

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: December 10, 2009 Time: 1:45 P.M		Agenda Item No.: 5
Project Description: Combined Development Permit to allow: 1) A Use Permit for development on slopes over 30% for a new circular driveway and construction of a 1,200 square foot detached four car garage and workshop; a 162 linear foot retaining wall; grading of approximately 250 cubic yards of cut/ 230 cubic yards of fill for a new driveway, and 2) an Administrative Permit for development in a "VS" Visually-Sensitive Zoning District.		
Project Location: 25319 Camino De Chamisal, Salinas		APN: 161-562-003-000
Planning File Number: PLN090183		Owner: Timothy Starkman Agent: Marj Ingram
Planning Area: Toro Area Plan		Flagged and staked: Yes
Zoning Designation: : RDR/B-6/VS (20') [Rural Density Residential, 2.5 acres per unit with Building Site Zoning District Overlays, and Visually Sensitive District with a 20 foot height limitation for structures]		
CEQA Action: Categorically Exempt per Section 15303 (e)		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to:

- 1) Find the project Categorically Exempt per CEQA Guidelines Section 15303(e),
- 2) Approve the Combined Development Permit (PLN090183), based on the findings and evidence and subject to the conditions of approval (**Exhibit C**):

PROJECT OVERVIEW:

The parcel is trapezoid shaped parcel with an existing 4,294 square foot single family dwelling with attached garage. The proposed project is for the construction of a 1,200 square foot four car garage/workshop with a 162 linear foot retaining wall and grading of 580 cubic yards for a new driveway exit. Approximately 600 square feet of the new garage will be used as a workshop for upkeep of motorcycles and classic cars, the remaining 600 square feet will be used to house 2 cars. The garage has been situated farthest from the road (Camino de Chamisal) as possible, avoiding easements and drainage patterns on site. Approximately 200 square feet of the garage will impact 30% slopes requiring the construction of a 162 linear foot retaining wall.

The location of the garage is also the only feasible location due to the topography of the site. The site is greatly constrained as the property slopes down sharply as you enter the parcel through the existing driveway. The back of the property contains areas of drainage collection, septic leachfield and slopes, and includes an easement to the rear of the property. A geological report was prepared and concluded that the proposed location is the best location for the garage given the site constraints, drainage, setbacks and easements on the property. There will be no impacts to the remaining slopes on the property with the incorporation of exclusive construction fencing, and erosion control measures (Condition #5, #6 and #7).

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

- √ RMA - Public Works Department
- √ Environmental Health Division
- √ Water Resources Agency
- √ Parks Department

✓
✓ Salinas Rural Fire Protection District

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by Salinas Rural Fire Department, Public Works, Health Department, and Water Resources have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit C**).

The project was referred to the Toro Advisory Committee on August 10, 2009. Based on the LUAC Guidelines adopted by the Monterey County Board of Supervisors per resolution 08-338, this application warranted review because it involves slope restrictions subject to review by the Zoning Administrator. The LUAC recommended approval on a vote of 4-0. The LUAC made recommendations to remove the applicant's proposed pond at the toe of the drainage running alongside the side of the property. In addition, the LUAC recommended the planting of additional trees to further screen the new garage from Camino De Chamisal. The applicant has agreed to go with the LUAC recommendations of removing the pond and as a condition of approval, additional trees will be re-planted for the trees removed.

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

/S/ Valerie Negrete

Valerie Negrete, Assistant Planner
(831) 755-5227, negretev@co.monterey.ca.us
November 18, 2009

cc: Front Counter Copy; Zoning Administrator; Salinas Rural Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Taven Kinison Brown, Planning Services Manager; Valerie Negrete, Project Planner; Carol Allen, Senior Secretary; Timothy Starkman, Owner; Marj Ingram, Agent; Planning File PLN090183.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including: 1. Conditions of Approval 2. Site Plan, Floor Plan and Elevations
	Exhibit D	Vicinity Map
	Exhibit E	Advisory Committee Minutes (Toro LUAC)
	Exhibit F	Variance justification letter dated July 15, 2009

This report was reviewed by Taven Kinison Brown, Planning Services Manager. *TKB*

EXHIBIT A

Project Information for PLN090183

Project Title: STARKMAN TIMOTHY

Location: 25319 CAMINO DE CHAMISAL SALINAS

Primary APN: 161-562-003-000

Applicable Plan: Toro Area Plan

Coastal Zone: No

Permit Type: Use Permit

Zoning: RDR

Environmental Status: TBD

Plan Designation: RESIDENTIAL

Advisory Committee: Toro

Final Action Deadline (884):

Project Site Data:

Lot Size: 1.84 ACRE

Coverage Allowed: 25%

Existing Structures (sf): 4294

Coverage Proposed: 5.6%

Proposed Structures (sf): 5494

Height Allowed: 20'

Height Proposed: 13'

Total Sq. Ft.: NA

FAR Allowed: na

FAR Proposed: na

Resource Zones and Reports:

Environmentally Sensitive Habitat: Yes

Erosion Hazard Zone: MODERATE

Biological Report #: N/A

Soils Report #:

Forest Management Rpt. #: N/A

Archaeological Sensitivity Zone: MODERATE

Geologic Hazard Zone: VI

Archaeological Report #: N/A

Geologic Report #: N/A

Fire Hazard Zone: VERY HIGH

Traffic Report #: N/A

Other Information:

Water Source: MUTUAL

Sewage Disposal (method): SEPTIC

Water Dist/Co:

Sewer District Name: n/a

Fire District: SALINAS RURAL

Grading (cubic yds.): 248.0

Tree Removal: 2 CYPRESS

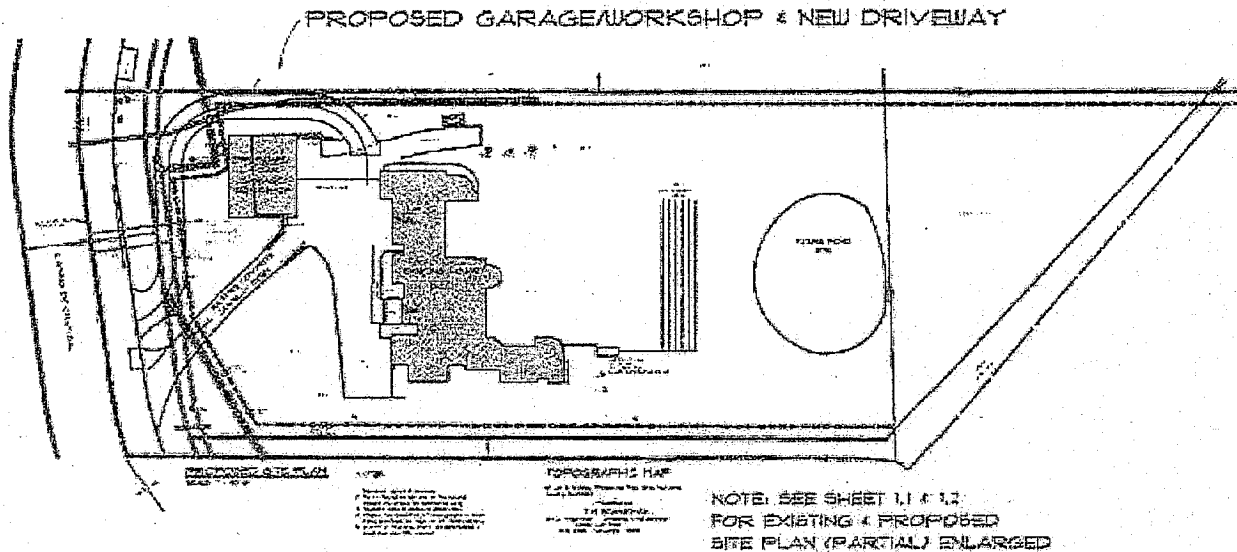
EXHIBIT B
Project Discussion
PLN090183 (Starkman)

I. Project Setting and Description

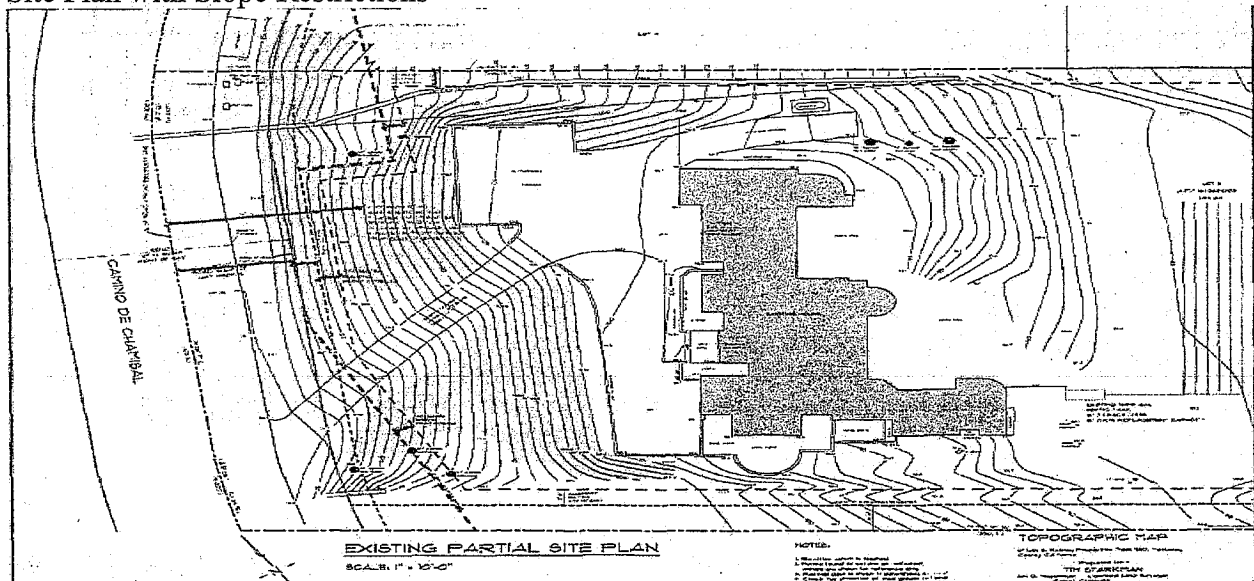
Setting

The Starkman residence is a 1.83 acre parcel located at 25319 Camino De Chamisal in Salinas. Located in the Robley Properties subdivision Tract 5, the parcel is a residential property with an existing single family dwelling. The property is accessed from Camino de Chamisal from Laureles Grade Road and Robley Road just past the Chamisal Tennis and Fitness Center.

Site Plan



Site Plan with Slope Restrictions



The property is narrow and trapizoid shaped. The existing 4,294 square foot home is located on the flattest portion of the property. The shape and topography of the property leave over 60% of the parcel undevelopable. The front of the property slopes steeply as you exit Camino de Starkman (PLN090183)

Chamisal. The drop from the edge of the road to the driveway is over seven feet high. The rear of the lot contains an established drainage flow from Camino de Chamisal. Drainage runs alongside the northeastern side of the home towards the existing easement to the rear of the lot. There is an existing corrugated drainage pipe running alongside this area of the home, and as part of the application, the property owner will be locating this pipe underneath the new driveway. The southern portion of the property contains a drainage ditch that has been filled with drain rock to allow for dispersion of water collected. Drainage from Camino de Chamisal flows alongside the home and collects to the rear of the property to an existing scenic easement. Either side of the home, including the rear of the lot, would not be suitable for any structures as it would block the flow of drainage and rainwater collection in these areas.

Project Proposal

The property is zoned Rural Density Residential with Building Site and Visual Sensitivity zoning overlays with a twenty foot (20) height limit or "RDR/B-6/VS (20)". The project is situated in the Toro Area Plan and contains a 4,294 square foot single family dwelling with attached garage. The applicant proposes to construct a 1,200 square foot garage and workshop with a 162 linear foot retaining wall, new driveway in areas of 30% slope, with grading of approximately 250 cubic yards of cut/ 230 cubic yards of fill for the construction of a new driveway.

II. Analysis:

Development Standards

The site is designated for residential uses (RDR/B-6/VS (20')) and involves a 1,200 square foot four car garage and new driveway on an area over 30% slope. The garage/workshop will be placed approximately 10 feet onto a slope over 30% and the new driveway will transverse over areas of 30% slope. The project is also located within a "VS" district which requires review of development which could potentially create adverse visual impacts when viewed from a common public viewing area.

30% Slope

Locating a structure to the side of the home is infeasible not only because of drainage patterns established in these areas but also due to setback requirements. The side setback requirement is of at least 10 feet on either side or 10% or the average lot width with a maximum required of 20 feet (Section 21.41.030.F) Not only would a structure this size not fit in this area but access to the rear of the lot for either fire vehicles or service vehicles would be blocked given. The rear of the property also contains the existing septic system and associated leachfield. A structure cannot be placed on a septic system or leachfield and further makes this area undevelopable.

The Setback Exceptions

Applicant is requesting exceptions to the zoning district regulations based on Section 21.62 of Title 21, Regulations for Setback and Height Exceptions. The purpose of this Section is to provide "provisions and exceptions to height and setback regulations throughout all zoning districts and other regulations of "Title 21. Part of the proposed project involves the reduction of the required front setback to accommodate the garage location.

District regulations require a front yard setback of 50 feet for an accessory non-habitable structure. The applicant is requesting an exception to the front setback pursuant to Monterey County Code section 21.62.040.n which provides for a reduction in front yard setbacks for a garage "if the elevation of the front half of the lot at a point fifty feet from the centerline of the traveled roadway is seven feet above or below the grade of said centerline, a private garage or

carport, attached or detached, may be built to within five feet of the front line of the lot". Using this exception the garage will be 60 feet from the centerline of the road.

Visual Sensitivity

The property is located in the Toro Area Plan within a "VS" district. Development in visually sensitive areas of the County of Monterey are those in which such development could potentially create adverse visual impacts when viewed from a common public viewing area due to their unique and highly sensitive qualities. Due to the property's topography the proposed garage will be located below the existing road and will not be visible. The construction of the garage will require the removal of two Monterey Cypress trees which will be replaced as a condition of approval to further shield the view of the garage from the road above. A site visit was conducted on June 9, 2009 to determine the visibility of the garage from the nearest common public viewing area. The garage was only visible if you turned to look towards the direction of the property as you pass through Camino de Chamisal. As a condition of approval the applicant will incorporate screening in their landscaping plan which will include the replanting of any trees removed on a one to one ratio (Condition #8).

LUAC

The project was referred to the Toro LUAC for recommendation to the Zoning Administrator and it was noted that the garage may be visible from Camino de Chamisal however, a recommendation was made to replace the two Monterey Cypress trees removed to better behind the garage in with the existing vegetation. The property owner Timothy Starkman agreed and a condition of approval was placed on the project to replace the removed trees. The site is already landscaped and the roof of the garage may be visible but as the trees and surrounding vegetation mature it will be unlikely that any portion of the roof will be visible. Another concern the LUAC had was the proposed natural pond from the drainage collected at the toe of the property. Among the concerns were of neighboring children coming near the pond and the risk of mosquitos from sitting water. After some discussion Mr. Starkman agreed to not have a pond. Although it is important to point out that the pond was not part of the project proposal.

CEQA

The Starkman improvements include a 1,200 square foot garage/workshop which is a non habitable accessory structure to an existing 4,294 square foot square foot single family dwelling. The primary environmental concerns related to the project included the development on 30% slopes and the development in a visually sensitive area. With standard conditions of approval, the project will have no impact on either or these resources. The addition will be located in an already disturbed portion of the existing driveway. The California Environmental Quality Act (CEQA) guidelines Section 15303 (e), Class 3, categorically exempts accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Conclusion

In order to make the findings for a Use Permit for development on 30% slope must find that there is no feasible alternative which would allow development to occur on slopes of less than 30%; or 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 this case findings can be made due to the shape of the property, the topography of the parcel, drainage patterns and setback constraints. See Finding 6 for more detail.

The project is consistent with General Plan and Zoning designations. The materials and color treatments chosen for the addition blend in with the natural landscape and are in keeping with colors and materials of the existing residence. No unusual circumstances, unresolved issues or

adverse environmental issues were identified during the review of the project. The project, as conditioned, is consistent with all applicable County of Monterey policies and regulations.

EXHIBIT C
DRAFT RESOLUTION

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

Timothy Starkman

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Categorically Exempt pursuant to 15303 (e)
- 2) Approving the Combined Development Permit to allow: 1) A Use Permit for the development on slopes over 30% for a new circular driveway and construction of a 1,200 square foot detached four car garage and workshop with a 162 linear foot retaining wall and grading approximately 250 cubic yards of cut/ 230 cubic yards of fill for a new driveway and 2) an Administrative Permit for the development in a "VS" Visually-Sensitive Zoning District.

(PLN090183, Timothy Starkman, 25319 Camino de Chamisal, (APN: 161-562-003-000))

The Combined Development application (PLN090183) came on for public hearing before the Monterey County Hearing Body on December 10, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **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 Monterey County General Plan,
- Toro Land Use Plan,
- 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 25319 Camino de Chamisal, Salinas (Assessor's Parcel Number 161-562-003-000), Toro Land Use Plan, The parcel is zoned "RDR/B-6/VS (20')" or Rural Density Residential with Building Site and Visual Sensitivity zoning overlays with a twenty foot (20) height limit, which allows residential uses such as garages or workshops. Therefore, the project is an allowed land use for this site.
- c) The project consists of a Use Permit for the construction of a 1,200 square foot four car garage/workshop on 30% slopes with a 162 linear

foot retaining wall for a new driveway and an Administrative Permit for the development within a "VS" district in accordance with Monterey County Code 21.46.030.D.2.

- d) Zoning Consistency – The property is located at 25319 Camino de Chamisal, Salinas. The parcel is zoned "RDR/B-6/VS (20') " or Rural Density Residential with Building Site and Visual Sensitivity zoning overlays with a twenty foot (20) height limit, which allows for single family residences and accessory structures such as garages. Therefore, the project is an allowed land use for the site.
- e) Visual Sensitivity Districts – Zoning at the site includes a Visual Sensitivity overlay which requires review of development including overall design, colors and materials. The proposed 1,200 square foot garage will match the existing single family residence colors of light blue and beige trim. A portion of the garage will be visible from Camino de Chamisal however, the visual impact is not significant. In addition, due to the topography of the site, the garage will be below the roadway. The construction of the garage will require the removal of two un-protected Monterey Cypress trees however, in response to LUAC comments on potential visibility, the applicant will incorporate the re-planting of two native drought tolerant trees in the landscaping plan (Condition # 8).
- f) Setback Exception – The applicant is requesting exceptions to the zoning district regulations based on Section 21.62 of Title 21, Regulations for Setback and Height Exceptions. The purpose of this Section is to provide "provisions and exceptions to height and setback regulations throughout all zoning districts and other regulations of "Title 21. The project site contains large areas of slope and the entrance to the site is very steep. The edge of the road and home site are over seven feet in depth. Pursuant to Title 21 section 21.62.040.N, "in cases where the elevation of the front half of the lot at a point fifty feet from the centerline of the traveled roadway is seven feet above or below the grade of said centerline, a private garage or carport, attached or detached, may be built to within five feet of the front line of the lot". With this setback exception, the garage/workshop will be setback 60 feet from the centerline of the road.
- g) In order to approve development on 30% slopes, the Zoning Administrator must make specific findings, either there is no feasible alternative which would allow development to occur on slopes of less than 30%; or 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 this case findings can be made due to the trapezoid shape of the property, the topography of the parcel, drainage patterns and setback constraints. See Finding 6 for more detail.
- h) Tree Removal – The project will involve the removal of two Monterey Cypress trees. In the Toro Area Plan, Monterey Cypress trees are not protected and do not require a tree removal permit, however the applicant will, as a condition of approval, re-plant trees to further blend the garage in with the existing vegetation along Camino de Chamisal Road (Condition # 8).
- i) The project planner conducted a site inspection on Inspection on June 5,

2009 to verify that the project on the subject parcel conforms to the plans listed above.

- j) Development on slopes that excess of 30% is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30%, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives. (see Finding 6) The detached garage/workshop is located within proximity of the main residence and is designed to match the existing residence.
- k) The project was referred to the Toro Land Use Advisory Committee (LUAC) for review on August 10, 2009. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC because it involved development on slopes over 30%. The LUAC recommended approval on a vote of 4-0 with a recommendation to remove the applicant's proposed pond at the toe of the rear of the property and the re-planting of two trees. The applicant has agreed to the LUAC recommendation of replacing the removed trees and this has been incorporated into the project design and is a condition of approval.
- l) 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 PLN090183.

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, Salinas Rural 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) Staff identified potential impacts to Soil/Slope Stability. Therefore, technical reports by outside consultants was required and indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - i. "Geological Investigation"(LIB090360) prepared by Soil Surveys Inc., Salinas, CA, April 21, 2009.
 - ii. "Addendum to Geological Report dated April 21, 2009" (LIB090359) prepared by Soil Surveys Inc., Salinas, CA, July 1, 2009.
 - c) Staff conducted a site inspection on June 5, 2009 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 PLN090183.

3. **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 Salinas Rural Fire Department, Public Works, Health Department, Parks Department and Water Resources. The respective departments/agencies have recommended conditions, where appropriate, 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.
- b) Necessary public facilities are available and will be provided for the addition. The property is serviced by an existing septic system towards the rear of the property. The Environmental Health Department has reviewed the project and determined that the project will not propose any additional wastewater generation.
- c) Preceding findings and supporting evidence for PLN090183.
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.
- 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.
- b) Staff conducted a site inspection on June 5, 2009 and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090183.
5. **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 15303 (e), categorically exempts the construction of small accessory structures.
- b) The proposed 1,200 square foot four car garage is accessory non-habitable structure to the principle use of the property.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on June 5, 2009.
- d) See preceding and following findings and supporting evidence.
6. **FINDING:** **DEVELOPMENT ON SLOPE OVER 30%** - There is no feasible alternative which would allow development to occur on slopes of less than 30% and the proposed development would better achieve the goals, policies and objectives of the Monterey County General Plan and

applicable area plan than other development alternatives.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Toro Area Plan and the Monterey County Zoning Ordinance Title 21, a Use Permit is required and the authority to grant said permit has been met.
 - b) The project includes application for development on slopes exceeding 30%. With the construction of a garage, a 162 linear foot retaining wall will be installed to support the slope. Because the home sits on a sloped parcel, there is little area available to build on that is not on a 30% slope, or in an easements, leachfield or an existing drainage pattern.
 - c) The site slopes steeply as you enter the property from Camino de Chamisal Road. The flattest portion of the property already contains the existing residence 4,294 residence.
 - d) The rear of the property slopes sharply towards a drainage easement and the septic system. Locating the garage/workshop in the backyard is infeasible due to the existing drainage on the property collecting in this area. In addition, slopes in the rear of the property would mean placing the entire garage in an area of 30% or greater.
 - e) Locating the garage/workshop to either side of the residence would also not be feasible. The structure would not meet side setbacks of 10 feet on either side and the structure would block access for the Fire Department or any other service truck needing access for the septic system.
 - f) The project includes a new access driveway from Camino de Chamisal to allow for safer exiting of the property. The existing entrance and exit to the property provide little to no visibility of oncoming cars. The existing driveway is extremely steep making entering the site more dangerous given the short deceleration distance. Additional locations for the garage/workshop were explored but due to the sloping property and easements there was no feasible location other than the area towards the front of the property.
 - g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090183.
 - h) The project planner conducted a site inspection on June 5, 2009.
 - i) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

- EVIDENCE:**
- a) Section 21.80.40 of the Monterey County Zoning Ordinance.
 - b) The Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Zoning Administrator made pursuant to this Title. The decision of the Planning Commission shall be final and may not be appealed

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Find the project categorically exempt per CEQA Guidelines Section 15303(e),

- B. Approve the Combined Development Permit to allow: 1) A Use Permit for the development on slopes over 30% for a new circular driveway and construction of a 1,200 square foot detached four car garage and workshop with a 162 linear foot square retaining wall and grading approximately 250 cubic yards of cut/ 230 cubic yards of fill for a new driveway and 2) an Administrative Permit for the development in a "VS" Visually-Sensitive Zoning District. In general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 10 day of December, 2009 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.

EXHIBIT C-1

Conditions of Approval

RESOLUTION ### - EXHIBIT 1 Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>Timothy Starkman</u> File No: <u>PLN090183</u> APNs: <u>161-562-003-000</u> Approved by: <u>Zoning Administrator</u> Date: <u>December 10, 2009</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
RMA – Planning Department						
1.		PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN090183) allows A Use Permit for the development on slopes over 30% for a new circular driveway and construction of a 1,200 square foot detached four car garage and workshop with a 162 linear foot retaining wall and grading approximately 250 cubic yards of cut/ 230 cubic yards of fill for a new driveway and 2) an Administrative Permit for the development in a “VS” Visually-Sensitive Zoning District. The property is located at 25319 Camino De Chamisal, Salinas (Assessor’s Parcel Number 161-562-003-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions.	Adhere to conditions and uses specified in the permit. 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. To the extent that the County has delegated any condition 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	Owner/ Applicant RMA - Planning WRA	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>
		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. (RMA-Planning Department)	responsibility to ensure that conditions and mitigation measures are properly fulfilled.			
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution ____) was approved by the Zoning Administrator for Assessor's Parcel Number 161-562-003-000 on December 10, 2009. The permit was granted subject to 16 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 4 years, to expire on _____ unless use of the property or actual construction has begun within this period. (RMA – Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	

<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>
4.		<p>PD004 - INDEMNIFICATION AGREEMENT</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. (RMA - Planning Department)</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/parcel map, whichever occurs first and as applicable	

<i>Permit Cond. Number</i>	<i>Mittg. 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>
5.		PD008 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
6.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning Department and Building Services Department)	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	
7.		PD010 - EROSION CONTROL PLAN AND SCHEDULE 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. The Erosion Control Plan must include an exclusive construction staging area. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	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.	Owner/ Applicant	Prior to the issuance of grading and building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
			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	Ongoing	
8.		<p>PD012(G) - NON-STANDARD LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING)</p> <p>The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the existing landscaping and 2 trees re-planted trees and any additional vegetation needed to adequately screen the garage roof from Chamisal de Camino Road to the Director of Planning for review and approval. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)</p>	<p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable.</p> <p>The landscaping shall be installed and inspected.</p> <p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p> <p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p> <p>Owner/ Applicant</p>	<p>Prior to issuance of Building Permits</p> <p>Prior to Occupancy</p> <p>Ongoing</p>	
9.		<p>PD014(B) – LIGHTING – EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT/ RIDGELINE DEVELOPMENT)</p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located</p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p>	Owner/ Applicant	Prior to the issuance of building permits.	

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		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. (RMA – Planning Department)	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	
Monterey County Water Resources Agency						
10.		WR2 - STORMWATER CONTROL The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	
Fire Agency (Salinas Rural Fire Department)						

<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>
11.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Salinas Rural Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection.	
12.		FIRE007 - DRIVEWAYS 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	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.	

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		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. (Salinas Rural Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
13.		FIRE011 - ADDRESSES FOR BUILDINGS 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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

<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>
		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. (Salinas Rural Fire District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
14.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Manage combustible vegetation within a minimum of 100 feet of structures (or to the property line). 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. (Salinas Rural Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

<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>
15.		FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS) 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 completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. (Salinas Rural Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
16.		FIRE026 - ROOF CONSTRUCTION (STANDARD) 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 B roof construction. (Salinas Rural Fire District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

END OF CONDITIONS

EXHIBIT C-2

Site Plan, Floor Plan and Elevations

FIRE PROTECTION

FIRE PROTECTION SHALL BE PROVIDED DURING CONSTRUCTION IN ACCORDANCE WITH THE FOLLOWING:

1. FIRE PROTECTION SHALL BE PROVIDED DURING CONSTRUCTION IN ACCORDANCE WITH THE FOLLOWING:

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FIRE DEPARTMENT NOTES

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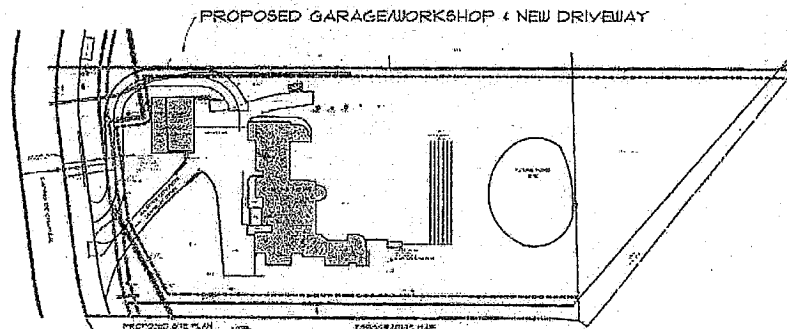
45. FIRE DEPARTMENT NOTES

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49. FIRE DEPARTMENT NOTES



NOTE: SEE SHEET 1.1, 1.2 FOR EXISTING & PROPOSED SITE PLAN (PARTIAL) ENLARGED

A PROPOSED
GARAGE /WORKSHOP
FOR
TIM STARKMAN
25319 CAMINO DE CHAMISAL

SALINAS, CA. 93908

APN: 161-562-003-000

Phone: (831) 484-1080

AREA CALC

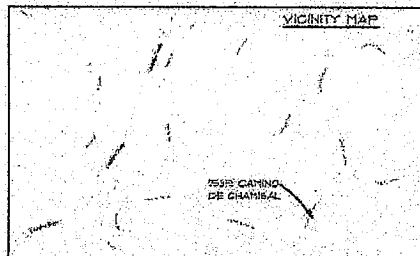
EXISTING RESIDENCE:	3271#
ENTERTAINMENT:	227#
GARAGE:	790#
EXISTING TOTAL:	4294#

PROPOSED GARAGE:	1200#
EXISTING + PROPOSED TOTAL:	5494#

LOT COVERAGE

(P) TOTAL:	5494#
TOTAL ACREAGE:	1.83
TOTAL LOT COVERAGE:	5.60%
TOTAL GRADING:	CUT 250 CU. YDS. FILL 230 CU. YDS.

NEW RETAINING WALLS:	186 LIN'
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WATER CO:
ROBLEY PROPERTY MUTUAL
WATER COMPANY

SHEET INDEX

- 1.0 ALL SITE PLAN, AREA CALC
- 1.1 EXISTING PARTIAL SITE PLAN (ENLARGED)
- 1.2 PROPOSED PARTIAL SITE PLAN (ENLARGED)
- 2.0 PROPOSED FLOOR PLAN
- 3.0 PROPOSED N + S ELEVATIONS
- 3.1 PROPOSED NE + SW ELEVATIONS

OF 6 SHEETS

DATE: 07/17/09
JOB: 08-0
DRAWN: WDO, KAS
REVISIONS:

PLANS PREPARED BY:
MARJORIE INGRAM & ASSOCIATES, INC.
PO BOX 1 CARMEL VALLEY, CA 93924
TEL: 831-926-2929 FAX: 831-926-2922
WWW.CARMELVALLEYDESIGN.COM

STARKMAN
25319 CAMINO DE CHAMISAL
SALINAS, CA 93908
(831) 484-1080

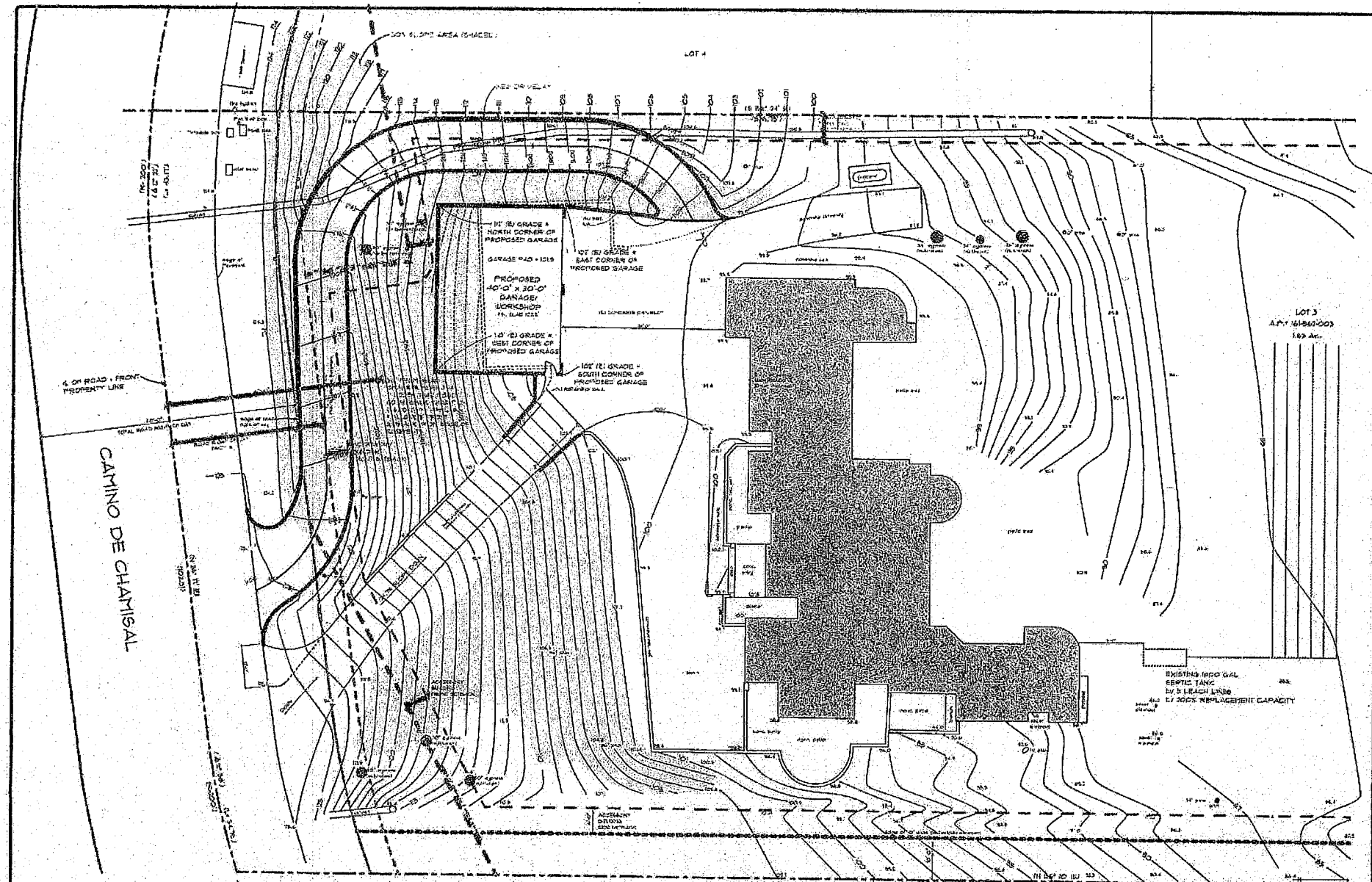
STARKMAN
25319 CAMINO DE CHAMISAL
SALINAS, CA 93908
(831) 484-1080

NEW DETACHED GARAGE/WORKSHOP FOR
APN: 161-562-003-000

SHEET:

1.0

OF 6



EXISTING PARTIAL SITE PLAN W/
PROPOSED GARAGE
SCALE: 1" = 10'-0"

NOTES:

1. Elevation datum is assumed.
2. Points found on site are so indicated.
3. Elevation data is shown in parentheses.
4. Check for direction of view growth in field.
5. Distances and elevations are expressed in feet and decimal thereof.

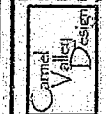
TOPOGRAPHIC MAP

OF LOT 3, RIBBLEY PROPERTIES TRACT, B50, Monterey County, California.

Prepared for -
TIM STARKMAN
Jon D. Haggren, Licensed Land Surveyor
Carmel, California
L.S. 5335 November, 2008

DATE: 07/17/09
JOB: 08-15
DRAWN: WSO NLS
REVISIONS:

PLANS PREPARED BY:
MARJORIE INGRAM & ASSOCIATES, INC.
PO BOX 1 CARMEL VALLEY, CA 93924
PH: 408-928-9492 FAX: 408-928-9492
WWW.CARMELVALLEYDESIGN.COM



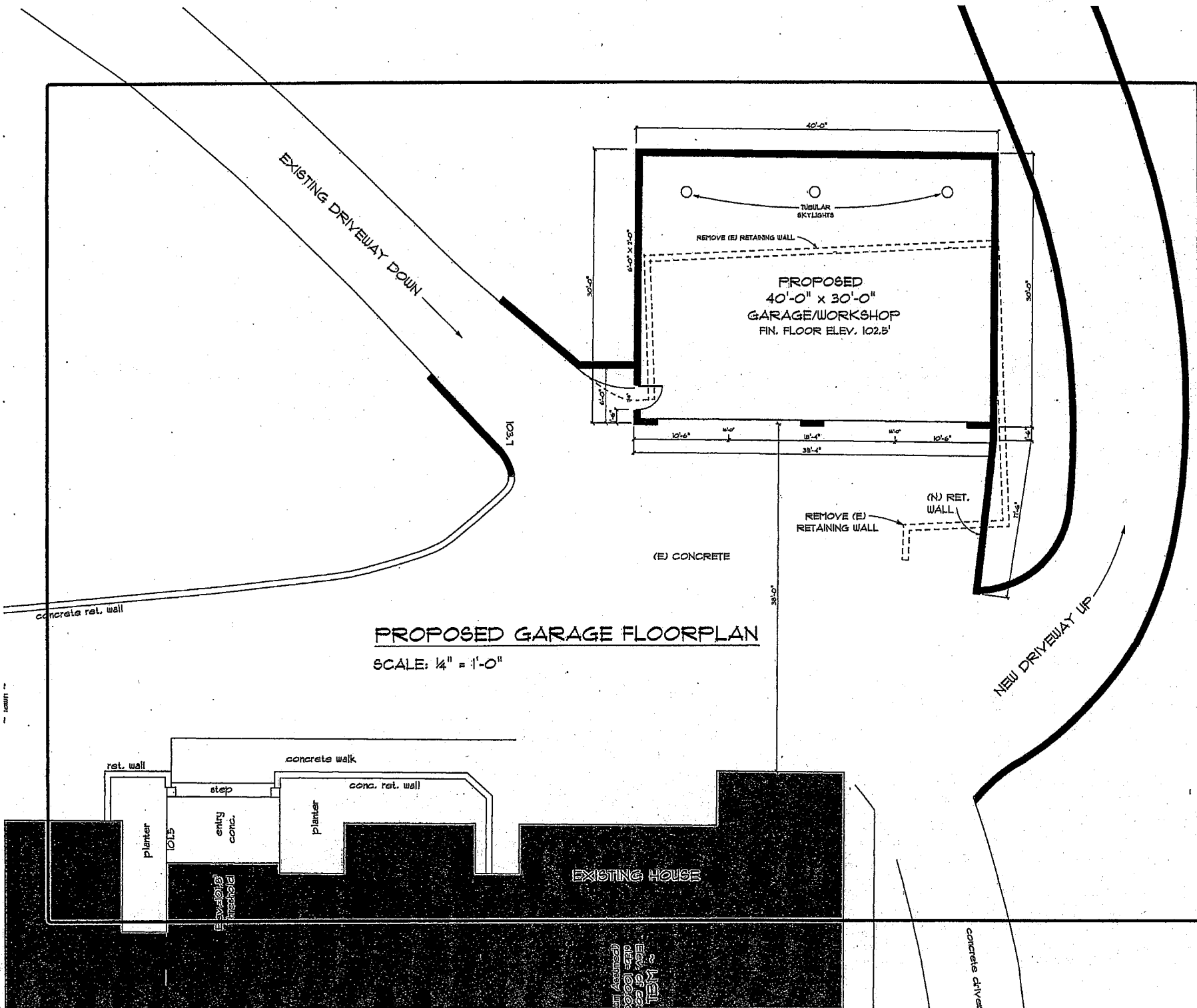
STARKMAN
25319 CAMINO DE CHAMISAL
SALINAS, CA 93908
(531) 484-1090

NEW DETAILLED GARAGE WORKSHEET FOR:

SHEET:

1.2

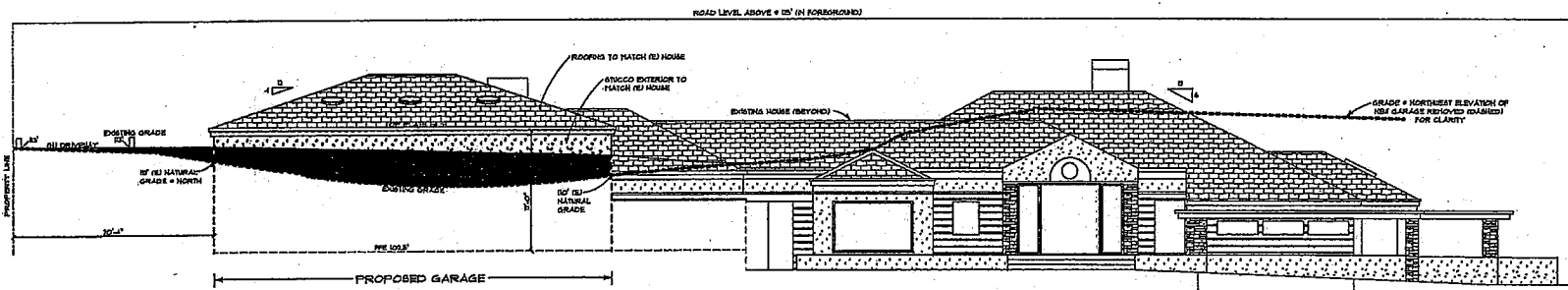
OF 6



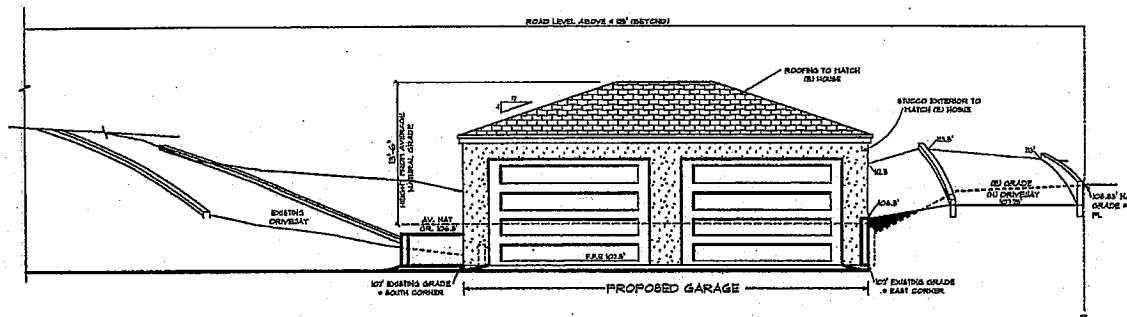
PROPOSED GARAGE FLOORPLAN

SCALE: 1/4" = 1'-0"

<p>DATE: 07/17/09 JOB: 08-9 DRAWN: WDO, KAS REVISIONS:</p>	<p>PLANS PREPARED BY: MARJORIE INGRAM & ASSOCIATES, INC. PO BOX 1 CARMEL VALLEY, CA 95024 PH: 650-699-9419 FAX: 650-699-9492 WWW.CARMELVALLEYDESIGN.COM</p>	<p>STARKMAN 27519 CAMINO DE CHAMISAL SALINAS, CA 95008 (831) 484-1080</p>	<p>NEW DETACHED GARAGE/WORKSHOP FOR SHEET: 2.0 OF 6</p>
--	---	---	---



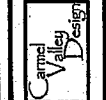
EXISTING NORTH WEST ELEVATION W/ PROPOSED GARAGE/WORKSHOP
 SCALE: 3/16" = 1'-0" (AS VIEWED FROM STREET)



PROPOSED SOUTH EAST ELEVATION FOR (N) GARAGE/WORKSHOP
 SCALE: 3/16" = 1'-0" (AS VIEWED FROM RESIDENCE)

DATE: 07/17/09
 JOB: 08-19
 DRAWING NO. KAS
 REVISIONS:

PLANS PREPARED BY:
 MARJORIE INGRAM & ASSOCIATES, INC.
 PO BOX 1 CARMEL VALLEY, CA 93924
 PH: 831-659-9419 FAX: 831-659-9422
 WWW.CARMELVALLEYDESIGN.COM

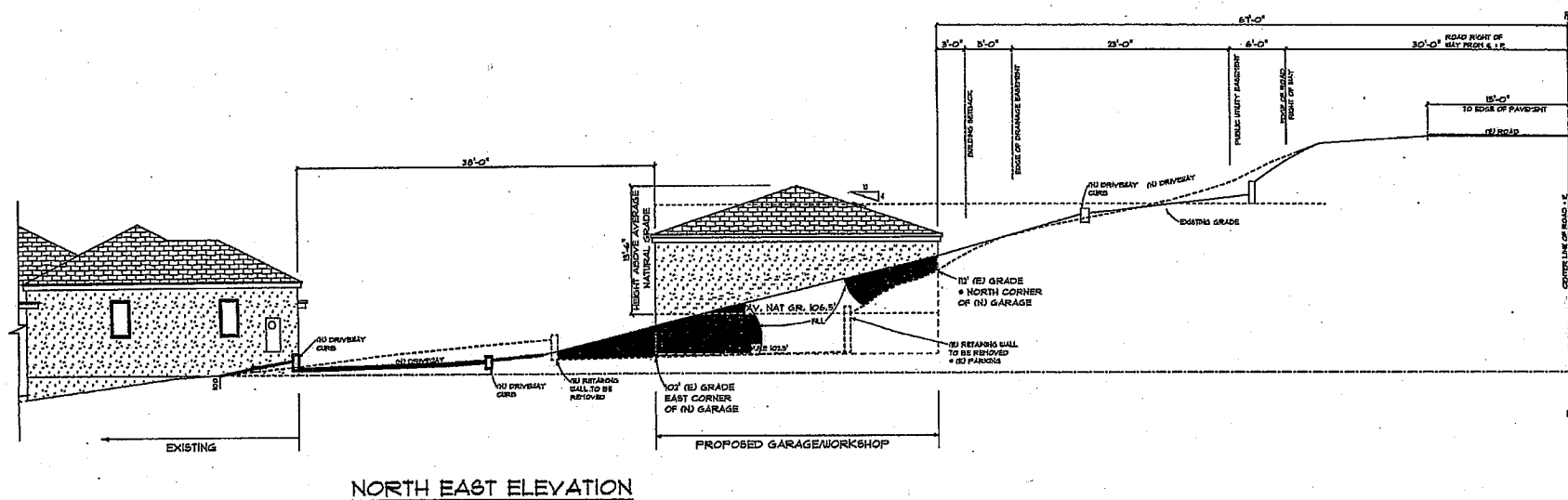
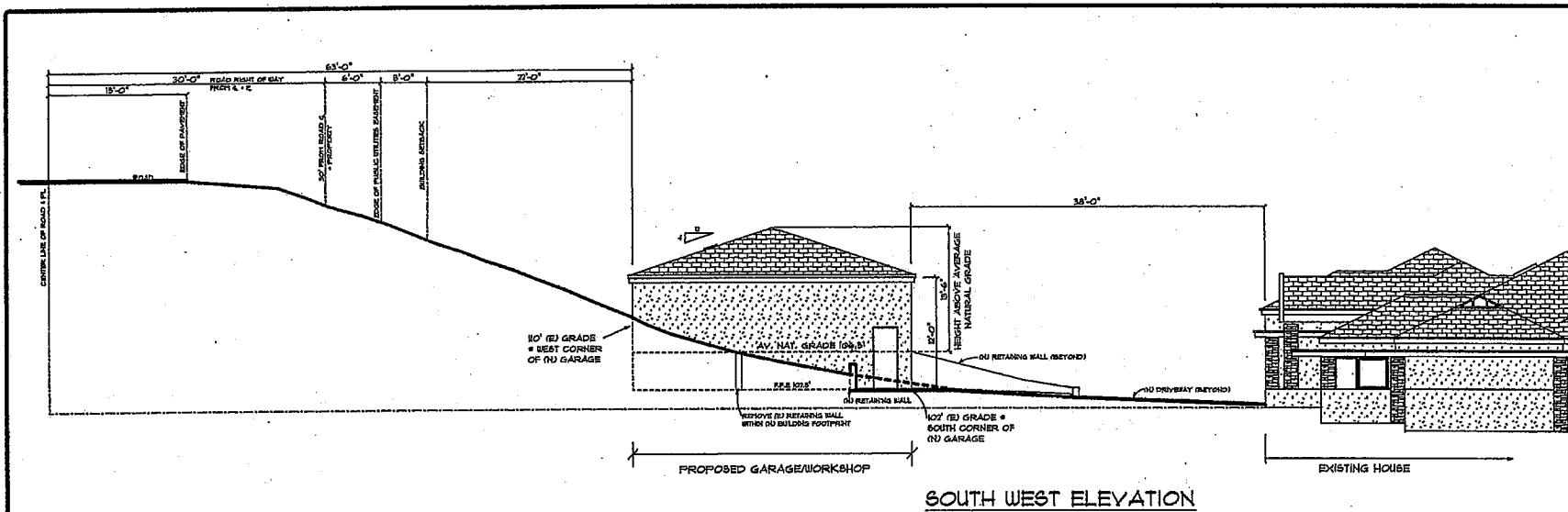


STARKMAN
 25319 CAMINO DE CHAMISAL
 SALINAS, CA 93908
 (831) 484-1080

NEW DETACHED GARAGE/WORKSHOP FOR:

APR 18, 2009 003-000

SHEET:
 3.0
 OF 6



DATE: 07/17/09
JOB: 08-13
DRAWN: WBO, KAS
REVISIONS:

PLANS PREPARED BY:
MARJORIE INGRAM & ASSOCIATES, INC.
PO BOX 1 CARMEL VALLEY, CA 93924
PH: 831-659-9419 FAX: 831-659-9422
WWW.CARMELVALLEYDESIGN.COM

Carmel Valley Design

STARKMAN
25319 CAMINO DE CHAMISAL
SALINAS, CA 95908
(831) 484-1080

NEW DETACHED GARAGE/WORKSHOP FOR:

APN: 161-562-003-000

SHEET:

3.1

or 6

EXHIBIT D

Laguna Seca Rec. Area & Campgrounds

68

El Toro Creek

TORO AREA



APPLICANT: STARKMAN

APN: 161-562-003-000

FILE # PLN090183



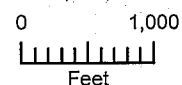
300' Limit



2500' Limit



City Limits



PLANNER: NEGRETE

EXHIBIT E

MINUTES

Toro Land Use Advisory Committee Monday, August 10, 2009

1. Meeting called to order by Kerry Varney at 4 PM

2. Roll Call

Members Present: Baker, Varney, Mueller, Weaver

Members Absent: Kennedy, Vandergrift

3. Approval of Minutes

A. July 13, 2009 minutes

Motion: Baker (LUAC Member's Name)

Second: Mueller (LUAC Member's Name)

Ayes: Baker, Varney, Mueller, Weaver

Noes: None

Absent: Kennedy, Vandergrift

Abstain: None

B. Corrections and amendments if needed

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

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5. **Public Comment:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

6. **Scheduled Item(s)** — *please refer to the Project Referral Sheets which follow for each separate file.*

7. **Other Items**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Miscellaneous - *announcements, if any - next meeting date, etc*

None

8. Meeting Adjourned: 4:40 PM

Minutes taken by: Mike Weaver

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Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA
(831) 755-5025

Advisory Committee: Toro

Please submit your recommendations for this application by **August 10, 2009**

Project Name: STARKMAN TIMOTHY

File Number: PLN090183

File Type: ZA

Project Planner: NEGRETE

Project Location: 25319 CAMINO DE CHAMISAL SALINAS

Project Description: COMBINED DEVELOPMENT PERMIT TO ALLOW: 1) A USE PERMIT TO ALLOW DEVELOPMENT ON SLOPES OF OVER 30% FOR A NEW CIRCULAR DRIVEWAY AND CONSTRUCTION OF A 1,200 SQUARE-FOOT DETACHED FOUR-CAR GARAGE AND WORKSHOP WITH A 186 SQUARE FOOT RETAINING WALL AND GRADING (APPROXIMATELY 250 CUBIC YARDS OF CUT/ 230 CUBIC YARDS OF FILL), AND 2) AN ADMINISTRATIVE PERMIT FOR THE DEVELOPMENT IN A "VS" VISUALLY-SENSITIVE DISTRICT. THE PROJECT IS LOCATED AT 25319 CAMINO DE CHAMISAL, SALINAS (ASSESSOR'S PARCEL NUMBER 161-562-003-000), TORO AREA PLAN.

Was the Owner/Applicant/Representative Present at Meeting? Yes X No

Timothy Starkman, owner

Marj Ingram Viales, owner representative, of Carmel Valley Design

Taven Kinison Brown, Planning Services Manager for Monterey County

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Marj Ingram Viales		X	New driveway project will improve drainage
Timothy Starkman	X		Owner states no French drains were installed behind the current retaining wall when built. He purchased the place this way about four years ago. He reports there are drainage issues.

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LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g., relocate; reduce height; move road access, etc)
Lined drainage pond		Remove pond from plan
Type of trees to screen premises from common subdivision road		Plant Cypress trees to screen project, similar to existing on property

ADDITIONAL LUAC COMMENTS

Applicants representative, Marj Ingram-Viales, presented the project, complete with drawings and site plan. Applicant wishes to add a 1200 sq ft separate garage to his property immediately adjacent to his house for his collector cars and motorcycles. It will also house a workshop area and storage. Applicant states he is currently restoring a 1955 Chevrolet. Applicant purchased the house and property about four years ago. He had photos of drainage problems as the house sits below the road for the subdivision. Water flows down the road, the bank of his property, and his driveway. The plan is to direct the drainage to a flat area behind his house, build a new retaining wall that will be the back wall of his new garage, and create a new circular driveway, that will offer both better drainage and better visibility for access. The old driveway will be removed.

Because of the lot and easements, a separate garage immediately adjacent to the existing house makes sense. Applicant mentions possibly putting a large pond in behind his house to collect the drainage. Plans to stock it with Bass fish and plants.

Weaver suggests that the novelty of a large pond goes away after about six months. There are issues of stagnation and algae growing, and they attract mosquitoes. Someone else suggests that it would be a liability issue with small children in the area unless heavily fenced. Weaver also says that a large pond would require regular topping off with water due to evaporation. As the applicants house is in an area of water overdraft this would create extra water usage. Applicant is asked if he would be willing to delete a pond from his plan? Timothy Starkman agrees to delete the pond. He states the pond wasn't a big deal to him. He says to let the water run downhill to a flat area to disperse the runoff. There is a flat area behind the house.

Applicant suggests planting California Pepper trees along the road to screen his garage. Discussion ensues. Baker offers that Cypress trees would do a better job of screening. Timothy Starkman says that if Cypress trees do a better job of screening than he would be willing to plant Cypress trees.

The question arises as to the Homeowners Association. Marj Ingram Viales says there have been three Homeowner's Association presidents since a garage project was first conceived. It has been difficult getting a definitive answer from the body of the HOA, although different presidents have stopped by to see the proposed project. Chair Kerry Varney asks that the record and minutes reflect that twelve homeowner's association members were invited to the meeting today and that none of them showed up. No concerns from neighbors or the Homeowner's Association have been voiced.

All LUAC members present did individual site visits to the project site and saw the flagging in place. The consensus amongst the LUAC is the garage is rather hidden as it would sit at the bottom of a slope. There are a number of easements that were created during the time of the subdivision. None of the easements is County Scenic Easement. The applicant states that there currently is a drainage problem with his property and the HOA hasn't been real responsive in working with him to help correct it. The new garage that includes a new retaining wall, and changes to the driveway will correct the drainage problem.

Weaver says he is ready to make a motion for approval of the project. He is pleased the applicant has agreed to nix the pond and agreed to plant Cypress trees to match the one behind his house and better screen the project. Weaver would like to make a motion that the garage project be approved subject to and conditioned for no human habitation be allowed.

Varney seconds the motion.

The vote is taken and project approved unanimously by LUAC members present.

Following the vote, Taven Kinison Brown asks if he might be able to offer some perspective, ask some questions, and give some ideas.

Chair Varney says he would be pleased to hear from Mr. Kinison Brown regarding the project.

Monterey County Planning Service Manager Taven Kinison Brown says he has not had the opportunity to visit the site as he's been busy in a management role with staff and planners. However, he asks about the reason for the depth of the garage? The applicant responds that the back wall of the garage will be the retaining wall and it eliminates the need for two walls. Also, the rear of the garage is where his workshop tools like his drill press will be, in addition to some storage cabinets.

Kinison Brown adds that it seems the applicant is taking on drainage responsibilities on behalf of others, downhill from him. Is there Homeowner's Association responsibility? Perhaps a drainage easement can be created at the upper part of the property next to the road as there is none there now.

Thirdly, KinisonBrown asks if the existing driveway can somehow be utilized. Applicant Timothy Starkman responds that it is the approach of the current driveway. It is steep, there is traffic on the common subdivision road above, and sometimes these people drive too fast. It is a site distance issue as he tries to get out of his driveway. The consensus of the LUAC members present is that the individual site visits were very helpful in understanding the need and the rationale of the layout of the plans.

RECOMMENDATION :

Motion by Weaver (LUAC Member's Name)

Second by Varney (LUAC Member's Name)

☐ Support Project as proposed

☒ Recommend Changes (as noted above)

☐ Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Baker, Mueller, Varney, Weaver

NOES: None

ABSENT: Kennedy, Vandergrift

ABSTAIN: None

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PUBLIC SIGN-IN SHEET

TORO

LUAC

Mtg Date 8-10-09

Identify which LUAC

NAME (Please print below)

ADDRESS (Please print below)

PROJECT NAME

MARJ INGRAM VIALES P.O. Box 1 CV 93924 STARKMAN

TAVENKINSON BROWN 168 W. ALISA ST, SALINA 93901 STARKMAN

TIM STARKMAN 25319 CAYANO DE CAYANISAL

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PLANNING & BUILDING
INSPECTION DEPT.

Submitted by Kerry Varney

QUESTIONS
VIA KLV

Kerry
Varney/Finance/TAProduce
08/05/2009 12:05 PM

To rh@skywayusa.net, relleummw@aol.com,
ronndi@earthlink.net, contraryhill@mac.com,
Kerry@taproduce.com, kenbro500@aol.com,
cc
bcc
Subject Fw: Starkman, PLN090183

Everyone:

See below for questions from Mike Weaver that the county has answered and sent various information.
See you next week at the meeting. Please let me know if you will be there.

Thanks,

Kerry



Kerry Varney
Vice President & Chief Financial Officer
831-455-4005 O
831-455-3652 F
831-229-7328 C
www.taproduce.com

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----- Forwarded by Kerry Varney/Finance/TAProduce on 08/05/2009 12:07 PM -----

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

To "Michael Weaver" <michaelweaver@mac.com>

08/05/2009 11:10 AM

cc <Kerry@taproduce.com>

Subject RE: Starkman, PLN090183

Morning Michael, the assigned liaison will not be at this upcoming meeting but I am trying to find another planner to be able to attend in the mean time.

Hopefully the attachments are not too large, I can also send you a hard copy.

- 1) I have been told that the project was staked last weekend;
- 2) I've scanned the recorded subdivision map and the original Planning Commission resolution for the residence which has the approved site plan. I added the transparency that was in this file since it may be more clear than the resolution and I scanned the original building permit for the house;
- 3) There is a HOA for this subdivision;
- 4) There was a sheet in the plans that showed the 30% slope areas. It was Sheet 1.1, I have a colored copy here and can make sure to get you

the copy I have if this would help; and lastly

5) There are several easements on the property, a portion of one of the easements are for 30% slope. I am forwarding you the legal description which itemizes the easements. I can pull a document if you want to take a look at a particular one.

These were great questions and if you would like the planners to start including these items in the packets let me know and I can relay this to management.

Thanks Michael,
Valerie

-----Original Message-----

From: Michael Weaver [mailto:michaelrweaver@mac.com]
Sent: Wednesday, August 05, 2009 7:57 AM
To: Negrete, Valerie x5227
Cc: Kerry@taproduce.com
Subject: Starkman, PLN090183

August 5, 2009

Dear Ms. Negrete,

- 1) Is the above referenced project flagged?
- 2) Is there a document that shows the lot with the original building envelope and approved plans?
- 3) Is there a HOA in the Chamisal Subdivision?
- 4) Is there a survey document that shows the 30% areas?
- 5) Was any of this dedicated to County Scenic Easement?

Thank you for your help. On the last referral to the Toro LUAC I felt we didn't get much in the way of paperwork, nor explanation.

Mike Weaver
Secretary, Toro LUAC
831-484-2243



reso_PC6873-Starkman SFD.pdf PLN090183_Starkman recorded map.pdf PLN090183_Starkman legal description.pdf



PC6873_Starkman_SFD Resolution Site Plan.pdf BP039262_Starkman_SFD_Scanned.pdf

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INSPECTION DEPT.

PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 89-65

A.P. # 161-562-03

FINDINGS AND DECISION

In the matter of the application of Pieter Van Kesteren (PC-6873) for projects in an "SC" District in accordance with Title 20 (Zoning) Chapter 20.44 (Regulations for Scenic Conservation or "SC" Districts) of the Monterey County Code to allow a single family dwelling and grading, located on Lot 3, Robles properties, Tract 950, Toro area, fronting on and easterly of Camino De Chamisal, came on regularly for hearing before the Planning Commission on March 8, 1989.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. FINDING: The proposed single family dwelling is consistent with the Toro Area Plan and Monterey County General Plan and their development policies.
EVIDENCE: The site is designated "Rural Density Residential, 10 Acres/Unit," which allows single family dwellings in the area plan and general plan. The project is compatible with the surrounding residential area.
2. FINDING: The site of the proposed development is physically suitable for the type of development proposed.
EVIDENCE: The construction of the proposed single family dwelling is categorically exempt from CEQA Guidelines Section 15303(a). A Negative Declaration has been prepared for grading. No other environmental restraints were evident in staff review.
3. FINDING: The proposed improvements will not present an unsightly appearance or impair the desirability of residences in the same area, limit the opportunity to obtain the optimum use and value of land improvements or impair the desirability of living conditions of the same or adjacent area.
EVIDENCE: The proposed development has been reviewed by Planning and Building Inspection staff to determine that the development conforms to the requirements of the Zoning Ordinance. The development has been planned in conformance to the required setbacks, height requirements, and other regulations for development in the "SC" (Scenic Conservation) zoning district.
4. FINDING: The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
EVIDENCE: This is evidenced by the above findings and supporting evidence.

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INSPECTION DEPT.

DECISION

THEREFORE, it is the decision of said Planning Commission that said Negative Declaration be adopted and that said application be granted as shown on the plans submitted to the Planning Commission, subject to the following conditions:

1. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection Department)
2. That all landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection Department)
3. That 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 Planning and Building Inspection. (Planning and Building Inspection Department)
4. That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The location, type, and wattage must be approved by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection Department)
5. That the location, type and size of all antennas, towers, and similar appurtenances be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection Department)
6. Maintain around and adjacent to such structure an effective firebreak made by removing and clearing away for a distance therefrom of not less than 30 feet on each side thereof, all flammable vegetation or other combustible growth. (Salinas Rural Fire Protection District)
7. Construct drainage facilities to convey runoff from road and upper watershed through property, in accordance with plans by a registered civil engineer, plans shall address adequacy of drainage easements, subject to the approval of the Flood Control District. (Flood Control)
8. All flammable vegetation or combustible growth shall be cleared away and maintained a distance of not less than 30 feet around and adjacent to structures.
9. An automatic fire sprinkler system shall be installed in accordance with local fire ordinances and NFPA 13 or 13P whichever applies. (Salinas Rural Fire Protection District)

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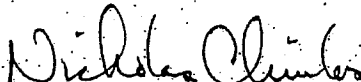
10. House numbers shall be placed on all structures in such a manner as to be plainly visible from the street or road fronting the property. House numbers shall be posted when construction begins. (Salinas Rural Fire Protection District)
11. That the driveway grade not exceed 25%. (Public Works Department)

PASSED AND ADOPTED this 8th day of March, 1989, by the following vote:

AYES: Calcagno, Evans, Glau, Moore, Orrett, Reaves, Riddle, Stallard

NOES: None

ABSENT: Jimenez


NICHOLAS CHIULOS
ACTING SECRETARY OF THE PLANNING COMMISSION

Copy of this decision mailed to applicant on March 17, 1989

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE March 27, 1989

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

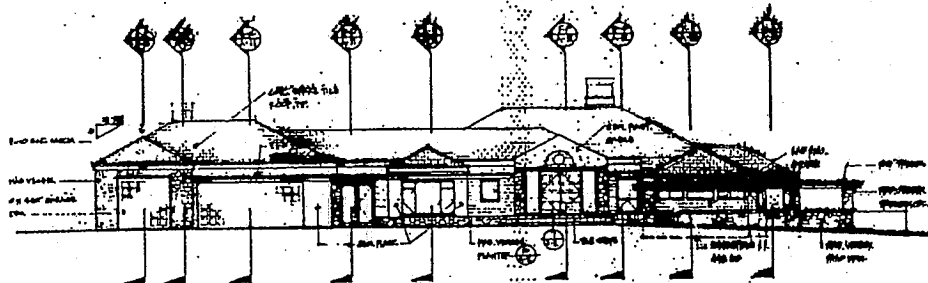
Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

H1

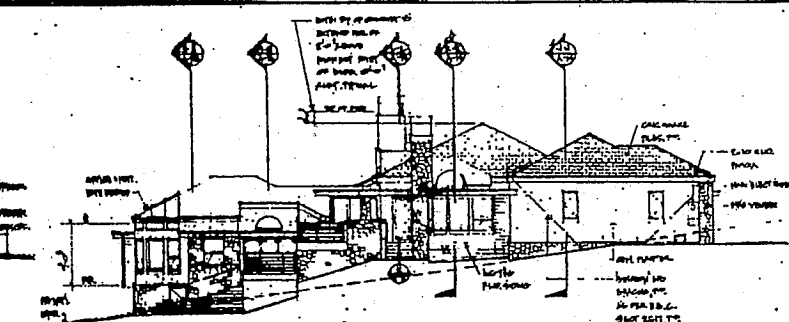
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AUG 21 2009

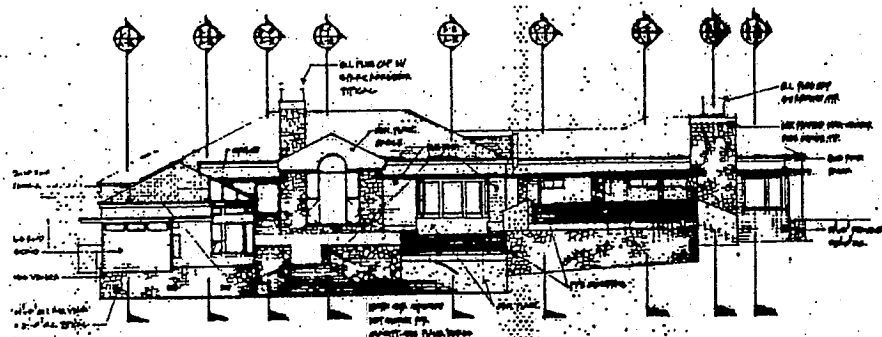
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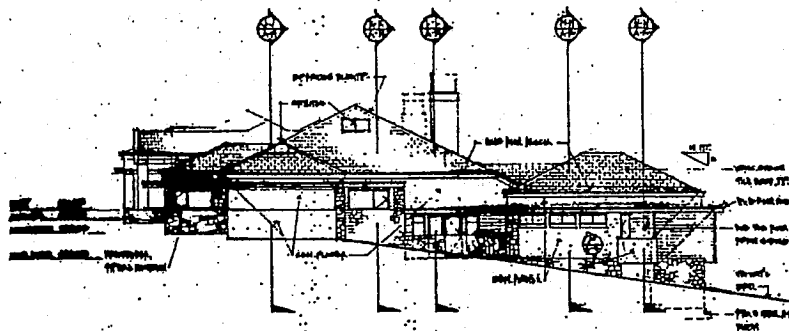
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



NEXT ELEVATION

E PRIOR PAINT/COLOR SCHEDULE

[illegible][illegible]

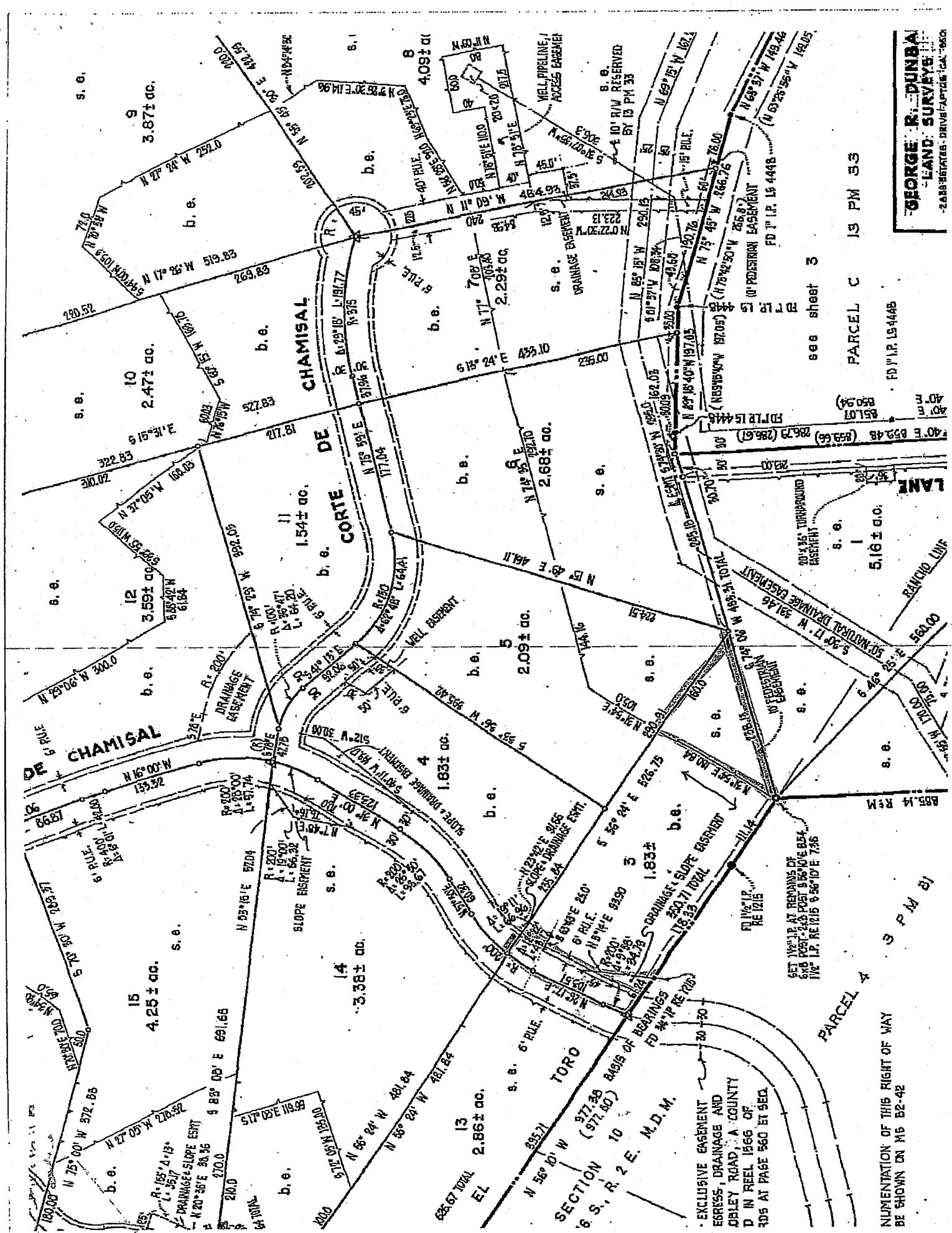
INTERIOR ELEVATIONS

AVA
DESIGN GROUP

FRANKLIN D. ROOSEVELT

AUG 21 2005

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.



GEORGE R. DUNBAR
LAND SURVEYORS
2488 HASTINGS DRIVE, FAIRFAX, CALIF. 94030

see sheet 3
PARCEL C 13 PM 33
FD 1st I.P. 15 4448

PARCEL 4
NUMERATION OF THIS RIGHT OF WAY
BE SHOWN ON M5 B2-42

SET 1/4th I.P. AT REMAINS OF
S&B POST-200 POST 5th 10th E 254
1st I.P. RE 1215 5th 10th E 736

EXCLUSIVE EASEMENT
EGRESS, DRAINAGE AND
DRIVEWAY, A COUNTY
D IN REEL 1566 OF
305 AT PAGE 560 ET SEQ.

SECTION 10
6 S., R. 2 E. M.D.M.

2.86± ac.
13
EL

14
3.38± ac.

15
4.25± ac.

5.16± ac.

2.09± ac.

2.68± ac.

1.54± ac.

3.59± ac.

2.47± ac.

3.87± ac.

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Monterey, State of California, described as follows:

PARCEL I:

LOT NO. 3, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "ROBLEY PROPERTIES TRACT 950", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ON NOVEMBER 3, 1982 IN VOLUME 14 OF CITIES AND TOWNS AT PAGE 85.

PARCEL II:

A NON-EXCLUSIVE RIGHT OF WAY FOR ROAD AND UTILITY PURPOSES 30 FEET IN WIDTH, LYING CONTIGUOUS TO AND EASTERLY OF THE WESTERLY LINE OF PARCELS A, B, AND C, AS SAID "ROAD & UTIL. R/W", AND PARCELS "A, B AND C", ARE SHOWN AND SO DESIGNATED ON MAP FILED MARCH 21, 1979 IN BOOK 13 OF PARCEL MAPS AT PAGE 33, RECORDS OF MONTEREY COUNTY.

PARCEL III:

A NON-EXCLUSIVE RIGHT OF WAY FOR PIPELINE PURPOSES OVER, UNDER, ALONG AND THROUGH A STRIP OF LAND 10 FEET IN WIDTH, LYING WITHIN PARCEL C, AS SAID "PIPELINE R/W", AND "PARCEL C" ARE SHOWN AND SO DESIGNATED ON THE FILED PARCEL MAP MENTIONED IN PARCEL II ABOVE.

PARCEL IV:

A NON-EXCLUSIVE EASEMENT FOR ACCESS, INGRESS, EGRESS AND FOR DRAINAGE AND UTILITIES PURPOSES, TOGETHER WITH SLOPE EASEMENTS AS REQUIRED FOR CUT AND FILL PURPOSES, OVER THAT CERTAIN STRIP OF LAND 60 FEET IN WIDTH AS SAID EASEMENT IS DESCRIBED IN DEED TO ROBLEY PROPERTIES AND CHAMISAL TENNIS CLUB RECORDED JULY 21, 1982 IN REEL 1566, PAGE 554, AND IN DEED TO ROBLEY PROPERTIES RECORDED JULY 21, 1982 IN REEL 1566, PAGE 560, OFFICIAL RECORDS, MONTEREY COUNTY, CALIFORNIA.

PARCEL V:

ALL THOSE CERTAIN ROAD RIGHTS OF WAY SHOWN AND DESIGNATED AS "CAMINO DE CHAMISAL", "CORTE DE CHAMISAL", AND "CORTE DE ENCANTO", ON THAT CERTAIN MAP ENTITLED, "ROBLEY PROPERTIES TRACT 950", FILED IN VOLUME 14 OF CITIES AND TOWNS AT PAGE 85.

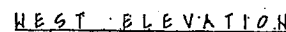
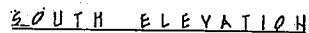
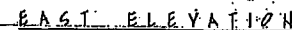
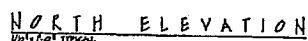
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REVISIONS	BY

EXTERIOR ELEVATIONS



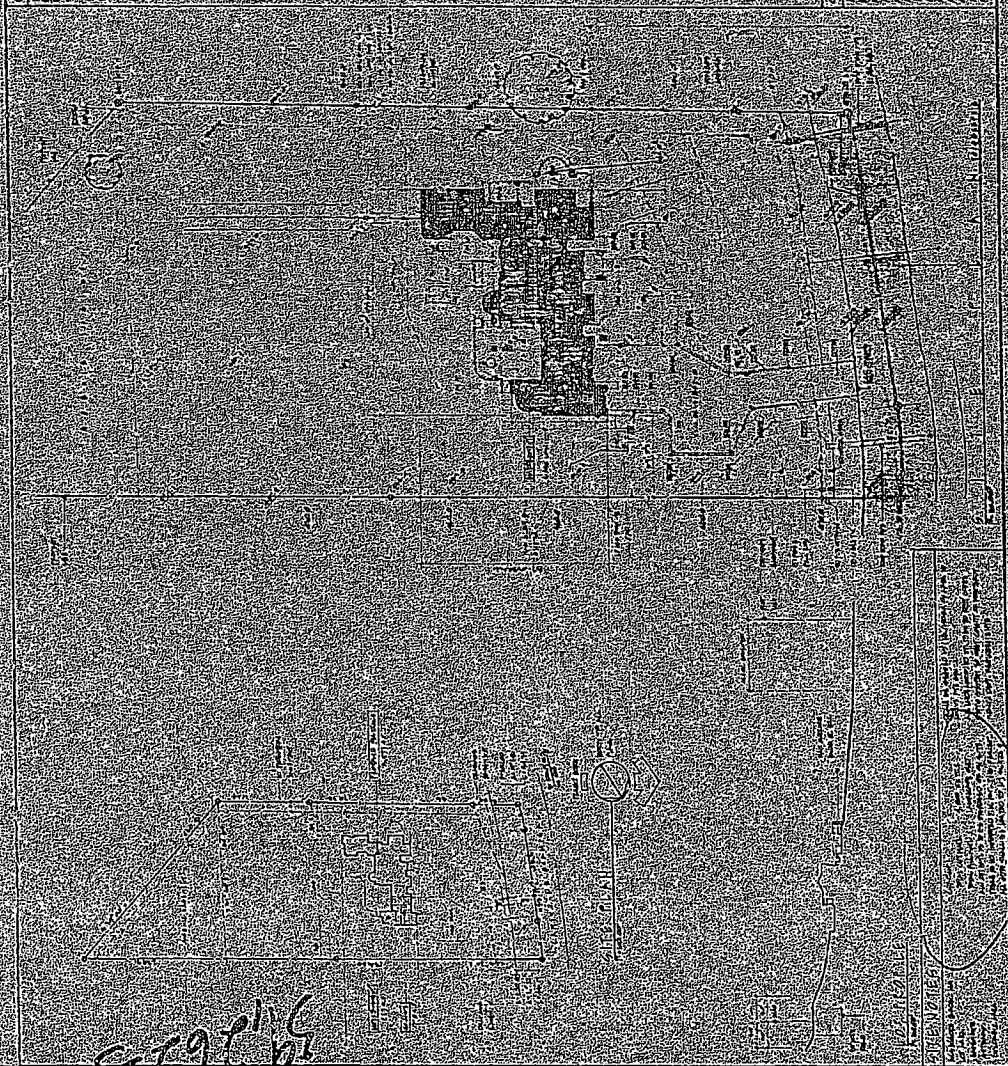
WILFRED MATHIASSEN JR.
PEETER REDECCA VAN KESTEREN
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PLANNING & BUILDING
INSPECTION DEPT



5-69816

PROPERTY LOCATION				MONTEREY COUNTY BUILDING INSPECTION DEPARTMENT			
LOT #	BLOCK	TRAC. 2200	ROBLEY PROPERTIES	DATE	TIME	ALFA	CODE
10	12	88	9929	4/18	08:00	4	101
STREET ADDRESS				ST. BAGS IN FEET			
Camino De Chamisal				210,924			
CROSS STREET				FEES			
Robley Road				835.25			
TOWN				RESIDENTIAL			
Salinas				1285.00			
OWNER				COMMERCIAL			
Pierre Van Kesteren				GRADING			
MAILING ADDRESS				PLUMBING			
20150 Bellme Co Rd Salinas, CA 93907				ELECTRICAL			
ARCHITECT/ENGINEER				MECHANICAL			
A.V.M. Design				STRONG/MOTION FEE			
CONTRACTOR				TOTAL			
STALLECOPE SON				14.77			
USE OF STRUCTURE				TOTAL \$1,135.00			
10/attached garage/entertainment room/				APPLICATION APPROVED BY			
covered porch/trellis				FOR BUILDING INSPECTOR			
TYPE OF IMPROVEMENT				THE ABOVE APPROVAL GRANTS PERMISSION TO DO THE WORK COVERED BY THIS APPLICATION IN ACCORDANCE WITH PLANS AS APPROVED AND ALL APPLICABLE COUNTY AND STATE ORDINANCES, REGULATIONS AND LAWS GOVERNING CONSTRUCTION AND OCCUPANCY OF BUILDING.			
1. Alterations to Existing Building				EXPIRATION OF PERMIT			
2. New Construction				THIS PERMIT EXPIRES 180 DAYS FROM DATE OF APPROVAL. IF WORK IS SUSPENDED FOR A PERIOD OF 90 DAYS, A RENEWAL FEE MUST BE PAID. IF WORK IS NOT COMPLETED WITHIN 180 DAYS, THE PERMIT MUST BE RENEWED.			
3. Other				REQUIRED FOR GLASS			
4. Total 32.77				ZONING			
5. Garage 700-045-556				10/18/89			
6. Other				10/18/89			
7. Other				10/18/89			
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99. Other				10/18/89			
100. Other				10/18/89			

MONTEREY COUNTY BUILDING INSPECTION DEPARTMENT			
PC 10/12/88		PSS SR-0929	
PROPERTY LOCATION		DATE ISSUED	
LOT 3 BLOCK (TRACT/SUBD) ROBERT PROPERTIES		4/1/89	
STREET (ADDRESS) Camino De Chamisal		PERMIT NO. 00000000000000000000	
ASSESSOR'S PARCELING 161-562-03		SHEET 4	
CITY OFFICE Salinas		CODE 101	
OWNER Pieter Van Kesteren 663-4054		USE BACKS (IN FEET)	
MAILING ADDRESS 20150 Belton Court, Salinas, CA 93907		100 20 20 20	
ARCHITECT/ENGINEER K.T.E. Design 422-1829		EVALUATION 210,924	
CONTRACTOR STALLCUP, SON 624-0977		FEES	
USE OF STRUCTURE		PLAN CHECK 835.25	
SPB/attached garage/entertainment room/ covered porch/trellis		RESIDENTIAL 1285.00	
TYPE OF IMPROVEMENT		CONNECTION	
<input type="checkbox"/> New <input type="checkbox"/> Add <input type="checkbox"/> Alter <input type="checkbox"/> Repair <input type="checkbox"/> Replace <input type="checkbox"/> Remove <input type="checkbox"/> Other		GRADING	
<input type="checkbox"/> Foundation <input type="checkbox"/> Walls <input type="checkbox"/> Floors <input type="checkbox"/> Roofs <input type="checkbox"/> Windows <input type="checkbox"/> Doors <input type="checkbox"/> Stairs <input type="checkbox"/> Etc.		PLUMBING	
TOTAL 3277 GARAGE 790 Other 155		ELECTRICAL	
OTHER PERMITS		MECHANICAL	
PERMIT NUMBER		FEE	
FORMER FEE		GRADING	
GRADING		PLUMBING	
ELECTRICAL		MECHANICAL	
MECHANICAL		OTHER	
OFFICE RECORD OF INSPECTIONS			
BUILDING ELECTRICAL PLUMBING MASTERING			
FOUNDATION/FOOTING GARAGE/CONCRETE CONCRETE/SLAB FLOOR CONCRETE BLOCK ROOF/CEILING FLOORING INTERIOR WALLS/DOORS EXTERIOR WALLS/DOORS MECHANICAL ELECTRICAL PLUMBING MASTERING OTHER			
DATE OF INSPECTION INSPECTOR CITY COUNTY STATE			
OK TO OCCUPY DATE BY			

Submitted by Mary Ingram Vales

Starkman Project Review

2/12/09

25319 Camino De Chamisal Salinas

Assessor's Parcel Number: 161-562-003-000

Site Zoning Classification: RDR/B-6-VS (20')

Means: RDR - Rural Density Residential
B-6 - Building Site Designation
VS - Visual Sensitivity

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Site Development Standards under this Zoning Classification:

(for an Non-habitable Accessory Structure - Garage)

"RDR" Zoning takes precedence for:

Front Setback:	50' *
Side Setback for front $\frac{1}{2}$ of property:	6'
Maximum Height:	15'
Min. Distance between Main & Accessory Structures:	10'
Site Footprint Coverage:	25% max. of lot

"B-6" Zoning takes precedence with stricter setbacks, only for the Main Residence.

"VS" Zoning takes precedence only for Height of Main Structure (20').

"VS" Zoning has Special Requirements per Monterey County Title 21.46.030(D1):

" A Use Permit shall be required for any development in a "VS" district if any portion of that development, after flagging, staking and an on-site inspection, is determined to create a substantial adverse visual impact when viewed from a common public viewing area",

OR: "An Administrative Permit shall be required for all other development in the "VS" district..." (development that DOES NOT create this adverse visual impact).

Note: 30% Slope Development requires a Use Permit no matter what.

*** Monterey County Title 21.62.040(N) Setback Exception states:**

"In cases where the elevation of the front half of the lot at a point fifty feet from the centerline of the traveled roadway is seven feet above or below the grade of said centerline, a private garage of carport, attached or detached, may be built to within five feet of the front line of the lot." This property qualifies for this exception, except the 5' starts at the edge of the easements. However, this area is on 30% slope.

Carmel Valley Design

Marjorie Ingram & Associates, Inc.

P.O. Box 1 Carmel Valley, CA 93924 Ph: (831) 659-9419 Fax: (831) 659-9422 Email: marj@carmelvalleydesign.com

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Date: 8-7-09

To: Glenn Minami, President
Vista El Encanto Homeowners Association

MONTEREY COUNTY
PLANNING & BUILDING
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Re: New detached Garage for Tim Starkman, 25319 Camino de Chamisal

Dear Mr. Minami,

I represent Tim & Jules Starkman in regard to their Building & Planning permit application to Monterey County. The Toro Land Use Advisory Committee is reviewing this project this Monday Aug. 10, and has asked our planner if your group has reviewed the plans, and if a Homeowners Association representative will be attending.

In March of this year, I contacted Marty Satow and sent him a letter and plans, then received a call from him saying the project "looked okay". In April we contacted Carl Anderson the new contact person; he called and gave approval, but expressed concern that a detached structure was not allowed by the CCRs. I forwarded him my research and conclusions about this, which I will repeat for you here:

**ARTICLE III
RESTRICTIONS ON THE USE AND OCCUPANCY OF PROPERTY**

Section 1. Uses of Property

A. No lot shall be used except for residential purposes and no building shall be erected placed or permitted to remain on any lot without the prior written consent of the association, **OTHER THAN** one (1) detached single family dwelling with private garage and guest house as the same is defined by the Monterey County Zoning Ordinance, and which may not be rented or used for commercial purposes.

This implies that prior written consent of the association is not needed for one (1) detached single family dwelling with private garage and guest house. It does not specify whether the "dwelling with garage and guest house" can all be detached from each other or not. Per the Monterey County Title 21 Zoning Ordinance, they **CAN** be detached. Carl Anderson and I both agreed that the HOA's attorney may have to be consulted to clarify this.

NO
Human
habitation

C. No boat, trailer, camper, mobile home, motor home, tent, shack, garage, barn or other out-building on a building site covered by this Declaration shall at any time be used for human habitation, temporarily or permanently, nor shall any structure of a temporary character be used for human habitation. The keeping of a boat, mobile home, motor home, camper or trailer either with or without wheels on any parcel of property covered by this Declaration is prohibited unless the same be completely within a structure which has been architecturally approved pursuant to the provisions of this Declaration which approval shall not be given unless the proposed enclosure structure is structurally connected to the dwelling, and is found by the Architectural Committee to be consistent with and subordinate to the design of the dwelling house, and compatible with the surrounding development.

This is the only indication in the Declaration where a structure is required to be structurally connected to the dwelling. The Starkmans proposed garage will not be used to house any of the items listed above.

Section 2. Architectural Approval.

A. No fence, wall, building, mast, tower, or antenna, or other structure or exterior addition to or alteration thereof shall be commenced, constructed, erected, placed, or permitted to remain on the subject property or any portion thereof until two sets of plans and specifications shall have been submitted to and approved in writing by an Architectural committee.

E. Rules and Regulations. The Architectural Committee may from time to time, in it's sole discretion, adopt, amend and repeal reasonable rules and regulations interpreting and implementing the provisions hereof and establishing reasonable architectural standards for the subject property.

Obviously the Starkmans cannot structurally attach their new garage to the house. Their house is surrounded by 30% slope on the front and south sides, and the driveway area in front, and the access road on the north side (to the rear of the lot) must remain unblocked. Section 2 above gives the committee discretion to be reasonable in their interpretation. Following the regulations for this site in Monterey County's Title 21, which allow detached structures, would be a good guideline.

Mr. Manami, you are the third HOA authority to review our project, but as the Starkman's representative, I have not received any written response to my original March submittal from anyone in your group. I would like to comply with the Toro LUAC request to have a member of the HOA attend the Aug 10th meeting, but a letter approving this project from you would circumvent this need for a personal appearance. Please let me know how you want to proceed on this.

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INSPECTION DEPT.

Thank you,

Marj Ingram Viales

Marj Ingram Viales

EXHIBIT F

Marjorie Ingram & Associates, Inc.

Carmel Valley Design

P.O. Box 1 Carmel Valley, CA 93924 Ph: (831) 659-9419 Fax: (831) 659-9422 Email: marj@carmelvalleydesign.com

Date: July 15, 2009

To: Monterey County Planning & Building Dept.
Attn: Project Planner Valerie Negrete

Re: Starkman Project PLN090158 - Application for Development on 30% Slope
25319 Camino De Chamisal Rd.
Salinas, CA 93908

Dear Ms. Negrete,

Please submit this letter as our justification for building on 30% slope. I hope after hearing of the conditions on this lot, the approval will be deemed appropriate.

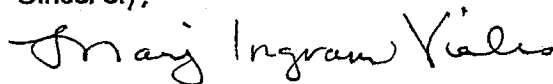
The front of this lot features a 30% slope dropping 25' to the parking area in front of the existing home. The 25% sloped driveway is a steep and precarious approach. The Starkmans wish to build a detached garage/workshop, which will encroach 10' into this 30% slope, and a new driveway, which will cross the 30% slope running down the northeast side of the property. This driveway will be a gentler, safer approach to the home, and provide easier access in event of fire or emergency. The existing driveway will be used to exit the property.

Existing runoff and erosion problems caused by this front slope, plus erosion damage to the rear of the Starkman lot and the neighboring lot northwest, caused by runoff from Camino de Chamisal Road above, will be alleviated by new retaining walls and drainage systems associated with the new driveway, and will benefit both the Starkmans and their neighbors.

The garage/workshop and new driveway are proposed on this 30% slope because there is nowhere else to locate them. The opening of the garage/workshop will face and be located 38' from the front of the existing home. This distance will accommodate vehicles backing out of the new structure and maneuvering to exit the property. The southwest side of the home is surrounded with areas of 30% slope. Located on the northeast side is the only access road to the rear of the property, and must remain open to service the septic system etc.

The Starkmans will use this structure to house vehicles normally left outside. The roof of the structure will be unobtrusive from the road above, and the keeping of vehicles in this structure, plus the drainage improvements, will enhance the overall appearance & use of this and the surrounding properties, in keeping with goals, policies and objectives of the Monterey County General Plan.

Sincerely,



Marj Ingram Viales
Project Representative