

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting: November 13, 2008 Time: 1:45 P.M</b>	<b>Agenda Item No.: 4</b>
<b>Project Description:</b> Combined Development Permit for the construction of a new 864 square foot barn consisting of: 1) a Variance to reduce the side yard setback from 20 feet to 6 feet; and 2) Use Permit for development on slopes greater than 30%; Site Plan review and Design Approval including 93 cubic yards of cut and 66 cubic yards of fill. The property is located at 927 West Carmel Valley Road, Carmel Valley. (Assessors Parcel Number 185-041-024-000), Carmel Valley Master Plan.	
<b>Project Location:</b> 927 West Carmel Valley Road, Carmel Valley	<b>APN:</b> 185-041-024-000
<b>Planning File Number:</b> PLN080110	<b>Name:</b> Michael and Jeanine Strong, Property Owner
<b>Plan Area:</b> Carmel Valley Master Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> : “LDR/2.5-D-S-RAZ” [Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review Overlays and Residential Allocation Zoning]	
<b>CEQA Action:</b> Categorically Exempt per Section 15303.e	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions. (**Exhibit D**)

### PROJECT SUMMARY:

The project consists of a Combined Development Permit (CDP) to allow the construction of a 864 square foot barn. The subject property is an approximate 1.46 acre property situated off of Carmel Valley Road in Carmel. The property owners would like to have a barn for their horse and are confined by the placement of the structure due to the Carmel Valley Master Plan policy (40.2.1.1) which requires a 100 foot setback from Carmel Valley Road for the protection of the scenic and visual integrity of scenic Carmel Valley Road. The property owners are requesting a Use Permit for the placement of the barn in an area of 30% slopes and a Variance to reduce their side yard setback for a barn from 20 feet to 6 feet. (21.14.060.4)

### OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Valley Fire Protection District
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Water Resources, Public Works, Carmel Valley Fire, and Environmental Health Department have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on October 6, 2008. The project (as presented) was recommended for approval by the LUAC by a 6-0 vote with 1 member absent with recommendations to change the project. The LUAC recommended that: 1) the barn be moved 50 feet from Carmel Valley Road, still maintaining a 20 foot rear setback; and 2) would rather waive the Carmel Valley Master Plan policy of 100 foot setback from Carmel Valley Road. To change a Carmel Valley Master Plan policy would require a General Plan amendment which the county is not processing pursuant to the Board of Supervisor's Interim Ordinance 5080. Varying from the Master Plan policy would constitute a special privilege as other neighboring property owners are required to abide by the same 100 foot setback for the visual sensitivity analysis analyzed in the Carmel Valley master Plan EIR. **(Exhibit G)**

Note: The decision on this project is appealable to the Board of Supervisors.

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Valerie Negrete  
(831) 755-5227, negretev@co.monterey.ca.us  
September 25, 2008

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Carmel Valley Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Taven Kinison Brown, Planning Services Manager; Valerie Negrete, Planner; Carol Allen; Michael and Jeanine Strong, Applicant; Mark Thompson, Agent; File PLN080110.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Vicinity Map
	Exhibit F	Site Plan, Floor Plan and Elevations
	Exhibit G	LUAC Minutes
	Exhibit H	Archeological Report conducted by Paul Hampson Landset dated December 12, 1985 (LIB080500) (from PC6951)
	Exhibit I	Geological Report conducted by Grice Engineering dated July 2008 (LIB080508)
	Exhibit J	Correspondence from Michael and Jeanine Strong, received August 15, 2008. Justification for a Variance.
	Exhibit K	Correspondence from Michael and Jeanine Strong, received September 29, 2008. 30% slope justification letter.

This report was reviewed by Taven Kinison Brown, Planning Services Manager/Senior Planner

## **EXHIBIT B PROJECT DISCUSSION**

The subject parcel is Parcel C of the Rancho Los Laurelitos subdivision, located off of Carmel Valley Road in Carmel Valley. The subject property is a 1.46 acre triangular shaped parcel which gradually slopes upwards from Carmel Valley Road. There is an existing 3,403 square foot single family dwelling with attached garage. The property is zoned LDR/2.5-D-S-RAZ for “Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review Overlays and Residential Allocation Zoning”. The parcel is triangle shaped and more than half of the site is comprised of slopes of 30-44%. The property is located in one of the most visible areas of Carmel Valley Road.



### **General Background**

The subject property is 1.46 acres and, if the parcel were level, would normally fit a single family dwelling and an accessory structure, while being in compliance with the zoning regulations of the Low Density Residential district. In this case, the district regulations require a fifty (50) foot setback for accessory structures, such as a barn, and the property has an additional 50 foot road and utility easement on Carmel Valley Road. With the 50 foot road and utility easement on Carmel Valley Road, and a 50 foot required setback for an accessory structure, the placement of the barn, to be within the zoning regulations, would be set back 100 feet from Carmel Valley Road. However, this particular property is already confined by a 100 foot setback from Carmel Valley Road, mandated by the Carmel Valley Master Plan.

### **Aesthetics**

The subject parcel fronts scenic Carmel Valley Road, which is a primary viewshed within the Carmel Valley Master Plan area and is subject to a 100 foot setback. Carmel Valley Road provides a number of panoramic views; most of the views from Carmel Valley Road are unobstructed by development. Both the Carmel Valley Master Plan and the General Plan have policies requiring the protection of the most visually sensitive areas of Monterey County. Pursuant to Section 7.2.1 of the Monterey County General Plan, landowners and developers shall be encouraged to preserve the integrity of existing terrain and natural vegetation in the most visually sensitive areas such as hillsides and ridges. This property is located on one of those scenic hillsides identified in the Carmel Valley Master Plan EIR No 80-106, where a 100 foot setback was placed on portions of Carmel Valley Road, in order to protect the countryside and

rural ambience of the valley as well as the visual integrity of the most visible viewsheds of Carmel Valley. The proposed barn will be situated farther back from Carmel Valley Road and will not be visible from scenic Carmel Valley Road. In fact, the barn will be situated on the same visual plane as the existing single family dwelling and, therefore, possible visual impacts will be further blended in with the existing structure. Staff has worked with the applicant in finding a suitable location that will meet the applicable setback from Carmel Valley Road and finds the proposed location to be the ideal location, taking into account the applicable policies regulating this parcel.

### **30% Slope**

According to the United States Geological Survey, the site is predominantly located in an area which is greater than 25% slope, which would limit the buildable area of the property. The applicant originally proposed a 957 square foot barn and, after discussions with staff, and during the course of exploring alternatives, the applicant has decreased the size of the barn to 864 square feet to better meet the objectives of 30% slope regulations and variance findings. As proposed the barn will encroach approximately 5 feet into a slope in excess of 30%.

In order for staff to recommend approval of development on 30% slope, staff is required to make two findings; 1) There is no feasible alternative which would allow development to occur on slopes of less than 30%; and 2) That the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives. In order to grant a variance, staff has made the following findings:

#### **Finding 1) No feasible alternative**

- ✓ Staff has worked with the applicant to find an alternative location on the property and has concurred that the proposed location is the best and only feasible location. The area behind the existing home is steeply sloped and the area to the front of the lot is confined by a 100 foot setback. Placing a barn to the rear of the property would increase slope instability and accelerate erosion.
- ✓ In addition to excessive slope issues to the rear of the property, a 20 foot side yard setback on either side of the barn limits further the size of the barn. At the widest point, the rear of the property decreases in width from 80 to 60 feet, leaving the property owner little to no room for an additional structure in this area without placing the structure entirely on a slope.
- ✓ There is a drainage swale to the east of the existing single family dwelling coming from the rear of the property. Placing a structure in a drainage swale is not allowed pursuant to Monterey County Grading Code 16.12.050. Placing a structure in a drainage swale would further compromise the natural drainage patterns on the property and would further accelerate erosion.

#### **Finding 2) Better meets the policies and objectives**

- ✓ The Monterey County General Plan prohibits development on areas in excess of 30% slopes, unless the proposed development better achieves the goals of the General Plan and Area Plan respectively. In this case, placement of the barn on a portion of a 30% slope is needed to comply with the Carmel Valley Master Plan policy of 100 foot setback from Carmel Valley Road. Additionally, Monterey County district zoning regulations require a fifty (50) foot setback from the edge of

a road right of way which would further place the structure 100 feet back from Carmel Valley Road. (at its present location)

## **Variance**

The property is zoned LDR/1-D-S-RAZ or “Low Density Residential, 1.0 acres per unit with Design Control, Site Plan Review overlays, and Residential Allocation Zoning” which, for a barn or any accessory structure, requires a fifty (50) foot front yard setback, twenty (20) foot side yard setback, and a twenty (20) foot rear yard setback. The request for a Variance is due to the encroachment of the proposed barn on the twenty (20) foot side yard setback.

To allow for the granting of a Variance, staff is required to make the following findings:

1) special circumstances applicable to the subject property, including size, shape, topography, location or surroundings; the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications; and 2) the Variance not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated; and 3) a Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel or property.

### **Finding 1): Special Circumstance**

- ✓ The subject parcel is triangle shaped and contains one front, two sides, and no rear lot lines. A fifty foot (50) foot road and utility right-of-way easement fronts Carmel Valley Road. The southern portion of the parcel boundary has a twenty (20) foot setback that runs east and west to the northern-most point of the property. When the required fifty (50) foot accessory structure front setback is measured from the edge of all appropriate road right-of-way easements, the developable area on the parcel is drastically reduced.
- ✓ The shape of the property inhibits development to the north or rear of the existing single family dwelling. The rear of the property is sloped and leads to a steep hillside above. Placing a structure in this area is infeasible because of the slope and possible adverse visibility from Carmel Valley Road. The rear of the property is not a viable option due to the topography and parcel shape which is unique.
- ✓ The subject property is located in one of the most visually sensitive locations in the Camel Valley Master Plan. To protect the scenic resources of the valley, a 100 foot setback applies and was subsequently adopted on the Zoning Map. Complying with this regulation places the barn within the rear yard setback but aligns the barn with the existing single family dwelling which further blends in with the existing visual plain. Due to the parcel’s location in a highly visually sensitive area, the property owner is confined to locating the barn farther from the road.

### **Finding 2: Special Privilege**

- ✓ As many as four non-habitable accessory units (barns) have been approved in the immediate vicinity of the subject parcel. Denial of this Variance request would deprive the property owners to enjoy the same privileges enjoyed by others in the vicinity and under the same zoning classification.

### **Finding 3): Expressly Authorized**

- ✓ The Variance request is tied to a residential use, which is authorized by the residential zone governing the subject parcel.

### **Conclusion**

Staff has worked with the applicant to find a better alternative and has concluded the location proposed is the best location. Staff recommends approval of the Variance request and Use Permit request based on the following: 1) The project is consistent with all applicable land use codes, regulations and development standards, with the exception of the front setback; 2) The site is suitable for residential development; 3) there is no feasible alternative which would allow development to occur on slopes of less than 30%; 4) that the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives; 5) California Environmental Quality Act (CEQA) Guidelines Section 15303.e categorically exempts the construction of small accessory structures; 6) No violations exist on the subject parcel; 7) All three required Variance findings can be made and supported; and 8) The project will not be detrimental to public health and safety.

## **EXHIBIT C**

### **RECOMMENDED FINDINGS AND EVIDENCE**

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Carmel Valley Master Plan, and the Monterey County Zoning Ordinance Title 21, which designates this area as appropriate for development.

**EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. 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 927 West Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 185-041-024-000), Carmel Valley Master Plan. The parcel is zoned "LDR/2.5-D-S-RAZ" [Low Density Residential, 2.5 acres per unit with Design Control, Site Plan Review Overlays and Residential Allocation Zoning] which allows the construction of an accessory structure, such as a barn. Therefore, the property is suitable for the proposed development.

(c) The project planner conducted a site inspection on April 17, 2008 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The parcel is located in the Carmel Valley Master Plan which has specific regulations for the protection and visual integrity of scenic Carmel Valley Road. Carmel Valley Master Plan Policy 40.2.1.1 requires a 100 foot setback from Carmel Valley Road. Due to the odd shape of the subject property and the required setback from Carmel Valley Road, the owner is requesting to place the barn within the side yard setback and will be slightly encroaching on an area of 30% slope.

(e) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on October 6, 2008. The LUAC recommended approval on a 6 to 0 vote with 1 member absent. The LUAC had recommendations for placing the barn in the 100 foot setback which would require a General Plan amendment.

(f) 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 PLN080110.

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

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

(b) Technical reports by outside archaeological and geological consultants indicated that there are no physical or environmental constraints that

would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

- i. "Preliminary Cultural Resources Reconnaissance" (LIB080500) prepared by Paul Hampson, Monterey, CA, dated December 12, 1985.
  - ii. "Geotechnical Investigation" (LIB080508) prepared by Grice Engineering, Salinas, CA dated July 2008.
- (c) Staff conducted a site inspection on April 17, 2008 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN080110.

3. **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 15303e. Categorically exempts the construction of small accessory structures.

(b) No adverse environmental effects were identified during staff review of the development application during a site visit on April 17, 2008.

(c) See preceding and following findings and supporting evidence.

4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

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

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

**EVIDENCE:** (a) Preceding finding and evidence.

6. **FINDING: VARIANCE - SPECIAL CIRCUMSTANCE**— Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

**EVIDENCE:** (a) The Low Density Residential site development standards require a minimum building site of one acre (unless otherwise approved as part of a residential subdivision). The subject parcel is 1.46 acres of 63,825 square feet. The property is triangular shaped with two fronts and a side. The north portion of the property is sloped and the front southern portion is confined by the required front setback of 100 feet pursuant to the Carmel Valley Master Plan policy 40.2.1.1. The site has approximately 15,900 square feet



of developable area or .3 acres of the 1.46 acre site taking into account the northern half of the property which has slopes greater than 30% and the southern half which is restricted by the 100 foot setback and oak trees scattered throughout the property.

- (b) More than half of the property runs parallel to Carmel Valley Road and is located within the 100 foot setback required by the Carmel Valley Master Plan rendering the property greatly constrained for further development in this area. The rear portion of the barn is completely sloped and infeasible for development or placement of structures. Northeast of the existing single family dwelling is the only available area and encroachment in a slope is inevitable.
- (c) Placing a structure in a drainage swale would cause accelerated erosion and is not allowed pursuant to 16.12.050, which states in part, "Streams or drainage courses shall not be obstructed or disturbed except for approved road crossings, unless disturbance of a drainage course will improve overall site design and be consistent with the purpose of this Chapter." Disturbing the subject drainage course is not necessary and can be avoided in this case. Whether the structure is within 20 feet or 44 feet from the main dwelling encroachment within 30% slopes can not be avoided.

**7. FINDING: VARIANCE – SPECIAL PRIVILEGE** – The variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- EVIDENCE:** (a) The Low Density Residential site development standards require a minimum building site of one acre (unless otherwise approved as part of a residential subdivision). The subject parcel for this project is triangle shaped and 1.46 acres (63,815 square feet) in area, and contains one front and two sides, the front is bordered by Carmel Valley Road, a fifty (50) foot road and utilities easement runs along Carmel Valley Road on one side, and both sides require a twenty (20) foot setback. Typically, a parcel this size would be adequate for a single family dwelling and an accessory structure however in this case compliance with all of the site development standards mandated by the Low Density Residential zoning designation, an easement location and a 100 foot setback on the parcel front leaves this property greatly constrained. The property owner had to attain a Special Permit on May 10, 1989 from the Planning Commission Resolution No.89-157 for the construction of their single family dwelling because of the limited buildable area on the lot and required setback from Carmel Valley Road. The subject Variance will allow the property to have a barn which meets the development standards of the zoning regulations and applicable area plan.
- (b) The majority of the parcel is on a hillside with slopes of over 30% limiting the location and placement of any structures on the lot. The subject property has a cumulative 100 foot setback which renders the lot largely constrained.
  - (c) Other similar cases have been granted in the vicinity of the subject parcel. Although every property is unique, a variance was granted to a neighboring parcel (ZA92020) at 931 West Carmel Valley Road, for a reduction of a side yard setback from 20 feet to 13 feet for the enclosure of a patio to a larger master bedroom. The subject variance is for a six (6) foot variance for a side yard setback.

- (d) The current proposed location of construction does not require any tree removal or removal of any other protected trees.
- (e) The parcel is located in a high fire hazard area and the proposed location is 6 feet from the property line, which would normally be a concern for the Fire Department for fire clearance. However, in this case the property adjacent to the proposed barn is over 5 acres and slopes upwards and it is not likely development will impact the subject property. As proposed, the Carmel Valley Fire Protection Department has found the project to comply with all applicable Fire Code requirements and has placed standard conditions of approval.

**8. FINDING: VARIANCE – AUTHORIZED USE** – A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

**EVIDENCE:** (a) The Variance request does not constitute the granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and under the same zone classification. Other barns have been approved in the Carmel Valley Master Plan area in the last few years; 1) On January 31, 2007 the Director of Planning approved an Administrative permit for a 6,246 square foot barn on Assessor's Parcel Number 157-121-015 (see file PLN050488); 2) On May 11, 2006 the Zoning Administrator approved a Use Permit for a 3,240 square foot barn within the Carmel Valley Flood fringe on Assessor's Parcel Number 169-121-017-100 (See file PLN060047); and 3) On May 28, 2008 the Director of Planning approved a 3,240 square foot barn on Assessor's Parcel Number 187-041-052-000 (See file PLN060770). It is possible that more have been approved however they may not have required a discretionary approval.

(b) Properties within the immediate vicinity of the subject parcel enjoy the privilege of having habitable accessory structures. Denial of this Variance request would deprive the property owners to enjoy the same privileges enjoyed by others in the vicinity and under the same zoning classification.

**9. FINDING: SLOPES IN EXCESS OF 30% -** Encroachment on a portion of slopes in excess of 30% slopes would require a Use Permit pursuant to 21.64.230. There are two necessary findings that must be made: 1) there is no feasible alternative which would allow development to occur on slopes of less than 30%; and 2) the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives.

**EVIDENCE:** (a) The subject property is a sloping triangular shaped lot which fronts Carmel Valley Road. Due to the location of the property in a highly visually sensitive area, its location off of scenic Carmel Valley Road and topography the property owner had to attain a Special Permit (Resolution No. 89-157) for the development of their existing single family dwelling. A 100 foot front setback from Carmel Valley Road, side setbacks requirements as well as extensive property area in excess of 30% slopes greatly constrain the subject property's developable area. The northern portion of the property behind the existing single family dwelling is sloped and restricted to development

because of setback regulations and steep terrain. The southern portion of the property along Carmel Valley Road is limited to development due to the required 100 foot setback from the Carmel Valley Master Plan and fifty (50) foot road and utility easement and fifty foot setback for a barn in the low density zoning district. The proposed location is the only feasible location due to topography and a drainage swale that runs along the western border of the existing single family dwelling.

- (b) Placing the barn within twenty feet from the existing single family dwelling is not feasible because there is a drainage swale running from the northern area of the property. Further, development in a drainage swale is not allowed under 16.12.050. Placing the barn closer to the single family dwelling may compromise the drainage pattern that exists and further accelerate erosion.
- (c) Monterey County General Plan policy 26.1.10 prohibits development on slopes over 30% unless it can be found that: 1) There is no feasible alternative which would allow the development to occur on slopes less than 30%, and 2) The proposed development better achieves the resource protection objectives and policies contained in the Monterey County General Plan, accompanying Area Plans and Land Use Plans, and all applicable. In this case the proposed location is the only feasible alternative given the topography of the site and area plan policies protecting the rural character and visual sensitive resources in the surrounding area. (CVMP 40.2.1.1)

**10. FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

**EVIDENCE:** Section 21.80.040.B Monterey County Zoning Ordinance.

<p align="center"><b>EXHIBIT D</b></p> <p align="center"><b>Monterey County Resource Management Agency</b></p> <p align="center"><b>Planning Department</b></p> <p align="center"><b>Condition Compliance and/or Mitigation Monitoring Reporting Plan</b></p>	<p><b>Project Name:</b> <u>Michael and Jenine Strong</u></p> <p><b>File No:</b> PLN080110 <b>APNs:</b> 185-041-024-000</p> <p><b>Approved by:</b> Zoning Administrator <b>Date:</b> November 13, 2008</p>
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p><b>PD001 - SPECIFIC USES ONLY</b></p> <p>This Combined Development permit (PLN080110) allows for the construction of a new 864 square foot barn consisting of: 1) Variance to reduce the side yard setback from 20 feet to 6 feet; and 2) Use Permit for the development on slopes greater than 30%; and Site Plan Review and Design Approval including 93 cubic yards of cut and 66 cubic yards of fill. The property is located at 927 Carmel Valley Road, Carmel (Assessor's Parcel Number 185-041-024-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 185-041-024-000 on <b>November 13, 2008</b> . The permit was granted subject to <b>14</b> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	

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

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4.		<b>PD009 - GEOTECHNICAL CERTIFICATION</b> Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. <b>(RMA – Planning Department and Building Services Department)</b>	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
5.		<b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. <b>(RMA - Planning Department and RMA - Building Services Department)</b>	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.  Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Prior to the issuance of grading and building permits	

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6.		<p><b>PD014(B) – LIGHTING – EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT/ RIDGELINE DEVELOPMENT)</b></p> <p>All exterior lighting for the barn shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section 21.06.195, are prohibited. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b></p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p> <p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	<p>Prior to the issuance of building permits.</p> <p>Prior to Occupancy / Ongoing</p>	



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7.		<p><b>FIRE007 - DRIVEWAYS</b></p> <p>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.</p> <p><b>(Carmel Valley Fire Protection District)</b></p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p><i>Applicant or owner</i></p>	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection.</p>	

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8.		<b>FIRE008 - GATES</b> All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. <b>(Carmel Valley Fire Protection District)</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to issuance of grading and/or building permit.  Prior to final building inspection.	

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9.		<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b></p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(Carmel Valley Fire Protection District)</b></p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p><i>Applicant shall schedule fire dept. clearance inspection</i></p> <p><i>Applicant shall schedule fire dept. clearance inspection</i></p>	<i>Applicant or owner</i>	<p>Prior to issuance of building permit.</p> <p>Prior to final building inspection</p>	

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10.		<b>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)</b> Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. ( <b>Carmel Valley Fire Protection District</b> ).	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
11.		<b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b> The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. ( <b>Carmel Valley Fire Protection District</b> ).	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
12.		<b>FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING)</b> Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. ( <b>Carmel Valley Fire Protection District</b> )	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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13.		<b>FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD)</b> All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Carmel Valley Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
14.		<b>FIRE030 – OTHER NON-STANDARD CONDITIONS:</b> ATTACH ALL PREVIOUS CONDITIONS TO PLANS AS "FIRE DEPARTMENT NOTES" (Carmel Valley Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

END OF CONDITIONS