce permit fees when a request does not meet the listed criteria for RMA-Planning Department authorized fee waivers. The appellant is requesting the Fee Waiver with a justification that the County staff stated that "*prior to the approval of the Design Approval there will be noticing to neighbors within 100 feet*". As discussed above, noticing is not required per MCC Section 21.45.040.C. Staff responded to this same concern on September 13, 2013, stating that "*there will be noticing to neighbors within 100 feet after the RMA - Planning Department approves the Design Approval*". Notice was provided to the neighbors and the appellant received the notice.
 - b) Because the subject Fee Waiver request is the appellant's first opportunity for a public hearing, the RMA Planning Department Commission recommended approval of the Fee Waiver.
9. **FINDING:** **APPEALABILITY** - The decision on this application may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Board of Supervisors in accordance with California Public Resources Code Section 21151 (c).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- 1) Find the project Categorically Exempt pursuant to 15304 (a) of the CEQA Guidelines;
- 2) Deny an Appeal by Steve Dallas of the approval by the RMA – Director of Planning of a Design Approval application to clear Code Enforcement Violation (13CE00204) to allow a new driveway connection approximately 60 feet in length from the non-exclusive easement to the existing residence;
- 3) Approve the Fee Waiver request; and
- 4) Approve the subject Design Approval (PLN130592), based on the findings and evidence and subject to the condition of approval, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 11th day of December, 2013 upon motion of ~~xxxx~~, seconded by ~~xxxx~~, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mike Novo, Secretary, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON ~~DATE~~

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE ~~[DATE]~~

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 grading 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 Department and Building Services Department office in Salinas.

Monterey County Planning Department

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN130592

1. PDSP01 - GRADING PERMIT

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:** The applicant/owner shall obtain and final a grading permit for the driveway. The grading permit application shall include a site plan prepared by a registered civil engineer showing original and finished contours, elevations for each side of the driveway approach, details of terrain and area drainage and any applicable site drainage as deemed necessary by the Chief Building Official. (RMA- Planning Department)

**Compliance or
Monitoring
Action to be Performed:** The applicant/owner shall obtain and final a grading permit for the driveway.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:
"A Design Approval (Resolution Number ***) was approved by the Planning Commission for Assessor's Parcel Number 187-121-017-000 on December 11, 2013. The permit was granted subject to 3 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

**Compliance or
Monitoring
Action to be Performed:** Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its 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 property, filing of the final map, recordation of the certificates of compliance 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. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

DOCUMENT #200909899

DOCUMENT #200909899

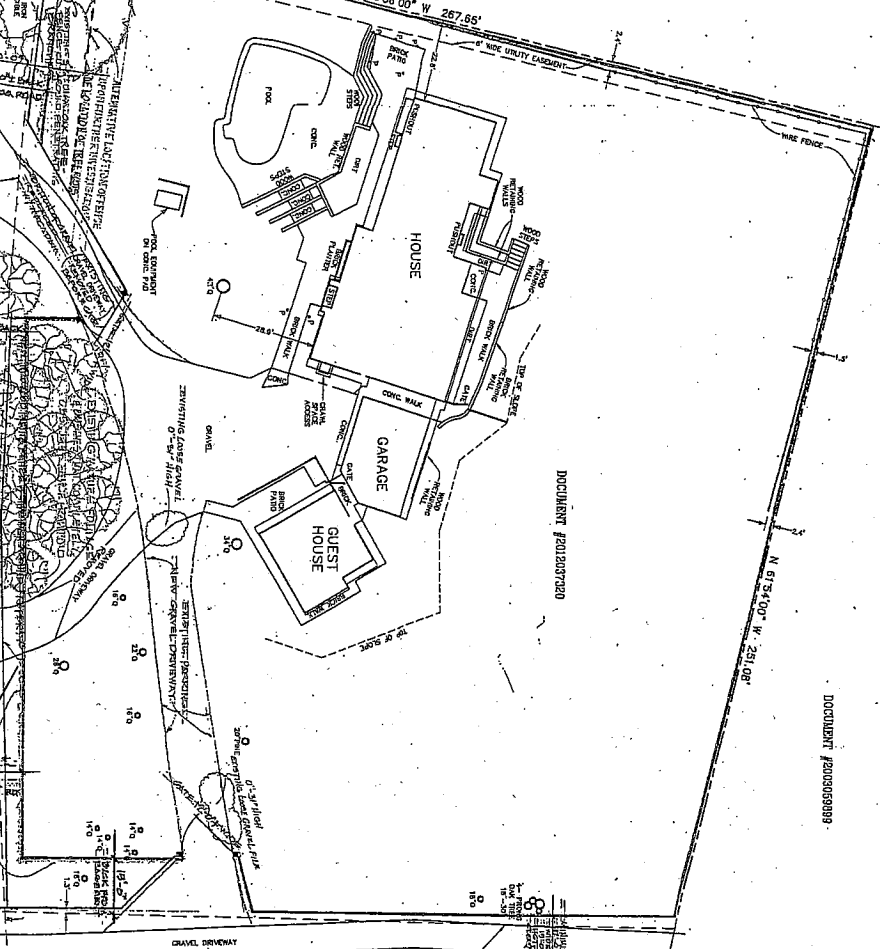
DOCUMENT #200909899

S 28°06'00" W 267.55'

N 67°40'00" W 251.08'

S 16°01'00" W 212.60'

L.A. RANCHERIA ROAD
(A 66 FOOT WIDE PRIVATE ROAD)



61231.57
14100.00
1302.15

30
92
80
172
B2)
to the center of site



Kathleen Fokigo
 REGISTRAR FOR
CENTRAL COAST SURVEYORS
 514000, Suite 200, P.O. Box 311-193
 Santa Cruz, California 95060
 (408) 571-4131
 (408) 571-4132
 (408) 571-4133
 (408) 571-4134
 (408) 571-4135
 (408) 571-4136
 (408) 571-4137
 (408) 571-4138
 (408) 571-4139
 (408) 571-4140
 (408) 571-4141
 (408) 571-4142
 (408) 571-4143
 (408) 571-4144
 (408) 571-4145
 (408) 571-4146
 (408) 571-4147
 (408) 571-4148
 (408) 571-4149
 (408) 571-4150
 (408) 571-4151
 (408) 571-4152
 (408) 571-4153
 (408) 571-4154
 (408) 571-4155
 (408) 571-4156
 (408) 571-4157
 (408) 571-4158
 (408) 571-4159
 (408) 571-4160
 (408) 571-4161
 (408) 571-4162
 (408) 571-4163
 (408) 571-4164
 (408) 571-4165
 (408) 571-4166
 (408) 571-4167
 (408) 571-4168
 (408) 571-4169
 (408) 571-4170
 (408) 571-4171
 (408) 571-4172
 (408) 571-4173
 (408) 571-4174
 (408) 571-4175
 (408) 571-4176
 (408) 571-4177
 (408) 571-4178
 (408) 571-4179
 (408) 571-4180
 (408) 571-4181
 (408) 571-4182
 (408) 571-4183
 (408) 571-4184
 (408) 571-4185
 (408) 571-4186
 (408) 571-4187
 (408) 571-4188
 (408) 571-4189
 (408) 571-4190
 (408) 571-4191
 (408) 571-4192
 (408) 571-4193
 (408) 571-4194
 (408) 571-4195
 (408) 571-4196
 (408) 571-4197
 (408) 571-4198
 (408) 571-4199
 (408) 571-4200

NOTES (NEW) 7/25/2015
 NEW FENCE DESIGN LOCATION TO BE PLANNED CONSIDERED.
 INTERIOR WALLS TO BE REMOVED FROM GUEST HOUSE TO BE OPENED UP TO MAIN HOUSE.
 INTERIOR WALLS TO BE REMOVED FROM GUEST HOUSE TO BE OPENED UP TO MAIN HOUSE.
 INTERIOR WALLS TO BE REMOVED FROM GUEST HOUSE TO BE OPENED UP TO MAIN HOUSE.
 INTERIOR WALLS TO BE REMOVED FROM GUEST HOUSE TO BE OPENED UP TO MAIN HOUSE.
 INTERIOR WALLS TO BE REMOVED FROM GUEST HOUSE TO BE OPENED UP TO MAIN HOUSE.

NOTES:
 1. DOCUMENT FOLLOWS FROM PLANNING AND DESIGN WITH ALL INFORMATION SHOWN HEREIN TO BE FOR INFORMATION ONLY. ALL INFORMATION SHOWN HEREIN IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE SURVEYOR.
 2. DOCUMENT SHOWS THE LATEST AVAILABLE INFORMATION. THE SURVEYOR HAS NO LIABILITY FOR ANY INFORMATION THAT IS NOT SHOWN HEREIN.
 3. DOCUMENT SHOWS THE LATEST AVAILABLE INFORMATION. THE SURVEYOR HAS NO LIABILITY FOR ANY INFORMATION THAT IS NOT SHOWN HEREIN.
 4. DOCUMENT SHOWS THE LATEST AVAILABLE INFORMATION. THE SURVEYOR HAS NO LIABILITY FOR ANY INFORMATION THAT IS NOT SHOWN HEREIN.
 5. DOCUMENT SHOWS THE LATEST AVAILABLE INFORMATION. THE SURVEYOR HAS NO LIABILITY FOR ANY INFORMATION THAT IS NOT SHOWN HEREIN.

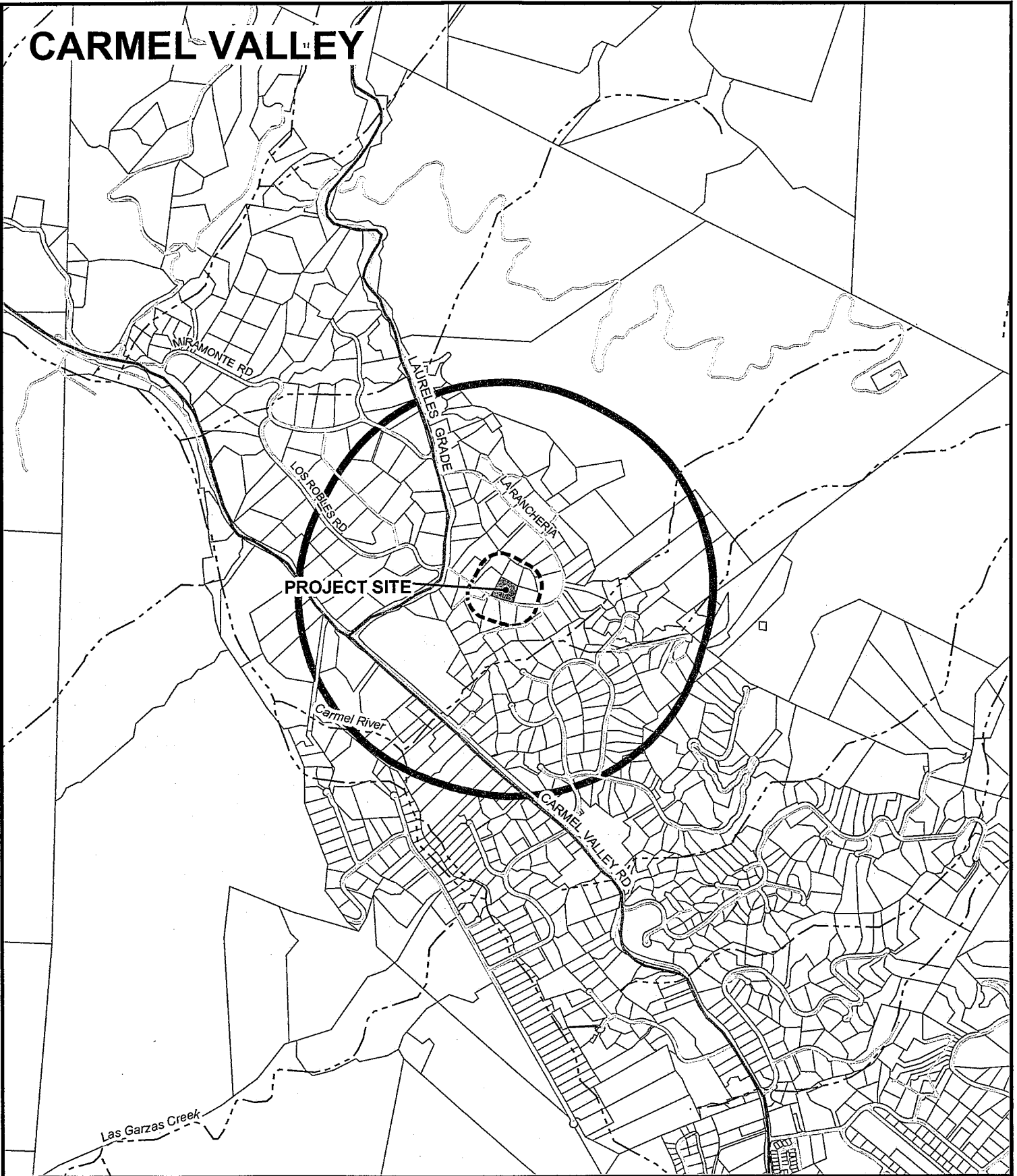
LEGEND:
 - - - - - FOOT EASEMENT
 - - - - - WOOD FENCE
 - - - - - WOOD FLOOR
 - - - - - WOOD FLOOR (1st)
 - - - - - WOOD FLOOR (2nd)

PLANIMETRIC MAP
 SHOWING A PORTION OF
 THE PARCEL DESCRIBED IN DOCUMENT
 #2012037320
 COUNTY OF SAN DIEGO, STATE OF CALIFORNIA
 KATHLEEN FOKIGO
 REGISTRAR FOR
 CENTRAL COAST SURVEYORS
 514000, Suite 200, P.O. Box 311-193
 Santa Cruz, California 95060
 (408) 571-4131
 (408) 571-4132
 (408) 571-4133
 (408) 571-4134
 (408) 571-4135
 (408) 571-4136
 (408) 571-4137
 (408) 571-4138
 (408) 571-4139
 (408) 571-4140
 (408) 571-4141
 (408) 571-4142
 (408) 571-4143
 (408) 571-4144
 (408) 571-4145
 (408) 571-4146
 (408) 571-4147
 (408) 571-4148
 (408) 571-4149
 (408) 571-4150
 (408) 571-4151
 (408) 571-4152
 (408) 571-4153
 (408) 571-4154
 (408) 571-4155
 (408) 571-4156
 (408) 571-4157
 (408) 571-4158
 (408) 571-4159
 (408) 571-4160
 (408) 571-4161
 (408) 571-4162
 (408) 571-4163
 (408) 571-4164
 (408) 571-4165
 (408) 571-4166
 (408) 571-4167
 (408) 571-4168
 (408) 571-4169
 (408) 571-4170
 (408) 571-4171
 (408) 571-4172
 (408) 571-4173
 (408) 571-4174
 (408) 571-4175
 (408) 571-4176
 (408) 571-4177
 (408) 571-4178
 (408) 571-4179
 (408) 571-4180
 (408) 571-4181
 (408) 571-4182
 (408) 571-4183
 (408) 571-4184
 (408) 571-4185
 (408) 571-4186
 (408) 571-4187
 (408) 571-4188
 (408) 571-4189
 (408) 571-4190
 (408) 571-4191
 (408) 571-4192
 (408) 571-4193
 (408) 571-4194
 (408) 571-4195
 (408) 571-4196
 (408) 571-4197
 (408) 571-4198
 (408) 571-4199
 (408) 571-4200

EXHIBIT B

21530211/1

CARMEL VALLEY



APPLICANT: POKIGO

APN: 187-121-017-000

FILE # PLN130592



2500' Limit



300' Limit

--- Water



City Limits



0 1,000
Feet

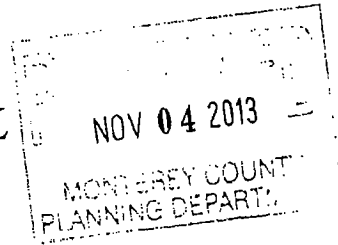


EXHIBIT C

PLANNER: NEGRETE



NOTICE OF APPEAL



Monterey County Code
Title 19 (Subdivisions)
Title 20 (Zoning)
Title 21 (Zoning)

No appeal will be accepted until a written decision is given. If you wish to file an appeal, you must do so on or before 11/7/13 * (10 days after written notice of the decision has been mailed to the applicant).
Date of decision * 10/24/13

1. Please give the following information:
 - a) Your name Steve Dallas
 - b) Address 14 La Rancheria Rd. City Carmel Valley Zip 93924
 - c) Phone Number 831-624-2662 or 625-2360

2. Indicate your interest in the decision by checking the appropriate box:
 Applicant
 Neighbor
 Other (please state) _____

3. If you are not the applicant, please give the applicant's name:

4. Indicate the file number of the application that is the subject of the appeal and the decision making body.
5.

	File Number	Type of Application	Area
a)	Planning Commission:	_____	_____
b)	Zoning Administrator:	_____	_____
c)	Subdivision Committee:	_____	_____
d)	Administrative Permit:	<u>PLN 130592</u>	<u>New Driveway Carmel Valley</u>

Exhibit D

NOV 04 2013

5. What is the nature of your appeal?

- a) Are you appealing the approval or the denial of an application? (Check appropriate box)
- b) If you are appealing one or more conditions of approval, list the condition number and state the condition(s) you are appealing. (Attach extra sheets if necessary).

See Attached

6. Check the appropriate box(es) to indicate which of the following reasons form the basis for your appeal:

- There was a lack of fair or impartial hearing; or
- The findings or decision or conditions are not supported by the evidence; or
- The decision was contrary to law.

You must next give a brief and specific statement in support of each of the bases for appeal that you have checked above. The Board of Supervisors will *not* accept an application for appeal that is stated in generalities, legal or otherwise. If you are appealing specific conditions, you must list the number of each condition and the basis for your appeal. (Attach extra sheets if necessary).

Please review Time Line and letters from County--Applicant has not correctly filled out design approval request-- County did not process application correctly SEE ATTACHED -- All E Mails in File NO DRAINAGE PLAN

7. As part of the application approval or denial process, findings were made by the decision making body (Planning Commission, Zoning Administrator, Subdivision Committee or Director of Planning and Building Inspection). In order to file a valid appeal, you must give specific reasons why you disagree with the findings made. (Attach extra sheets if necessary).

See Attached

8. You are required to submit stamped addressed envelopes for use in notifying interested persons that a public hearing has been set for the appeal. The Resource Management Agency - Planning Department will provide you with a mailing list.

9. Your appeal is accepted when the Clerk to the Board's Office accepts the appeal as complete on its face, receives the filing fee \$ 1,566.91 and stamped addressed envelopes.

APPELLANT SIGNATURE

DATE

11/4/13

ACCEPTED

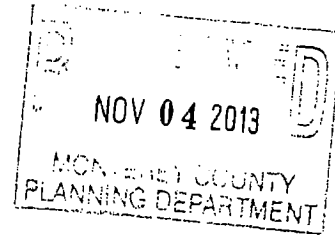
DATE

(Clerk to the Board)

Exhibit D

November 3, 2013

Monterey County Resource Management Agency
Planning Department
168 West Alisal
2nd Floor
Salinas, CA 93901



Re: PLN130592 (18 La Rancheria Rd Carmel Valley, CA)
APN 187-121-017
POKIGO-New Driveway
APPEAL

Dear Ms Wanda Hickman,

We have received your email from November 2, 2013 and do not fully agree with what you have stated in your email, it is completely different than what Ms Negrete stated in her August 8, 2013 letter, and also from Ms Gowen email of 9/13/13 code enforcement case # 13CE00204.

I thank you for taking my call on Saturday, after receiving your email. After our discussion, I have reviewed all of the emails, and other documents in regards to this PLN # 130592, and I will at this time, have to appeal this application, which as stated in Ms Negrete letter 8/8/13 "prior to approval of the Design Approval there will be noticing to neighbors within 100 feet of your property".

As you state in your email "It's my understanding that your concerns deals with potential drainage impacts from the new driveway." Yes this is our main concern, and in the entire process as a whole.

In the appeal I will be submitting on Monday 11/4/13, I have highlighted in a yellow marker all the areas on the original application which were filled out incorrectly, by the applicant, Ms Pokigo. Also, on the site plan I have marked in "RED" where drainage must be designed and required, so we will not have a pond in our (existing) gravel driveway. Now that Ms Pokigo has illegally constructed and build up her entrance driveway connecting to our original gravel driveway with all solid decomposed granite materials, her new driveway has completely block and restricted the natural flow of water in a Westerly direction. (see pictures)

As you know when I talked with you on Saturday 11/2/13, I preferred to get this extremely important issue solved, but Ms Pokigo has never followed any of Monterey counties regulations and rules, even after your code enforcement officer came out in mid December 2012. Ms Pokigo still went ahead and constructed a new illegal driveway without a permit or following any of the regulation and rules of Monterey County. Ms Pokigo did not even fill out the application correctly, and when she did eventually submitted the application for the driveway Ms Pokigo had already constructed her illegal driveway to her liking.

If you have any questions please feel free to email or call me directly at 625-2300

Thank You,

Steve Dallas
Mitzi Dallas
14 La Rancheria Rd
Carmel Valley, CA 93924

Mailing Address:

Exhibit D

Page 3 of 16 Pages

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168. Alisal St., Second Floor, Salinas CA. 93901
(831) 755-5025; (831) 757-9516
<http://www.co.monterey.ca.us/planning>



NOV 04 2013
MONTEREY COUNTY
PLANNING DEPARTMENT

FEE WAIVER REQUEST

Property Owner: Steve Dallas
Address: 14 La Rancheria Rd.
City/State/Zip: Carmel Valley, Calif. 93924
Phone: _____
Email: _____

Agent: Hermina Dallas
Address: 26615 Pancho Way
City/State/Zip: Carmel, Calif. 93923
Phone: 831-624-2662
Email: SGDallas@Yahoo.Com

Assessors Parcel Number: 187-121-017
Description of Project: Design Approval- New Driveway

Fee Waiver Justification: County Stated "Prior to approval of the Design Approval there will be noticing to neighbors within 100 feet of your property."
Rules and Procedures were ^{NOT} followed

(attach additional information if needed)

<i>Department use only</i>			
Given out:	By:		
Received:	By:		
Referred to other agencies:			
Fee waived by Director?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date:
Basis for Waiver			
Amount of Fees Waived: Planning & Building			
Health			
WRA			
PWD			
Entered into Tracking Spreadsheet (Admin. Secretary)			

Fee Waiver Request Rev. 1-03-13

Exhibit D

26615 Pancho way
Carmel, CA 93923-9546

PO Box 663
Carmel, CA 93921-0663

c.c. WFW Esq.

P.S. I would like to meet with you, the grading inspector and any other staff member at 1045am on 11/4/13 Monday at your office to show you pictures as you requested before I submit them for the appeal.

Exhibit D

Page 5 of 16 Pages

FILE # PIN 130592



MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT
Salinas - 168 West Alisal, 2nd Floor, Salinas, CA 93901
Telephone: (831) 755-5025 Fax: (831) 757-9516
Coastal Office - 2620 First Avenue, Marina, CA 93933
Telephone: (831) 883-7500 Fax: (831) 384-3261
http://www.co.monterey.ca.us/planning

NOV 04 2013
MONTEREY COUNTY
PLANNING DEPARTMENT

DESIGN APPROVAL REQUEST FORM

ASSESSOR'S PARCEL NUMBER: 187-121-017
PROJECT ADDRESS: 18 LA RANCHERIA, CARMEL VALLEY, CA 93924
PROPERTY OWNER: KATHLEEN POKIHO Telephone: (831) 659 5279
Address: 18 LA RANCHERIA, CV 93924 Fax: _____
City/State/Zip: CARMEL VALLEY CA 93924 Email: k1pokigo@yahoo.com
APPLICANT: _____ Telephone: _____
Address: _____ Fax: _____
City/State/Zip: _____ Email: _____
AGENT: _____ Telephone: _____
Address: _____ Fax: _____
City/State/Zip: _____ Email: _____

Mail Notices to: Owner Applicant Agent
(check only one)

PROJECT DESCRIPTION: (Attach Scope of Work) ADD GRANITE BASE TO EXISTING PAVING AREA. SPREAD GRANITE PEBBLES TO SURFACE

MATERIALS TO BE USED: GRANITE

COLORS TO BE USED: _____
You will need a building permit and must comply with the Monterey County Building Ordinance. Additionally, the Zoning Ordinance provides that no building permit 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.

PROPERTY OWNER/AGENT SIGNATURE: KSPokigo DATE: 8/20/13

FOR DEPARTMENT USE ONLY

ZONING: LDR-1-O-S-RALI
GENERAL/AREA PLAN: Carmel Valley
ADVISORY COMMITTEE: Carmel Valley
RELATED PERMITS: NONE
PLANNER: Melissa Negredo
LUAC REFERRAL: YES NO
DOES THIS CORRECT A VIOLATION?: YES NO
WITHIN ARCH BUFFER ZONE? YES NO
DECISION: ADMINISTRATIVE PUBLIC HEARING
LEGAL LOT: NO YES NO
GIVEN OUT BY: Downy DATE: 8/17/13
ACCEPTED BY: Downy DATE: 8/17/13
COMMENTS: _____

ADVISORY COMMITTEE RECOMMENDATION
 APPROVAL DENIAL
For: _____ Against: _____ Abstain: _____ Absent: _____
Was the Applicant Present? YES NO
Recommended Changes: _____
Signature: _____
Date: _____

APPROPRIATE AUTHORITY: DIRECTOR OF P & B I ZONING ADMINISTRATOR PLANNING COMMISSION
ACTION: APPROVED DENIED
CONDITIONS: _____
APPROVED BY: _____ DATE: _____
PROCESSED BY: _____ DATE: _____
COPY TO APPLICANT: IN PERSON OR MAILED DATE: _____

Revised 02/10/2009 It is unlawful to alter the substance of any official form or document of Monterey County.

Exhibit D

STATEMENT OF PLANNING SCOPE OF WORK

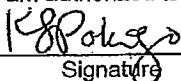
PLEASE CHECK "YES" OR "NO" FOR ALL BOXES

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Project is for residential use. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. The project is commercial use. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. The project is for agricultural use. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. The project is for industrial use. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. The project is public or quasi/public. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. The project includes a subdivision/lot line adjustment. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. The project is for cell site, telecom (digital) communication facility/site. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 8. Project includes construction of a new structures. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Project includes enlarging, altering, repairing, moving, improving, or removing an existing structures.
If "yes" describe _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. The project includes demolition work.
If "yes" describe _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11. Project includes replacement and/or repair of (50%) or more of the exterior walls of a structure. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. Project includes historical structure or a structure more than fifty (50) years old. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 13. Project includes an accessory structure(s)
If "yes" describe _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 14. Project includes the placement of a manufactured home, mobile home, modular or prefabricated unit.
<input type="checkbox"/> Private property <input type="checkbox"/> Park installation _____ (mobile home park) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 15. Project includes retaining walls, sea wall, riprap. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 16. The project includes constructing, enlarging, altering, repairing, moving, improving or removing a septic tank/system. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17. The project includes constructing, enlarging, altering, repairing, moving, improving or removing a well. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 18. Project is associated with a new or improvements to a water system.
_____ water system _____ number of connections. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 19. Project includes removal of trees.
If "yes", type _____ size _____ number _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 20. Project includes grading, dirt importation, dirt removal, and/or drainage changes. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 21. Project is visible from a public area. (public road, park, slough, beach, trail) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 22. Project is located on a slope/hillside. (30 percent (25 percent-North County) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 23. Project is located within 50 feet of bluff. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 24. Project is located within 100 feet of seasonal or permanent drainage, lake, marsh, ocean, pond, slough, stream, wetlands.
If "yes", describe _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 25. Project includes the use of roofing materials that are different in type and/or color from the original materials.
If "yes", describe _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 26. The project includes site grading and/or site drainage changes. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 27. The project includes a historical structure, or a structure older than fifty (50) years. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 28. The project includes an accessory structure(s).
If "yes", describe _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 29. Project is change or modification to an approved application. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 30. Project involves or includes an existing or proposed trail or easement. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 31. Project involves new, change or modifications to existing utilities and/or power lines. |

PLEASE DESCRIBE COMPLETELY AND FULLY THE PROJECT YOU ARE APPLYING FOR.
INCLUDE INFORMATION ON ALL QUESTIONS ANSWERED WITH A "YES".

ADD + COMPRESS GRANITE TO EXISTING PARKING
ADD GRANITE PEBBLES TO SURFACE

I hereby certify that the above information is complete and correct. I certify that I am the property owner or that I am authorized to act on the property owner's behalf.

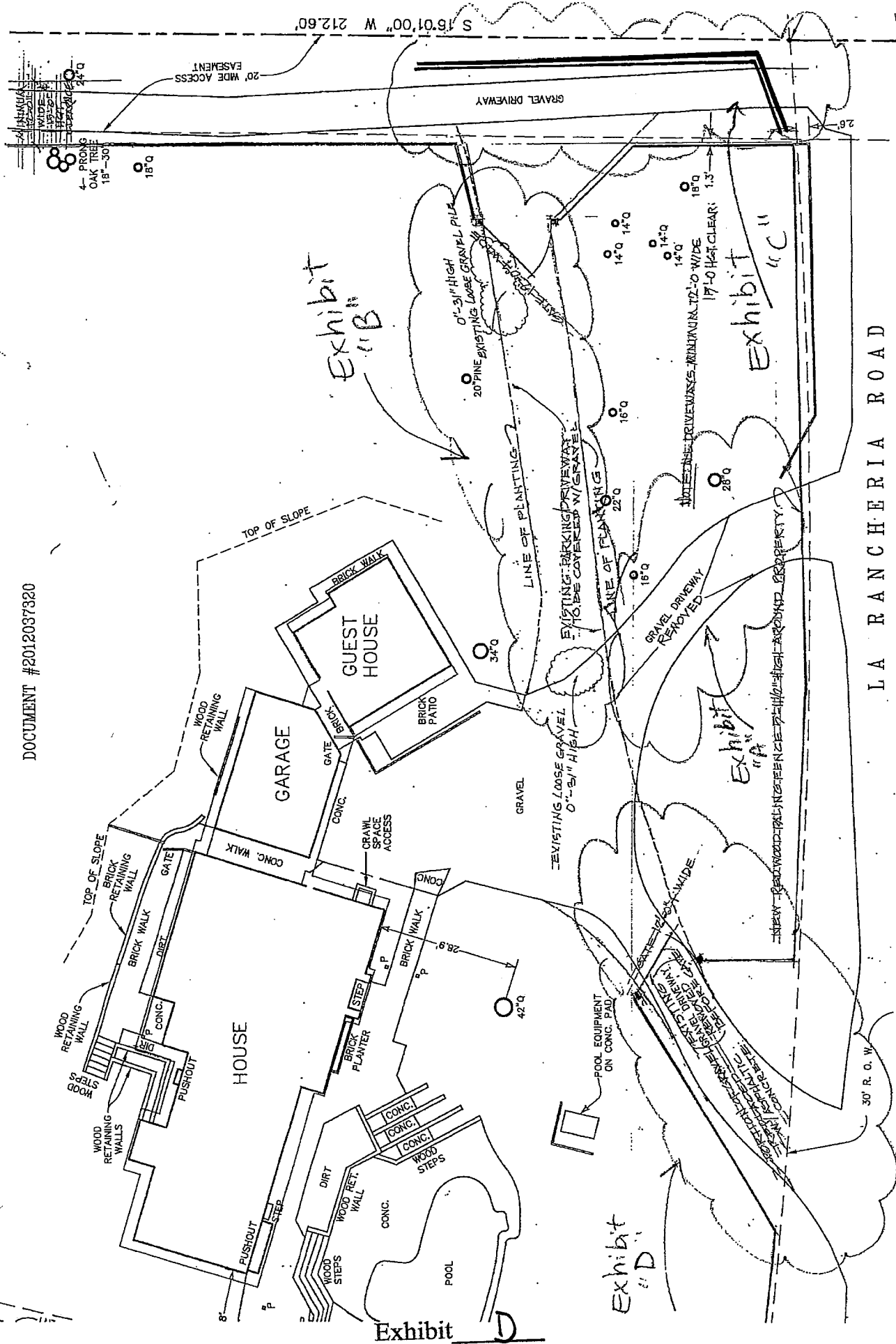
 _____ 8/20/13
 Signature Date

Revised 02/10/2009

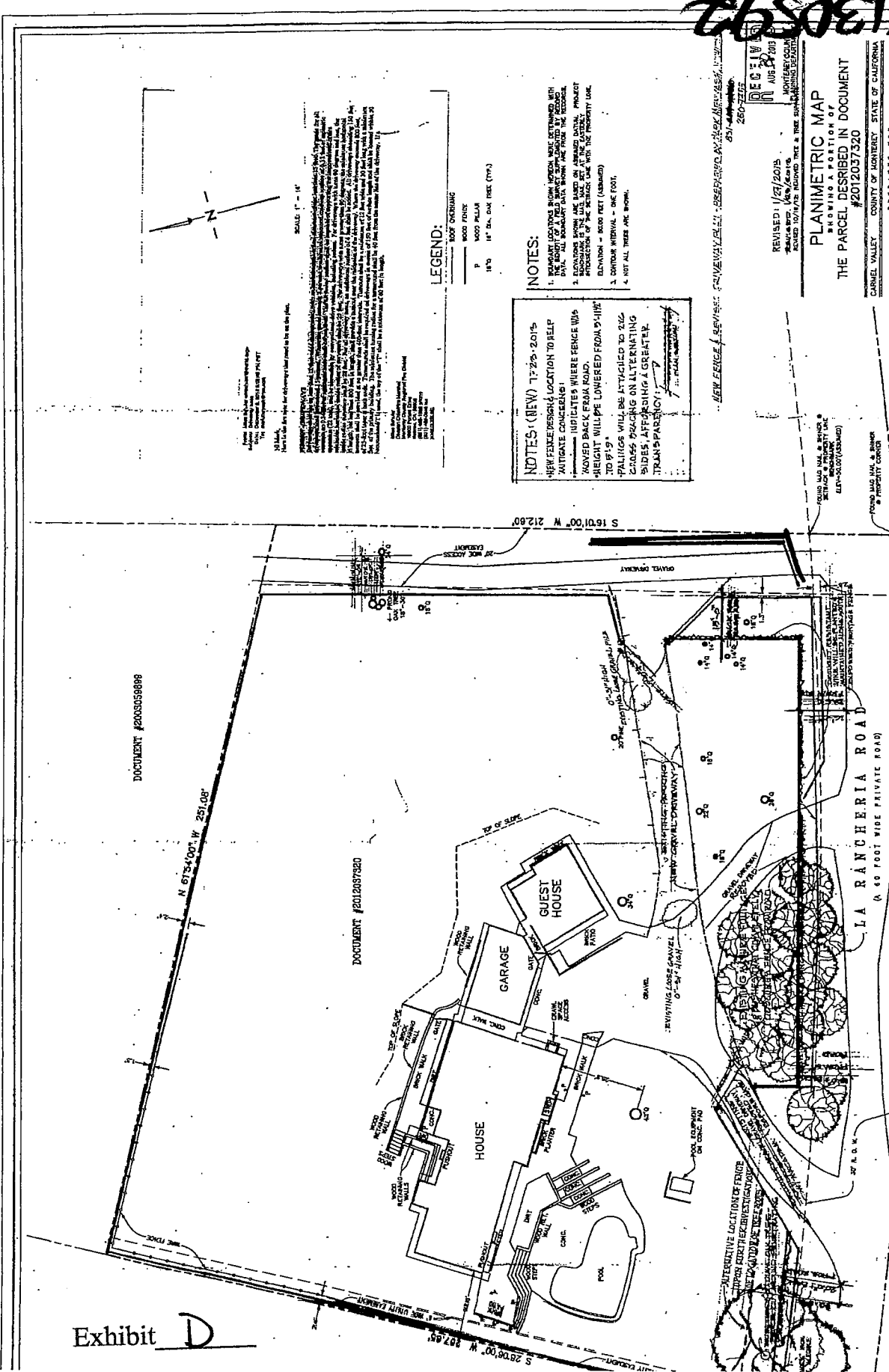
It is unlawful to alter the substance of any official form or document of Monterey County.

Exhibit D

DOCUMENT #2012037320



DN130592



DOCUMENT #2005058898

DOCUMENT #2012037320

30
 24
 60
 15
 152
 234

Scale: L=1221.57
 R=1400.00
 L=302.15

Exhibit D

Scale: 1" = 10'
 North Arrow

LEGEND:

- WOOD FENCE
- WOOD PICKET
- 18" x 6" DIA. IRON PIPE (TYP.)

NOTES:

1. THE FENCE DESIGN AND LOCATION TO HELP AUGMENT CONCRETE
2. THE FENCE DESIGN AND LOCATION TO HELP AUGMENT CONCRETE
3. THE FENCE DESIGN AND LOCATION TO HELP AUGMENT CONCRETE
4. THE FENCE DESIGN AND LOCATION TO HELP AUGMENT CONCRETE

NOTES (REV) 11/21/2015
 NEW FENCE DESIGN LOCATION TO HELP AUGMENT CONCRETE
 IMPROVES WHERE FENCE WAS MOVED BACK FROM ROAD.
 HEIGHT WILL BE LOWERED FROM 9'-11/2" TO 8'-9".
 FENCING WILL BE ATTACHED TO 2x6 SIDING DISCREET ON ALTERNATING SIDES AFFORDING A GREATER TRANSITION.

NEW FENCE DESIGN, OBSERVED AND APPROVED BY THE CITY OF LOS ANGELES

REVISION 11/21/2015
 REVISION 11/21/2015
 REVISION 11/21/2015

PLANIMETRIC MAP
 SHOWING A PORTION OF
 THE PARCEL DESCRIBED IN DOCUMENT
 #2012037320

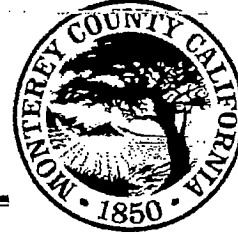
PREPARED FOR
Kathleen Pokigo
 BY
CENTRAL COAST SURVEYORS
 5 MARIN COURT, SANTA MONICA, CALIFORNIA 90404
 PHONE (818) 344-1553
 FAX (818) 344-1553
 SCALE: 1" = 10'
 JOB NO. 12-56
 SEPTEMBER 2012
 APN 187-121-017



3452

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Benny J. Young, Director
Carl P. Holm, AICP, Deputy Director



Michael A. Rodriguez, C.B.O., Chief Building Official
Michael Novo, AICP, Director of Planning
Robert K. Murdoch, P.E., Director of Public Works

168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
<http://www.co.monterey.ca.us/rma>

August 8, 2013

Mitzi Dallas

Dear Mrs. Dallas,

This letter is written in response to your recent letter submitted to Supervisor Potter's office addressing a driveway installed within your adjoining neighbor's property owned by Kathleen Pokigo. With regard to the driveway, it will require a Design Approval and will be conditioned to meet any applicable Fire requirements. ~~Prior to approval of the Design Approval there will be~~ noticing to neighbors within 100 feet of your property. If the Fire Department determines and/or conditions the subject Design Approval to require a "structural driveway" then the Building Department will require an Over the Counter (OTC) grading permit.

The issues raised in your letter in regards to the maintenance and use of the easement across private property, possible damage to a culvert, and water line location are a matter of private dispute. While your concerns with fire access and property damage are significant, the County does not have authority to intervene in private property disputes.

In the past, issues have been raised in regards to the guesthouse or studio on the Pokigo property. Staff has researched records that indicate this structure has been in existence since 1956. Therefore, it is considered a legal non-conforming use. No action will be taken by the County in regards to this structure.

We also recommend consulting The NEIGHBOR (Neighbors Engaged In Gaining Harmony By Offering Resolution) Project, which provides dispute resolution services for contentious conflicts that would otherwise result in court proceedings, specifically designed for this type of neighborhood conflict. This project offers free mediation, a voluntary, confidential process where a neutral third-party helps two or more people resolve their conflict. A brochure is enclosed for your reference.

Respectfully,

Valerie Negrete
Assistant Planner
RMA - Planning Department
County of Monterey
Resource Management Agency- Planning Department

Exhibit D

Subject: Fw: PLN130592 18 La rancheria Carmel Valley,Ca POKIGO (application not filled out correctly)
From: steve dallas (sgdallas@yahoo.com)
To: NegreteV@co.monterey.ca.us; HolmCP@co.monterey.ca.us; novom@co.monterey.ca.us; district5@co.monterey.ca.us;
Cc: sgdallas@yahoo.com;
Bcc: MohammadiJF@co.monterey.ca.us; leekm@co.monterey.ca.us;
Date: Thursday, September 12, 2013 9:52 AM

Valerie,

Thank you for the information really appreciate it... Looking at the "design approval request form" it looks like a staff member that took it in from Pokigo filled this out incorrectly.

Applicant Pokigo,18 La Rancheria,Carmel valley PLN 130592

Project discription is not correct and a total lie Pokigo:

Add Granite Base to ExistingParking Area, Spred Granite Pebbles to Surface" there never was any existing parking in this area and the applicant cut in a new driveway with out any permits (facts)...You have all the pictures in your file.

Please review the "For Departmental Use Only" this is where i believe the staff memeber that accepted this was incorrect

LUAC ???

Does this correct a violation ? Staff marked no and should be **YES**

Decision: staff marked administrative and should be **Public Hearing** based on your August letter to Pokigo and Dallas

Also "Statement of Planning Scope of Work" filled out by applicant **NOT** True on the following #20,21,26,30...Pokigo answered NO but they are all **YES**..

The site map is not correct "Existing driveway" is a completely FALSE statement and lie since Pokigo cut in this new driveway with out a permit....Existing driveway was always open space never any "existing parking " photos on file can prove this quite clearly.

I would ask that the Monterey County Staff correct their area and have the applicant (Pokigo) return and fill out a correct application since what Monterey county excepted was total FALSE and misleading by the applicant...

thank you for your attention and help in this matter

Steve Dallas

WFW Esq
District 5 (Supervisor Potter)

----- Forwarded Message -----

From: "Negrete, Valerie x5227" <NegreteV@co.monterey.ca.us>

To: 'steve dallas' <sgdallas@yahoo.com>

Subject: 18 La Rancheria Rd.
From: Gowin, Irma S. x5847 (GowinIS@co.monterey.ca.us)
To: sgdallas@yahoo.com;
Cc: BowlingJ@co.monterey.ca.us; MohammadiJF@co.monterey.ca.us; district5@co.monterey.ca.us; hickmanw@co.monterey.ca.us; NegreteV@co.monterey.ca.us; mschuler@mcrfd.org; murquides@mcrfd.org; RodriguezM2@co.monterey.ca.us; novom@co.monterey.ca.us; HolmCP@co.monterey.ca.us;
Date: Friday, September 13, 2013 5:16 PM

Hi Steve,

Per your request, I am confirming that code enforcement case #13CE00204 (Creating a Driveway) is an open and active case pertaining to the address of 18 La Rancheria Road, Carmel Valley, CA.

Have a great weekend.

Irma S. Gowin
Building Services Manager
Code Enforcement Unit

County of Monterey – RMA - Building Services Department

168 West Alisal Street, 2nd Floor, Salinas, CA 93901

Direct: (831) 755-5847, Fax: (831) 757-9516

Gowinis@co.monterey.ca.us

Exhibit D

Page 12 of 16 Pages

Notice of Approved Design Approval

Director of Monterey County RMA-Planning Department

Project Title: POKIGO KATHLEEN LOOK TR
Project File No. PLN130592
Project Location: 18 LA RANCHERIA RD CARMEL VALLEY

NOTICE IS HEREBY GIVEN that on Tuesday, October 22, 2013 the the Director of Monterey County Resource Management Agency – Planning approved the above referenced application for a Design Approval. The project allows the following development: Design Approval to allow a new driveway connecting from the eastern property boundary (connecting from the non-exclusive easement) to the existing residence. The property is located at 18 La Rancheria Road, Carmel Valley (Assessor's Parcel Number 187-121-017-000), Carmel Valley Master Plan.

A COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON Thursday, October 24, 2013.

Note: This project is not located in the Coastal Zone. It may be appealed to the Monterey County Planning Commission.

If anyone wishes to appeal this decision, an appeal form must be completed and submitted to the Secretary of the Planning Commission, along with the appropriate filing fee on or before 5:00 PM on Monday, November 4, 2013.

FOR ADDITIONAL INFORMATION CONTACT:

Valerie Negrete, Project Planner
(831) 755-5881 or negretev@co.monterey.ca.us

Monterey County Resource Management Agency - Planning Department
168 West Alisal St 2nd Floor, Salinas, CA 93901
(831) 755-5025

Exhibit D

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Benny J. Young, Director



Michael A. Rodriguez, C.B.O., Chief Building Official
Michael Novo, AICP, Director of Planning
Robert K. Murdoch, P.E., Director of Public Works

168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
<http://www.co.monterey.ca.us/rma>

MEMORANDUM

Date: October 10, 2013

To: Miles Schuler, Monterey Regional Fire

From: Valerie Negrete, Assistant Planner

Subject: PLN130592 Pokigo driveway

The following is being routed to your Department for review and recommendation. Please provide your comments in Accela under "Code Compliance Review" and please email them to me as well.

Record ID: PLN130592

A notice was added to this record on 2013-07-24.
Condition: Severity: Notice
Total Conditions: 2 (Notice: 2)
[View notice](#)

Menu Save Reset Summary Help

Go To Summary Details Workflow Workflow History (3) Status History (3) Conditions (2) Documents (2)

Application Name
POKIGO KATHLEEN LOOK TR

Detailed Description
Design Approval to allow a new driveway connecting from the eastern property boundary (connecting from the non-exclusive easement) to the existing residence. The property is located at 18 La Rancheria Road, Carmel Valley (Assessor's Parcel Number 187-121-017-000), Carmel Valley Master Plan.

[check spelling](#)

If you should have any questions please feel free to give me a call,

Valerie Negrete ext. 5227

Exhibit D

Page 14 of 16 Pages

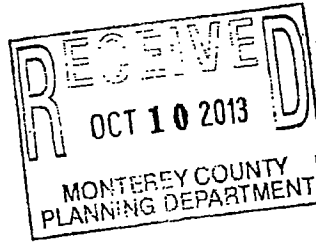
SOIL



SURVEYS

INC.

103 CHURCH ST • SALINAS, CALIFORNIA 93901 • TELEPHONE (831) 757-2172



S.S. Job #: 6205

Page 1 of 1

Onsite: 1100

Offsite: 1200

DAILY FIELD REPORT

Project Name #18 CARMENA RIA Project No. #6205 Date 9.25.13
 Location NEW SOUTHLY 'PASS-THROUGH' DRIVEWAY Weather CLEAR-WARM Day WEDNESDAY
 Contractor HASTINGS CONSTRUCTION, INC. Foreman FRANK RINGER
 Geotechnician MARK CAMPOS, ICC#8161924 Job Superintendent JUSTIN HASTINGS
 Observation Testing of FINISHED BASEROCK SUBGRADE FOR SUBJECT DRIVEWAY

SUMMARY OF OPERATIONS

HASTINGS CONSTRUCTION HAS PREVIOUSLY INSTALLED A NEW "PASS-THROUGH" DRIVEWAY (~100') ALONG THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY; FROM OUR INSPECTION OF THE DRIVEWAY'S STRUCTURAL SECTION CONSISTING OF (6) SIX INCHES OF CLASS II BASEROCK TOGETHER WITH OUR COMPACTION TESTS (MIN. 95% REL. COMP.) AND A PERCENTS "D-6" GRAVEL FINISH, OUR OPINION IS THE SUBJECT DRIVEWAY IS ABLE TO SUPPORT 22 TONS IN ALL WEATHER CONDITIONS.

DENSITY TEST DATA

Test No.	Test Location	Approx. Elevation	Approx. Fill	Proctor No.	Dry Density	% Moisture	% Compaction	Specified Compaction	Pass/Fail
1	NEW SOUTH DRIVEWAY SECTION; BOTTOM/WEST 1/3 OF DRIVEWAY	FBR	~F6"	1	142.9	5.5	98%	MIN. 95%	PASS
2	NEW SOUTH DRIVEWAY SECTION; MID 1/3 OF DRIVEWAY	FBR	~F6"	1	141.7	4.8	97%	MIN. 95%	PASS
3	NEW SOUTH DRIVEWAY SECTION; TOP/EAST 1/3 OF DRIVEWAY	FBR	~F6"	1	143.8	5.2	98%	MIN. 95%	PASS
FBR = FINISHED GRADE OF BASEROCK									
F = FILL OF...									

LAB DATA

Proctor No.	Sample Location: Import or Native	Soil Description	Opt. Moisture	Max Density
1	IMPORT/AGGREGATE QUARRY BASEROCK	GREY CLASS II AGG. BASEROCK	6.0	146.0 lbs

Signature *Mark Campos*

Title EUGENE WARDEN, TECH/ICC SOILS SPEC. INSPECTOR FOR RICHARD E. DAVE, P.E. #8161924

Subject: Pokigo (PLN130592)
From: Hickman, Wanda x5285 (hickmanw@co.monterey.ca.us)
To: sgdallas@yahoo.com;
Cc: RodriguezM2@co.monterey.ca.us; novom@co.monterey.ca.us; NegreteV@co.monterey.ca.us; BowlingJ@co.monterey.ca.us; MohammadiJF@co.monterey.ca.us;
Date: Saturday, November 2, 2013 12:23 PM

Mr. Dallas

After our conversation, I reviewed the Pokigo Design Approval file that allows for a new gravel driveway and found it consistent with the 2010 Monterey County General Plan and Monterey County Zoning Ordinance. It's my understanding that your concerns deals with potential drainage impacts from the new driveway. The Design Approval was conditioned to require a grading permit. During the grading permit application process, drainage impacts will be assessed by a grading inspector. If the grading inspector determines that a drainage plan is required, then the approved drainage plan will be incorporated into the approved plans for the grading permit. You also expressed concerns about not being notified that the Design Approval was going to be approved. Pursuant to Section 21.44.050.D of Title 21 of the Monterey County Zoning Ordinance, public notice is not required for actions by the Planning Director or their designee. However as a courtesy, we send out notices to all property owners within 100 feet of the proposed project that the Design Approval had been approved.

Please be assured Mr. Dallas that your concerns are being addressed by the Resource Management Agency staff. I have relayed your concerns to the grading inspector about the drainage swell. You were to provide me with photos showing the location of the drainage area.

If you wish to appeal the Pokigo Design Approval the last day to file the appeal is November 4, 2013 at 5 PM. The filing fee for an appeal is \$1565.91.

Please feel free to contact me if you have any other questions regarding the Pokigo Design Approval.

Wanda A. Hickman,

Planning Manager

168 West Alisal St. 2nd floor Salinas, California 93902

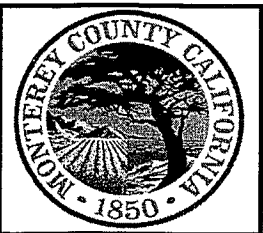
831-755-5285

Hickman W@co.monterey.ca .us

Exhibit D

Page 16 of 16 Pages

FILE # PIN 130592



MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT
Salinas - 168 West Alisal, 2nd Floor, Salinas, CA 93901
Telephone: (831) 755-5025 Fax: (831) 757-9516
Coastal Office - 2620 First Avenue, Marina, CA 93933
Telephone: (831) 883-7500 Fax: (831) 384-3261
http://www.co.monterey.ca.us/planning

RECEIVED
AUG 20 2013

DESIGN APPROVAL REQUEST FORM MONTEREY COUNTY PLANNING DEPARTMENT

ASSESSOR'S PARCEL NUMBER: 187-121-017

PROJECT ADDRESS: 18 LA RANCHERIA, CARMEL VALLEY, CA 93924

PROPERTY OWNER: KATHLEEN POKIGO Telephone: (831) 659 5279

Address: 18 LA RANCHERIA, CA 93924 Fax:

City/State/Zip: CARMEL VALLEY CA 93924 Email: klpokigo@yahoo.com

AGENT APPLICANT: MARK MEZYASH Telephone: (831) 659-2323

Address: 199 LA RANCHERIA Fax:

City/State/Zip: CARMEL VALLEY CA 93924 Email:

OTHER AGENT: MICHAEL HARRINGTON Telephone:

Address: 910 BRIAN FINEGAN LAW OFFICE Fax:

City/State/Zip: 60 W ALISAL ST SALINAS CA 93901 Email:

Mail Notices to: Owner Applicant Agent (check only one)

PROJECT DESCRIPTION: (Attach Scope of Work) ADD GRANITE BASE TO EXISTING PARKING AREA. SPREAD GRANITE PEBBLES TO SURFACE

MATERIALS TO BE USED: GRANITE

COLORS TO BE USED:

You will need a building permit and must comply with the Monterey County Building Ordinance. Additionally, the Zoning Ordinance provides that no building permit 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.

PROPERTY OWNER/AGENT SIGNATURE: K Pokigo DATE: 8/20/13

FOR DEPARTMENT USE ONLY

ZONING: LDR-1-D-S-RALI
GENERAL AREA PLAN: Carmel Valley
ADVISORY COMMITTEE: Carmel Valley
RELATED PERMITS: NONE
PLANNER: Valerie Negrete
LUAC REFERRAL: YES NO
DOES THIS CORRECT A VIOLATION? YES NO
WITHIN ARCH BUFFER ZONE? YES NO
DECISION: ADMINISTRATIVE PUBLIC HEARING
LEGAL LOT: Yes YES NO
GIVEN OUT BY: Donnie DATE: 8/1/13
ACCEPTED BY: Kelly DATE: 8/1/13
COMMENTS:

ADVISORY COMMITTEE RECOMMENDATION
 APPROVAL DENIAL
For: ___ Against: ___ Abstain: ___ Absent: ___
Was the Applicant Present? YES NO
Recommended Changes: _____
Signature: _____
Date: _____

APPROPRIATE AUTHORITY: DIRECTOR OF P & BI ZONING ADMINISTRATOR PLANNING COMMISSION

ACTION: APPROVED DENIED

CONDITIONS: Obtain and final a grading permit.
kpc prv file on 10/23/13 entry.

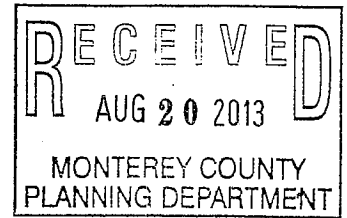
APPROVED BY: V. Negrete DATE: 10/22/2013

PROCESSED BY: Michele Fudruh DATE: 10/23/13

COPY TO APPLICANT: IN PERSON OR MAILED DATE: 10/24/13

STATEMENT OF PLANNING SCOPE OF WORK

PLEASE CHECK "YES" OR "NO" FOR **ALL** BOXES



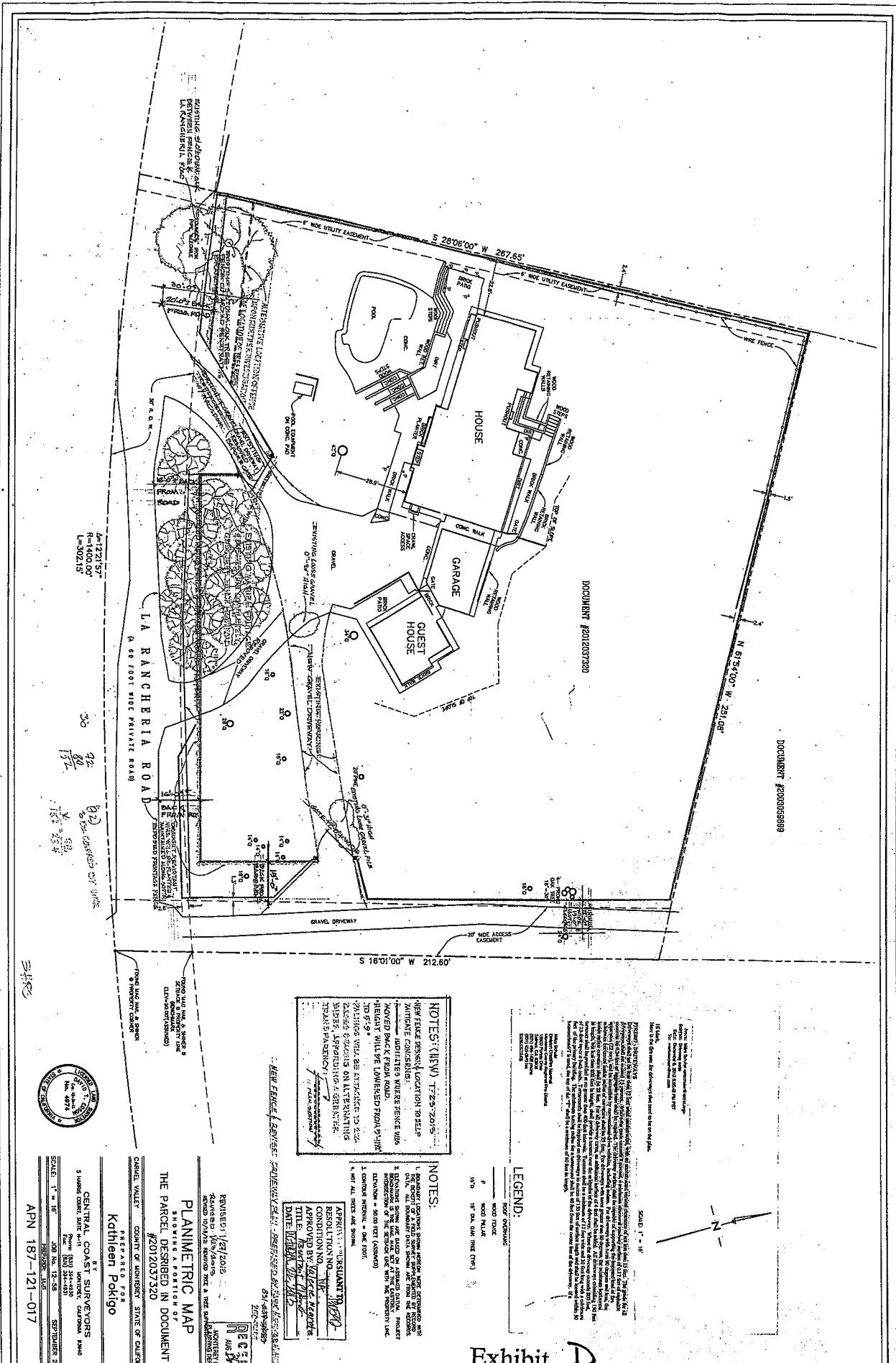
- | 1. | Yes | No | |
|----|-------------------------------------|-------------------------------------|---|
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Project is for residential use. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project is commercial use. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project is for agricultural use. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project is for industrial use. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project is public or quasi/public. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes a subdivision/lot line adjustment. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project is for cell site, telecom (digital) communication facility/site. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes construction of a new structures. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes enlarging, altering, repairing, moving, improving, or removing an existing structures.
If "yes" describe _____ |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes demolition work.
If "yes" describe _____ |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes replacement and/or repair of (50%) or more of the exterior walls of a structure. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes historical structure or a structure more than fifty (50) years old. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes an accessory structure(s)
If "yes" describe _____ |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes the placement of a manufactured home, mobile home, modular or prefabricated unit.
<input type="checkbox"/> Private property <input type="checkbox"/> Park installation _____ (mobile home park) |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes retaining walls, sea wall, riprap. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes constructing, enlarging, altering, repairing, moving, improving or removing a septic tank/system. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes constructing, enlarging, altering, repairing, moving, improving or removing a well. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is associated with a new or improvements to a water system.
_____ water system _____ number of connections. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes removal of trees.
If "yes", type _____ size _____ number _____ |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes grading, dirt importation, dirt removal, and/or drainage changes. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is visible from a public area. (public road, park, slough, beach, trail) |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is located on a slope/hillside. (30 percent (25 percent-North County) |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is located within 50 feet of bluff. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is located within 100 feet of seasonal or permanent drainage, lake, marsh, ocean, pond, slough, stream, wetlands.
If "yes", describe _____ |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes the use of roofing materials that are different in type and/or color from the original materials.
If "yes", describe _____ |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes site grading and/or site drainage changes. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes a historical structure, or a structure older than fifty (50) years. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes an accessory structure(s).
If "yes", describe _____ |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is change or modification to an approved application. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project involves or includes an existing or proposed trail or easement. |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project involves new, change or modifications to existing utilities and/or power lines. |

PLEASE DESCRIBE COMPLETELY AND FULLY THE PROJECT YOU ARE APPLYING FOR.
INCLUDE INFORMATION ON ALL QUESTIONS ANSWERED WITH A "YES".

ADD + COMPRESS GRANITE TO EXISTING PARKING
ADD GRANITE PEBBLES TO SURFACE

I hereby certify that the above information is complete and correct. I certify that I am the property owner or that I am authorized to act on the property owner's behalf.

Signature 8/20/13
Date



APN 187-121-017

APN 187-121-017
 F-1400307
 L-3062115

APN 187-121-017
 F-1400307
 L-3062115

APN 187-121-017
 F-1400307
 L-3062115

APN 187-121-017
 F-1400307
 L-3062115

APN 187-121-017
 F-1400307
 L-3062115

APN 187-121-017
 F-1400307
 L-3062115

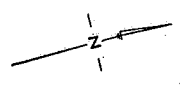
APN 187-121-017
 F-1400307
 L-3062115

APN 187-121-017
 F-1400307
 L-3062115

LA RANCHERIA ROAD
 (A 66 FOOT WIDE PRIVATE ROAD)

NOTES (NEW) 7/25/2015
 NEW FENCE LOCATION TO BE SET
 ADJUSTED WHERE FENCE WAS
 MOVED BACK FROM ROAD.
 HEIGHT WILL BE LOWERED FROM 10-1/2
 TO 7-1/2.
 ALL OTHER NOTES AS SHOWN.
 DATE: 7/25/2015

LEGEND:
 1. HOUSING
 2. GUEST HOUSE
 3. GARAGE
 4. POOL
 5. DRIVEWAY
 6. UTILITY EASEMENT
 7. WIRE FENCE



REVISION: 1/21/2015
 DRAWN: 10/2/2015
 CHECKED: 10/2/2015
 DATE: 10/2/2015

PREPARED FOR:
 Kathleen Pokigo
 COUNTY OF MONTEREY, STATE OF CALIFORNIA

BY:
 CENTRAL COAST SURVEYORS
 1500 MAIN ST. SUITE 200
 SAN MARINO, CA 91766
 PHONE (909) 391-4100
 FAX (909) 391-4101

SCALE: 1" = 10'
 DATE: SEPTEMBER 2015

APN 187-121-017

PLANIMETRIC MAP
 SHOWING A PORTION OF
 THE PARCEL DESCRIBED IN DOCUMENT
 #2012037320

RESOLUTION NO. 2015-10-01
 CONDICTION NO. 2015-10-01
 DATE: 10/2/2015

Exhibit D

Before the Board of Supervisors in and for the
County of Monterey, State of California

Resolution 2000- 342

Resolution Amending the Monterey)
County Master Fee Resolution to)
Clarify the Fee for Appeals on)
Land Use Issues and Establish)
Criteria for the Waiver of Fees in)
Specific Circumstances.)

Whereas: Chapter 1.40 of the Monterey County Code establishes the Monterey County Master Fee Resolution (the Resolution) as the vehicle for setting and amending fees; and,

Whereas: The Board wishes to clarify the appeal fee for land use issues and to establish criteria and authority for the Director of Planning and Building Inspection to waive fees in specific cases; and,

Whereas: The Board has received a report and recommendations from the County Administrative Office and Planning and Building Inspection; and,

Whereas: The Board has held a public hearing as required by law and heard from all interested parties;

NOW, therefore, be it resolved that the Board clarifies that the appeal fee for appeals to the Planning Commission or Board of Supervisors on land use issues is \$671.00.

Be it further resolved that the Director of Planning and Building Inspection may waive application and appeal fees for discretionary permit and building permit applications for:

1. Small day care centers (less than twelve children).
2. Inclusionary portions of proposed residential developments.
 - a. Special Handling affordable housing projects, as detailed in the adopted Special Handling criteria (25% affordable housing). Amount of fees waived is based on the percentage of affordable housing provided, and may include additional fees beyond the original application fees.
 - b. Persons age 62 or over on a fixed, very low income as defined by Housing and Urban Development.

- c. Reclassification applications to bring property into consistency with existing General Plan land use designations.
 - d. County or other government agencies.
 - e. Permit fees for the repair or reconstruction of property and structures damaged or destroyed by an act or event that has been declared a disaster by the Board of Supervisors where insurance is inadequate to pay the applicable fees.
8. Development, enhancement, expansion or modification of needed community facilities by non-profit organizations and community groups meeting the following criteria:
- a. The proposed project is available for use by the general public; and
 - b. Provides a scope of benefit beyond the residents of the immediate vicinity; and
 - c. Is of obvious public benefit. Evidence of public benefit includes, but is not limited to, projects that:
 - i. Meet a public need previously identified or recognized by the Board of Supervisors;
 - ii. Provide a public facility not presently available in the community;
 - iii. Have generated obvious, substantial community support; or,
 - iv. Would either reduce County costs or increase County revenue.
9. General Plan amendments for parcels with inappropriate or inaccurate land use designations provided the property has been field checked and verified that it is inaccurately or inappropriately designated.

Requests Not Conforming to Policy:

The Planning Commission shall consider all requests for fee waivers not meeting the above criteria.

Appeal of Director's Decision:

The Planning Commission shall consider all appeals of decisions of the Director on fee waiver requests.

Payment of Fees:

All fees shall be paid at the time of the filing an application or an appeal. Should the fees subsequently be waived, the fees shall be refunded.

On motion of Supervisor PENNYCOOK, seconded by Supervisor SALINAS, and carried by those members present, the Board hereby adopts this resolution amending the Monterey County Master Fee Resolution to clarify the fee for appeals on land use issues and establish criteria for the waiver of fees in specific circumstances.

PASSED AND ADOPTED this 29th day of August, 2000, by the following vote, to-wit:

AYES: Supervisors Salinas, Pennycook and Calcagno.

NOES: None.

ABSENT: Supervisors Johnsen and Potter.

I, SALLY R. REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 70, on August 29, 2000.

DATED: August 29, 2000

SALLY R. REED, Clerk of the Board
of Supervisors, County of Monterey, State of
California

By: Nancy Lukensell

Deputy

Exhibit F

Negrete, Valerie x5227

From: steve dallas [sgdallas@yahoo.com]
Sent: Monday, November 25, 2013 8:10 PM
To: Negrete, Valerie x5227; Hickman, Wanda x5285; Novo, Mike x5192; Holm, Carl P. x5103; Bowling, Joshua x5238; Michael Urquides
Cc: 100-District 5 (831) 647-7755; steve dallas; groves@emcplanning.com; Lee, Kathleen M. 647-7755
Subject: Fw: Dallas/Pokigo
Attachments: M.Harrington.pdf; C.Holm.pdf

Valerie and Wanda,

Please include our lawyers letter and pictures dated December 10, 2012 to Mr Holms in our appeal for Pokigo heading to the planning commission on December 11th, 2013 at 9am!!! Please make sure this gets in the PC packet please to the PC has time to review this since it is NOT a new issue!!!!

Steve Dallas
Hermina Dallas

On Monday, December 10, 2012 4:27 PM, Joyce Jung <joyce.jung@msrlegal.com> wrote:

This email is sent at the request of Wilson F. Wendt.
Replies may be directed to wilson.wendt@msrlegal.com.

Joyce Jung | Miller Starr Regalia
Secretary to Wilson F. Wendt
1331 North California Boulevard, Fifth Floor, Walnut Creek, CA 94596
t: 925.935.9400 | d: 925.941.3295 | f: 925.933.4126
joyce.jung@msrlegal.com | www.msrlegal.com

IRS CIRCULAR 230 DISCLOSURE:

To ensure compliance with requirements imposed by the IRS, Miller Starr Regalia informs you that, if any advice concerning one or more U.S. Federal tax issues is contained in this communication (including any attachments), such advice is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

MILLER STARR REGALIA CONFIDENTIAL COMMUNICATION

This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.

Exhibit G

Page 1 of 12 Pages



**MILLER STARR
REGALIA**

1331 N. California Blvd. T 925 935 9400
Fifth Floor F 925 933 4126
Walnut Creek, CA 94596 www.msrlgal.com

Wilson F. Wendt
wilson.wendt@msrlgal.com

December 10, 2012

VIA EMAIL BRIAN@BFINEGAN.COM

Michael Harrington
Law Office of Brian Finegan
Sixty West Alisal Street, Suite 1
P. O. Box 2058
Salinas, CA 93902

Re: Dallas/Pokigo

Dear Mr. Harrington:

As I indicated in my prior letter, I had intended to respond to your November 27 letter in a point by point response, indicating where I believe we had differences as to applicable law and ordinance. However, I think the enclosed letter to Carl Holm serves that purpose and I won't risk redundancy in setting forth all of my points in this letter. Suffice it to say that the property where our clients' parcels are located is extremely sensitive environmentally and carries three overlay zoning designations: "S" District, "D" District and State Responsibility Area, triggering Wild Fire Protection Standards.

I believe we are in agreement over the nature of a nonexclusive easement. However, my clients are genuinely concerned over the drainage impacts of Ms. Pokigo's proposed construction. The Dallas driveway has for years had problems during rainy seasons. It is more heavily graveled at the area near its intersection with La Rancheria and it is specifically in this area that Ms. Pokigo will be required to improve this driveway to applicable Wild Fire Protection Standards. The Pokigo has never used this portion of the driveway for access to the residence and in my estimation the County is required to ensure that any improvement meets County fire standards including the ability to support a 40,000 lb. emergency vehicle. When and if the site plan approval application is submitted and work done on the Dallas parcel, the balance of the driveway will have to be so improved. This work by Ms. Pokigo may cause significant problems in blocking the currently natural flow of drainage which flows in a diagonal manner off of the adjacent property through and under the graveled easement and out onto the Pokigo property. If this happens it is likely that additional portions of the Dallas easement will be significantly impacted. As I explained in my letter to Mr. Holm, we are having a drainage report prepared by an expert that we intend to submit into the record.

Exhibit 6

Michael Harrington
December 10, 2012
Page 2

The other issue which I would like you to consider is that the requirements of the "S" District ensure that all of the elements of the development application must be considered at one time. While individual elements of development may be relatively minor, the special status of the "S" District property is such that the County requires, as does CEQA, a full and complete analysis of all of the elements of the project. You are as familiar as am I with the case law prohibiting "piecemealing" in environmental analysis and I cannot envision a CEQA exemption that would apply to the proposed work that will be done at the property. It is an area of heightened aesthetic concerns as evidenced by the "S" District designation; has two heritage oak trees on each side of the Dallas easement; and is an area with significant and recurring drainage problems. In that context, at least a mitigated negative declaration will be required to satisfy the requirements of CEQA.

This dispute has all the earmarks of being lucrative for you and me but of limited value to our clients. I would suggest that my clients and I sit down with you, your client and her architect and discuss ways in which our very valid concerns can be addressed. We would be happy to meet with you at your convenience.

Very truly yours,

MILLER STARR REGALIA

Wilson F. Wendt

Wilson F. Wendt

WFW:jj

cc: Steve Dallas

Exhibit 6

Page 3 of 12 Pages



**MILLER STARR
REGALIA**

1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

T 925 935 9400
F 925 933 4126
www.mslegal.com

Wilson F. Wendt
wilson.wendt@mslegal.com

December 10, 2012

VIA EMAIL HOLMCP@CO.MONTEREY.CA.US AND MAIL

Carl P. Holm, AICP
Deputy Director
Monterey County Resource Management Agency
County Offices
168 West Alisal, 2nd Floor
Salinas, CA 93901

Re: Kathleen Pokigo, Application for Site Plan Approval and Various Permits;
18 La Rancheria, Carmel Valley, APN 187-121-017; PLN 120613

Dear Mr. Holm:

We have addressed earlier correspondence to you regarding the development of 18 La Rancheria being undertaken by Ms. Pokigo and are required to comment further by Ms. Pokigo's attorney's letter to me dated November 27, 2012, copies of which were provided to the County. Our office represents Steven G. Dallas, Trustee of the Living Trust, that owns the property located behind the Pokigo parcel at 14 La Rancheria. The Dallas parcel is landlocked and afforded access by a nonexclusive driveway easement and gravel driveway that has been in existence since the home on the Dallas parcel was constructed in the 1960's or 1970's, as shown in Attachment A, an aerial photo. That driveway is of gravel construction, subject to drainage issues in the wet season but entirely sufficient for the purposes of providing access to the Dallas parcel. The area where most drainage problems have occurred over the years is within the first 50 feet off of La Rancheria, precisely the area where Ms. Pokigo will be required to improve the driveway and install an intersecting driveway running to her residential improvements on the Pokigo parcel. Currently and historically, the residential improvements on the Pokigo parcel have been accessed by a horseshoe driveway directly off of La Rancheria. The driveway running to the Dallas parcel has never been used for access to the Pokigo parcel. We have informed Ms. Pokigo that even though she holds title to the property subject to the easement, she cannot interfere with the use and enjoyment of the Dallas easement and we are concerned that her development activities may do so. That is another matter with which the County has little concern but the purpose of this letter is to address the context in which the County is reviewing and approving her various applications.

Exhibit G

Page 4 of 12 Pages

A. Zoning: The zoning for both the Dallas and the Pokigo parcels is LDR/1-D-S and the General Plan classification is Residential-Low Density. Additionally, this property is within the area designated as a State Responsibility Area Fire Protection ("SRA") pursuant to Appendix B-6 of the County Community Wildfire Protection Plan. The Fire Protection Standards required in the SRA are set out in Chapter 18.56 of the Monterey County Code. Thus, the property's zoning status is subject to significant review and regulation. It is designated Low Density Residential, one dwelling unit per acre and is subject to three overlay districts. In addition to the SRA requirements, development of the property is subject to the regulations for Design Control Zoning Districts or "D Districts" set out in Chapter 21.44 and the regulations for Site Plan Review Zoning Districts or "S Districts" set out in Chapter 21.45 of the Monterey County Code. Addressing those requirements in inverse order, please note:

1. Requirements for Site Plan Review: The purposes of the S District apply to those areas of the County in which sensitive natural resources or unusual site constraints exist which require review of the location of development and are meant to ensure review of development in those areas where development has a potential to adversely affect or be affected by natural resources or site constraints. Section 21.45.030 provides clearly that prior to the issuance of ministerial permits for any construction in the "S District", a Site Plan Approval must be obtained. The Site Plan Approval application must include plot plans or drawings showing in reasonable detail the proposed structure location, topography, existing vegetation, proposed landscaping, proposed parking layout, proposed grading, any identified environmentally sensitive areas, any identified environmentally sensitive areas, any identified hazards, identified archaeological resources and historic sites. All development (except minor projects stipulated in Section 21.45.040.C) requires an Administrative Permit pursuant to the provisions of Chapter 21.70.

Chapter 21.70 provides that the appropriate authority to issue such a permit is the Director of Planning or the Zoning Administrator unless the matter is referred to public hearing under section 21.70.060. In such case it is the Zoning Administrator. Section 21.70.060 provides that a public hearing shall be held for the Zoning Administrator's consideration (1) if the project is not categorically exempt under CEQA; or (2) if a written request, based on a substantive issue, is submitted by one or more owners for residents in the area. Please accept this letter as a request on the part of our client for a public hearing based on the fact that there are no categorical or statutory exemptions which exempt this project from CEQA consideration and the improvement of the driveway and the construction of a fence within the very limited area between two protected heritage oak trees constitute substantive issues which should be discussed at a public hearing. I am submitting two photographs. The first, Attachment B, is a photograph of the gravel driveway running up to the Dallas residence showing the direction of flow of drainage in the rainy season. We have retained a drainage contractor to provide a report indicating that, currently, the drainage passes down to and under the driveway through the

Exhibit G

gravel material and runs across the Pokigo property in a relatively well differentiated swale. If the driveway must be improved in this area in order to satisfy the Wildfire Protection requirements and provide a surface which will support a 40,000 pound apparatus, then the flow of drainage will be interrupted; and, at the very least, some sort of culvert or other drainage facility must be installed. I am also enclosing Attachment C which is a photograph looking down the Dallas easement toward La Rancheria showing the extremely narrow area between the two oak trees. Ms. Pokigo intends to construct a fence at some location between those two trees which will further narrow this space. It is not at all clear that the Wildfire Protection requirements can be satisfied given these heritage oak trees.

One obvious purpose of the "S District" is to protect the aesthetics of the area. Attachment C shows the open nature of this property and the fact that most fences located in the area are rail fences which do not segment or interrupt the open feel of the property. We have not seen the details on the proposed fence which Ms. Pokigo is proposing but if it is solid in nature it will be the only solid fence in that immediate area (there is a solid fence at the rear of the Dallas parcel which is not visible from the Pokigo property).

Perhaps most importantly, Ms. Pokigo's attorney's letter suggests that her activity upon the property consists of the grading of a driveway with the installation of fill less than 100 cubic yards and the construction of a fence less than six feet in height, both of which activities do not require a grading or building permit. This is a prime example of "segmenting" a project and breaking it into smaller, bite-size parcels so that a full and complete CEQA or other environmental analysis is not prepared. The "S District" regulations are clear that a site plan review application with all of the requisite information must be filed and a CEQA analysis must be done of all of the impacts of the proposed activities upon the Pokigo parcel. It is our understanding that Ms. Pokigo will be seeking permission for (1) extensive remodeling to the residence; (2) grading permit to allow construction of a new portion of the driveway running over the Dallas easement and across her property to provide a third access point to the Pokigo parcel and its residential improvements; and (3) construction of a fence around the Pokigo parcel to contain her dogs. The "S District" regulations require an indication of landscaping, parking and the identification of sensitive habitats such as the choke point between the two heritage oak trees. Given the extremely sensitive nature of the property as acknowledged by the fact that it is located in the "S District" and is designated an SRA, it is inconceivable that any categorical exemption from CEQA would apply nor are we aware of any statutory exemption that would be applicable. CEQA is clear that the analysis must be prepared at the earliest possible time and that the entirety of the project must be analyzed. Applicants are not allowed to break a proposed project into small portions; but, instead, all of the impacts of development must be analyzed and considered in the CEQA document.

Exhibit G

2. Requirements of the "D District": Chapter 21.44 sets forth the regulations appropriate in the "D District" and makes clear that these are intended to apply "for the regulation of the location, size, configuration, materials and colors of structures and fences . . . in those areas of the County of Monterey where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character and to assure the visual integrity of certain developments . . .". (emphasis added) The Pokigo property is clearly visible, as is the Dallas parcel, from the public viewshed on La Rancheria. The installation of a solid fence will drastically curtail and impact that viewshed unless conditions are imposed to minimize the closed nature of the fence materials. Additionally, the provisions of section 16.08.040, which sets forth exceptions from permit requirements, makes clear that grading which does not exceed 100 cubic yards on any one site and does not obstruct a drainage course may be exempt from a grading permit requirement. A reading of the D District requirements in the context of the S District requirements seems to indicate that the latter prevail and require consideration and a permit for grading of even less than 100 yards. Additionally, and more importantly, that exemption does not apply where the grading will impair or obstruct a drainage course. We intend to submit substantial evidence into the record indicating that a grading of a driveway off of the existing Dallas driveway will significantly impair a drainage course and could result in significant damage to the Dallas easement. If it is determined that a grading operation impairs a drainage course, then a suitable drainage device designed according to County standards must be installed pursuant to the requirements of section 16.08.330. Private access driveway standards are set out in a handout from the Public Works Department pursuant to the Monterey County Wildfire Protection Standards, section 18.56.030. Those include a requirement for 12 feet of surface width with compacted subgrade and two inches of asphalt over a four-inch class II base. The residence on the Pokigo parcel does not currently have access through the Dallas easement. At least that portion of the Dallas easement which will be used to access the Pokigo parcel must be improved to meet the Wildfire Protection Standards including the requirement that asphaltic pavement be installed of a sufficient standards so as to support fire apparatus.

3. Wildfire Protection Standards: As mentioned previously, the property is within the SRA and the provisions of Chapter 18.56, Wildfire Protection Standards and State Responsibility Areas, applies along with the provisions of Chapter 18.10, Fire Code. The Wildfire Protection Standards are meant to meet the requirements of state and local ordinances, rules and regulations and apply to SRAs. The "Reviewing Authority" is stated to be the Director of the Board of Forestry and Fire Protection and his or her designee, including local fire districts sharing jurisdiction in SRAs. We assume but are not sure that the State Director of Forestry and Fire Protection has designated the local fire district as the appropriate Reviewing Authority. Section 18.56.040 requires that any application for a development permit in an SRA be referred to the Reviewing Authority within ten days of receipt. The Reviewing Authority shall forward a report of its

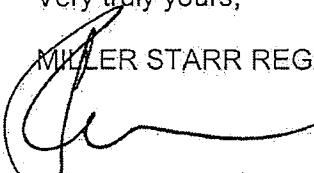
Exhibit G

recommendations to the Planning Department within seven to thirty days after initially receiving the original request. Obviously, the nature of the proposed driveway construction and the location of any constricting fence, given the narrow passage between the heritage oak trees, will be of significant concern to the Reviewing Authority. Section 18.56.060 goes on to provide that roadway surfaces constructed in SRAs shall be capable of supporting a 40,000 lb. load, given the requirement for access by heavy fire equipment. That section goes on to state that driveways must be no less than 12 feet, unobstructed.

B. Consideration of Submitted Plans: We understand that the applicant has submitted a set of plans and elevations, hopefully satisfying the requirements of the S District. We have not had a chance to review those with our client but look forward to doing so. This property is extremely sensitive from an environmental standpoint. Our clients have enjoyed access to their improvements over the existing driveway for all of the time that they have owned the property. We understand that the easement is nonexclusive and that the property owner has the right to make such use of the underlying servient tenement as does not interfere with the use and enjoyment of the easement. Our concern is that all of the elements of Ms. Pokigo's proposed development of her property be analyzed as is required by the County Code and by CEQA and that a cooperative and joint effort be made to ensure that the drainage across and under the easement will not be adversely impacted and that the unique aesthetic setting of the property not be affected by the construction of an opaque fence. We are in the process of preparing a drainage report which we intend to submit into the record and request that you confirm that the Zoning Administrator's determination on the Administrative Permit will be made only after a public hearing.

Very truly yours,

MILLER STARR REGALIA



Wilson F. Wendt

WFW:jj

cc: Michael Harrington
Valerie Negrete
Miles Schuler, Monterey County Regional Fire District
Steve Dallas

Exhibit 6

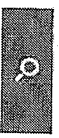
Page 8 of 12 Pages

Google

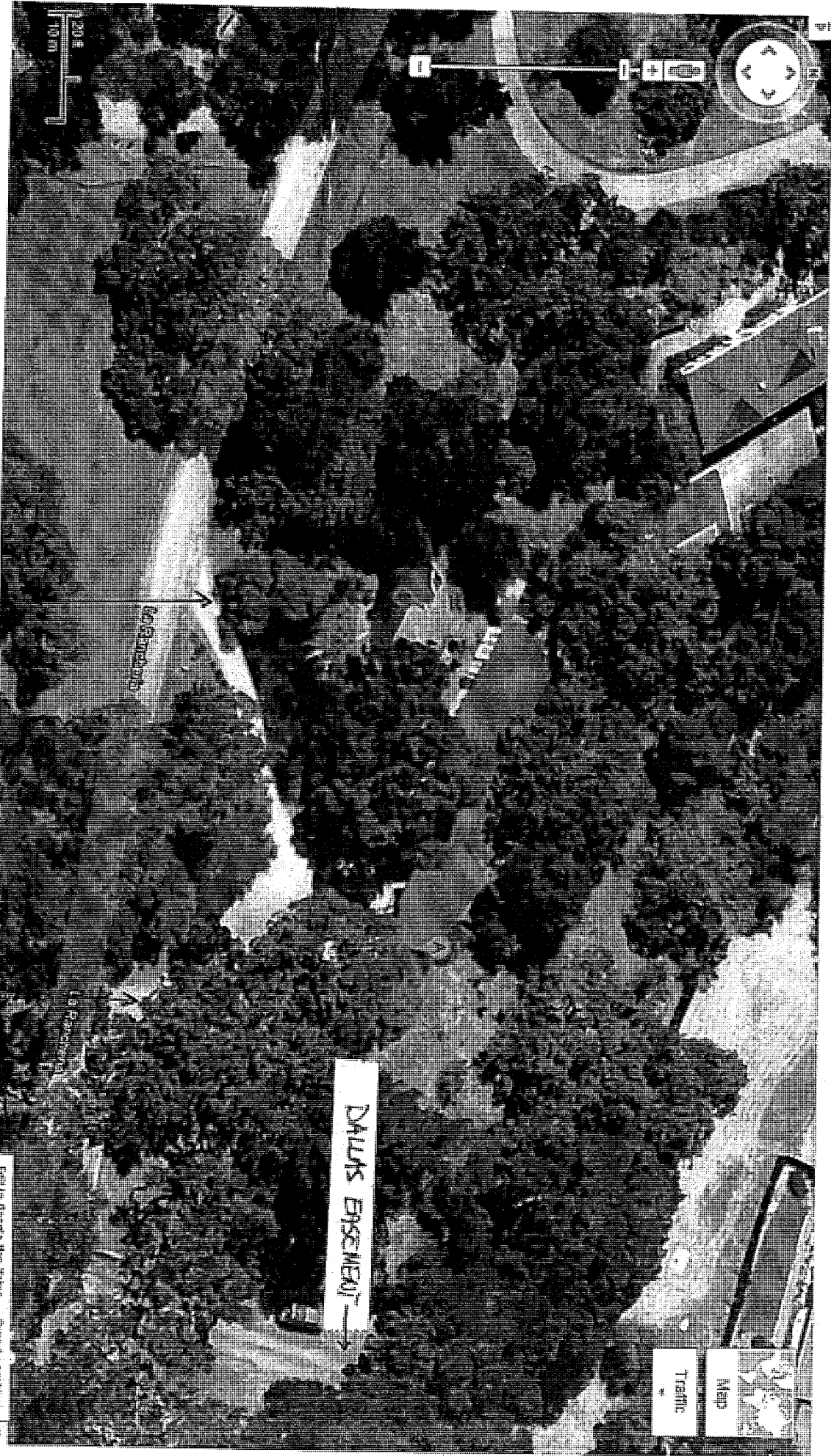
18 La Rancheria, Carmel Valley, CA

Exhibit G

Page 9 of 12 Pages



Sign in



EXISTING PARKING ACCESS

DALLIS BRISMENT

Get the Google Maps app. Report a problem.



EXHIBIT 6



Exhibit G

Page 11 of 12 Pages

Negrete, Valerie x5227

From: steve dallas [sgdallas@yahoo.com]
Sent: Monday, November 25, 2013 8:37 PM
To: Negrete, Valerie x5227; Holm, Carl P. x5103; Novo, Mike x5192
Cc: 100-District 5 (831) 647-7755; steve dallas
Subject: Fw: 18 La Rancheria Rd.

Valerie,

I expect this email from Irma Gowin will be in the PC packet as well as *noted and discussed in your staff report that there is a code enforcement case on the Pokigo project*

steve

On Friday, September 13, 2013 5:16 PM, "Gowin, Irma S. x5847" <GowinIS@co.monterey.ca.us> wrote:
Hi Steve,

Per your request, I am confirming that code enforcement case #13CE00204 (Creating a Driveway) is an open and active case pertaining to the address of 18 La Rancheria Road, Carmel Valley, CA.

Have a great weekend.

Irma S. Gowin
Building Services Manager
Code Enforcement Unit

County of Monterey – RMA - Building Services Department
168 West Alisal Street, 2nd Floor, Salinas, CA 93901
Direct: (831) 755-5847, Fax: (831) 757-9516
Gowinis@co.monterey.ca.us

Exhibit G

Page 12 of 12 Pages

Negrete, Valerie x5227

From: Setterland, Mark T. x5962
Sent: Wednesday, December 04, 2013 11:51 AM
To: Schubert, Bob J. x5183; Negrete, Valerie x5227
Cc: Holm, Carl P. x5103; Rodriguez, Michael x5613
Subject: 18 La Rancheria Driveway Extension

Bob Schubert

I performed a site visit on Wednesday 11/27/13 at 18 La Rancheria (Pokigo) in Carmel Valley to review the construction of a new pass through driveway connecting the existing driveway of this residence to an existing driveway located in the side easement of this property which benefits the neighboring property behind the Pokigo residence. The existing easement driveway is constructed of compacted class II baserock material overlain by approximately 2 inches of loosely compacted gravel. The new driveway extension which connects on the down slope side of the easement driveway, consists of approximately 6 inches of compacted class II baserock overlain by 1-2" of decorative decomposed gravel as a finish.

Based upon my site observation it is my professional opinion that the addition of the driveway extension on the down slope side of the easement driveway will not change the drainage characteristics in this area therefore a drainage study will not be required for the submittal of plans for the grading permit for the driveway extension. The submitted site plan will need to identify the topography of the area adjacent to the new driveway extension.

Mark Setterland PE CBO

Deputy Building Official

County of Monterey -Building Services
168 West Alisal Street, 2nd Floor
Salinas, CA 93901
Phone: (831)784-5962 Fax (831)757-9516

Monterey County offices will be closed in observance of the county-wide winter recess December 24, 2013 through January 1, 2014. During this period, regular services of the Resource Management Agency (RMA) are not available. For Emergency Road Maintenance issues, please call 911, a road crew will be dispatched. For County facility maintenance issues, please contact the Service Request line at 831-755-4744. For emergency Inspection services including gas and electric reconnection, fire damage reports, emergency planning permits, major building damage or other emergency situations, please call 755-4744 between 8 am and 5 pm, Monday through Friday. Your request will be forwarded to the appropriate on-call staff member. Regular services will resume on Thursday, January 2, 2014

EXHIBIT H