

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: February 22, 2011 Time: 9:00 A.M.	Agenda Item No.: 1
Project Description: Administrative Permit to allow the reconstruction of an existing 800 square foot one story, single-family dwelling with a new 750 square foot one story, single-story dwelling; Variance to allow a front yard setback of approximately 20 where a 30 foot setback is required and Design Approval. The property is located at 9 Camp Steffani Road, Carmel Valley (Assessor's Parcel Number 197-091-012-000), Carmel Valley Master Plan Area.	
Project Location: 9 Camp Steffani Rd, Carmel Valley	APN: 197-091-012-000
Planning File Number: PLN110055	Owners: Buck & Lisa Blackwell Agent: James Copsey
Planning Area: Carmel Valley Master Plan	Flagged and staked: No
Zoning Designation: : LDR/2.5-D-S" [Low Density Residential, 2.5 acres per unit with Design Control, and Site Plan Review Overlays]	
CEQA Action: Categorically Exempt per Section 15303 (a)]	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to approve PLN110055, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**):

PROJECT OVERVIEW:

The applicant proposes to demolish an existing 800 square foot one story, single-family dwelling and construct a 750 square foot one story, single-story dwelling. The application includes a Variance to allow a front yard setback of approximately 20 where a 30 foot setback is required. An existing 500 square foot guest house would remain. See **Exhibit B** for a detailed discussion of the project and related issues.

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

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Monterey County Regional Fire District
- √ RMA - Building Services Department


Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by Planning Department, Building Services Department, Public Works Department, Environmental Health Bureau, Water Resources Agency and the Monterey County Regional Fire District 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 not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, the initial application for this project did not warrant referral to the LUAC because the project was not subject to review by the Zoning Administrator or the Planning Commission. Consequently, although the current application would have typically been submitted for LUAC review because it includes a variance, LUAC review was not required in

this case because the initial application did not include a variance or any other component that would have warranted review by the Zoning Administrator (see **Exhibit B**, Background).

Note: The decision on this project is appealable to the Planning Commission.

/S/Bob Schubert



Bob Schubert, AICP, Senior Planner
(831) 755-5183, schubertbj@co.monterey.ca.us
February 8, 2011

cc: Front Counter Copy; Zoning Administrator; Building Services Department, Monterey County Regional Fire District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Taven Kinison Brown, Planning Services Manager; Ramon Montano, Project Planner; Carol Allen, Senior Secretary; Buck & Lisa Blackwell, Owner; James Copsey, Agent; Planning File PLN11055

Attachments: Exhibit A Project Data Sheet
 Exhibit B Project Discussion
 Exhibit C Draft Resolution
 Exhibit D Vicinity Map
 Exhibit E Section 1805.3.2 of the 2007 California Building Code

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

EXHIBIT A
PROJECT DATA SHEET FOR PLN110055

Project Title: Blackwell
Location: 9 Camp Steffani Road
Primary APN: 197-091-012-000
Coastal Zone: No

Applicable Plan: Carmel Valley Master Plan
Permit Type: Administrative Permit and Front Yard Setback Variance
Zoning: LDR/2.5-S-D
Plan Designation: Low Density Residential Site Plan Review & Design Control Zoning Districts

Environmental Status: Categorically Exempt
Advisory Committee: Carmel Valley LUAC
Final Action Deadline: 4/8/2011

Project Site Data:

Lot Size: 6,000 sq ft	Coverage Allowed: 35%
Existing Structures (square feet): 1,250 sq ft	Coverage Proposed: 27.3%
Proposed Structures (square feet): 750 sq ft	Height Allowed: 30,
Total Square Feet: 1,250 sq ft	Height Proposed: 15.5
	FAR Allowed: 35%
	FAR Proposed: 20.8%

Resource Zones and Reports:

Environmentally Sensitive Habitat: None Identified	Erosion Hazard Zone: High
Botanical Report #: N/R	Soils/Geo. Report #: N/A
Forest Mgt. Report #: N/A	Geologic Hazard Zone: High
Archaeological Sensitivity Zone: High	Geologic Report #: N/R
Archaeological Report #: LIB100366	Traffic Report #: N/R
Fire Hazard Zone: Very High	

Other Information:

Water Source: Public	Sewage Disposal (method): Septic
Water District/Company: California American Water Company	Sewer District Name: N/A
Fire District: Monterey County Regional FD	Grading (cubic yards): 0
Tree Removal (Count/Type): None	

EXHIBIT B DISCUSSION

Background

The proposed project was initially processed and approved as an Administrative Permit (PLN010257). However, during the subsequent review of the building permit application, the Building Services Department determined that the project did not comply with Section 1805.3.2 (Footing setback from descending slope analysis) of the 2007 California Building Code (see **Exhibit E**) which requires that building footings that are adjacent to slope surfaces be set back from the slope a sufficient distance to provide adequate support for the footing. Consequently, the applicant worked with staff and relocated the residence approximately 10 feet away from the toe of the slope in the rear yard to meet this requirement. While the application was noticed for a 15-foot setback variance, staff and the applicant have subsequently worked to set the structure back an additional five feet which resulted in a 20 foot setback from the front property line. Such an adjustment was not cause for renoticing.

Front Yard Setback Variance

A front yard setback variance is requested because the proposed single family residence is setback approximately 20 feet from the front property line where a 30 foot front yard setback is required. Although the initial plans that were approved under the Administrative Permit (PLN010257) met the front setback requirement, the Building Services Department subsequently determined that the proposed residence encroached into a required setback from a descending slope that is located at the rear of the property. Pursuant to Section 1805.3.2 of the California Building Code (see **Exhibit E**), the Building Services Department determined that the house needed to be relocated 10 feet to the south (i.e., away from the toe of the slope in the rear yard) which resulted in the house encroaching 10 feet into the required 30 foot front yard setback.

Pursuant to Monterey Code Section 21.72.040, modifications to the minimum required front setbacks can be approved if the following findings can be made:

1. *“That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;”*

There are several special circumstances applicable to the subject property that support approval of the front yard setback variance request. The site contains 6,000 square feet whereas the minimum lot size in the LDR/2.5 District is 2.5 acres/unit or 108,900 square feet/unit. In addition, there is a slope greater than 25% located at the rear of the property which mandates that the house be located towards the front of the lot which is relatively flat. An additional setback is required from the base of the slope in the rear yard pursuant to Section 1805.3.2 of the 2007 California Building Code (see **Exhibit E**). The Building Services Department has determined that, in this case, the Building Code requires a minimum of 10 foot setback from the top of the proposed retaining wall at the base of the slope in the rear yard. The maximum size and placement of the house on the lot is further constrained by the following factors: a) there is an existing 500 square foot guesthouse in the rear yard which is to remain; b) the house is on septic and there is an existing septic tank in the side yard and a leach field in the front yard; and c) the Carmel Valley River floodway fringe runs along front of the property (see discussion below regarding Flood Plain).

2. *“That the variance not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;”* and

The granting of this variance would not award the property a privilege inconsistent with the limitations upon neighboring properties. Due to the size, configuration and topography of the lot, as well as the location of the existing guesthouse that is to remain, there is no alternative location for the proposed residence that would meet the other zoning requirements as well as the setback requirement of Section 1805.3.2 of the 2007 California Building Code.

3. *“A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.”*

The proposed residence will replace an existing residence, similar in size and location, that meets the site development standards under the LDR zoning designation with the approval of the front yard setback variance, and will not require any significant site improvements affecting the surrounding resources. Section 21.45.040 allows development of residential structures in an “S” District with an Administrative Permit if it is demonstrated that the proposed structure will not adversely affect or be affected by natural resources or site constraints. Therefore, the proposed residence is an authorized land use for this site.

Site Development Standards

With the exception of the setback requirements (see discussion above), the proposed project meets the requirements under the designated zoning and site development standards, per Section (21.14.060 site development standards) and 21.45 Site Plan Review Zoning District. Therefore, the project as proposed and conditioned will not adversely affect or be affected by natural resources or site constraints.

The project is consistent (as conditioned) with the following development standards as required by Section 20.14.060 & 20.64.030 of the Monterey County Zoning Ordinance (Title 20) for those areas designated as LDR (Low Density Residential):

- Height Allowed height measured from the average natural grade for a main structure is 30 feet. The proposed residence as measure from average natural grade is to be constructed to a maximum height of 15.5 feet. The existing guesthouse does not exceed a height of 15 feet. Staff finds the proposed residence and existing guesthouse unit are architecturally consistent with each other and compatible with structures in the surrounding area.
- Building Site Coverage The project as proposed would decrease the site coverage of the existing 6,000 square foot parcel, to 1,250 square feet (proposed) from 1,300 square feet (existing) which is within the 35% allowed maximum site coverage (i.e., the proposed site coverage is 27.3%).

The setback requirements under the LDR site development standards for an accessory structure are: front - 50 feet, side - 6 feet and rear - 6 feet. The existing legal nonconforming guest house does not conform to the front setback since it is located 45 feet from the front property line. In addition, there is a setback requirement of 10 feet between a main structure and an accessory structure compared to an existing setback of 7 feet (which will remain). No changes are proposed to the exterior of the accessory structure therefore the structure will remain a legal non-conforming

structure in regard to the front yard setback requirement and the minimum distance between structures.

Flood Plain

The initial project review determined that the project could potentially be within the floodway fringe of the Carmel River. The Water Resources Agency (WRA) deemed the application incomplete and requested that the applicant provide a survey to determine how much of the parcel was actually in the floodway fringe by accurately delineating the elevations of the parcel.

Upon review of a new survey, it was determined by WRA that the project area is not within the Floodway fringe and therefore is not subject to the requirements set forth within the Monterey County Zoning Ordinance per Section 21.64.130.D. However because a minor portion of the subject parcel is within the fringe area the WRA found it prudent to incorporate as a condition of approval a recorded Floodplain Notice stating: "*The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions*"(see Condition #12). For the reasons stated above, the Planning Department changed the initial application from a Use Permit to an Administrative Permit for the purposes of processing.

EXHIBIT C
DRAFT RESOLUTION

**Before the Director of the RMA-Planning Department
In and for the County of Monterey, State of California**

In the matter of the application of:

Buck & Lisa Blackwell, Property Owners (PLN110055)

RESOLUTION NO. ----

Resolution by the Monterey County Director of the
RMA-Planning Department:

- 1) Categorically Exempt the construction of a single family residence under Section 15303 (a) of the California Environmental Quality Act Guidelines.
- 2) Approve an Administrative permit to reconstruct an existing 800 square foot one story single family dwelling with a new 750 square foot one story residence; Variance to allow a front yard setback of approximately 20 feet where a 30 foot setback is required and Design Approval in a Site Control Zoning District. The property is located at 9 Camp Steffani, Carmel Valley, (Assessor's Parcel Number 197-091-012-000) Carmel Valley Master Plan Area.

The Buck & Lisa Blackwell application (PLN0110055) came on for public hearing before the Monterey County Zoning Administrator on February 17, 2011. 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 2010 General Plan;
- Carmel Valley Master Plan;
- Chapter 21.12.020, Regulations for Low Density Residential 2.5 acre per unit or the "LDR/2.5" Zoning District of the certified Monterey County Zoning Ordinance (Title 21);
- Chapter 21.45, Regulations for Site Plan Review Zoning Districts of the certified Monterey County Zoning Ordinance (Title 21);
- Chapter 21.44, Regulations for Design Control Zoning Districts of the certified Monterey County Zoning Ordinance (Title 21);
- Chapter 21.64.Regulations for Guesthouses under Section 21.64.020 of the certified Monterey County Zoning Ordinance (Title 21); and

-Section 1805.3.2 of the 2007 California Building Code.

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 a 6,000 square foot legal lot of record adjacent to the Carmel River floodway fringe. The new residence is proposed in an area of the property which is not visible from Carmel Valley Road or the surrounding properties east of Carmel Valley Road. The property is located at 9 Camp Steffani, Carmel Valley, (Assessor's Parcel Number 197-091-012-000). The parcel is zoned "LDR/2.5-D-S or Low Density Residential 2.5 acres per unit, Site Plan Review & Design Control Zoning Districts.
- c) The proposed residence will replace an existing residence, similar in size and location, meets the site development standards under the LDR zoning designation with the approval of the front yard setback variance, and will not require any significant site improvements affecting the surrounding resources. Section 21.45.040 allows development of residential structures in an "S" District with an Administrative Permit if it is demonstrated that the proposed structure will not adversely affect or be affected by natural resources or site constraints. Therefore, the proposed residence is an authorized land use for this site.
- d) The project planner conducted a site inspection on August 17, 2010 to verify that the project on the subject parcel conforms to Policy CV-1.20 of the Carmel Valley Master Plan, that the project as proposed is visually compatible with the character of the valley and immediate surrounding areas.
- e) The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, the initial application for this project did not warrant referral to the LUAC because the project was not subject to review by the Zoning Administrator or the Planning Commission. LUAC review was not required in this case because the initial application did not include a variance or any other component that would have warranted review by the Zoning Administrator.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110055.

2. FINDING:

SITE SUITABILITY – The project has been reviewed for site suitability by the following departments and agencies: Planning, Building Services, Monterey County Regional Fire District, Public Works, Environmental Health Division, and Water Resources Agency. The site is physically suitable for the use proposed.

EVIDENCE: a)

There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated from each agency. The entirety of project was determined by the Water Resources Agency to be outside of the Carmel Valley River floodway fringe with the exception of a small area at the southeasterly end of the parcel and therefore conditioned to

indicate that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.

- b) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- *“Archaeological Report” (LIB100366) prepared by Susan Morley, Salinas CA, report was prepared May, 2010).*

- c) The project planner conducted a site inspection on August 17, 2010 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 PLN110055.

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 Planning Department, Building Services Department, Monterey County Regional Fire District, Public Works Department, Environmental Health Division and Water Resources Agency. 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) The Environmental Health Division has approved the existing septic system design. However, the existing site is highly constrained. Therefore, Environmental Health has conditioned the project to require the applicant to record a deed notification with the Monterey County Recorder’s Office indicating that *“any repair or expansion of the septic system will likely require the installation of an advanced treatment and disposal system in compliance with Monterey County Code Chapter 15.20 or unless otherwise approved by the Director of Environmental Health.”*
- c) The project planner conducted a site review on August 17, 2010 to verify that the conditions of the site are consistent with the project site on the subject parcel and will conform to the application and plans.
- d) Preceding findings and supporting evidence for PLN0110055.

4. FINDING:

NO VIOLATIONS - The subject property currently maintains a legal non conforming habitable structure on the subject parcel. The structure is nonconforming to the front setback requirement, minimum distance between structures and has a kitchenette. The property owner has agreed to remove the kitchenette (see Condition #8) which will bring the structure into conformance with regard to requirements for a guesthouse, but will remain nonconforming to setbacks. With approval

of the front yard setback variance, the proposed single family residence complies with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. The property owner has agreed to a condition of approval which will require the removal of the kitchenette within the structure thereby reforming the habitable structure to a legal guesthouse under title 21 Section 21.64.020.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on August 17, 2010 and researched County records to assess if any violation exists on the subject property.
 - c) There are no other nonconforming conditions existing on the parcel or known violations.
 - d) A condition of approval has been incorporated into the project to reform the structure in a manor which conforms to the development standards under Section 21.64.020. Specifically that the kitchenette be removed from the existing structure.
 - e) Zoning violation abatement costs, if any, have been paid. and all zoning abatement costs, if any, have been paid.
 - f) 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 PLN110055.

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 a, categorically exempts the construction of a single family residence.
 - b) The project will allow the demolition of an existing structure less than 50 years in age and the construction of a new on single family dwelling in a residential zoning district on a legal lot of record previously developed. The County has determined that the project as proposed meets the site development standards for development.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on August 17, 2010.
 - d) See preceding and following findings and supporting evidence.

6. **FINDING:** **VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under identical zoning classification.

- EVIDENCE:**
- a) There are several special circumstances applicable to the subject property that support approval of the front yard setback variance request. The site contains 6,000 square feet whereas the minimum lot size in the LDR/2.5 District is 2.5 acres/unit or 108,900 square feet/unit. In addition, there is a slope greater than 25% located at the rear of the property which mandates that the house be located towards the front of

the lot which is relatively flat. An additional setback is required from the base of the slope in the rear yard pursuant to Section 1805.3.2 of the 2007 California Building Code. The Building Services Department has determined that, in this case, the Building Code requires a minimum of 10 foot setback from the top of the proposed retaining wall at the base if the slope in the rear yard.

- b) 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 PLN110055.
- c) The project planner conducted a site inspection on August 17, 2010 to verify the circumstances related to the property.

7. **FINDING: VARIANCE (Special Privileges)** - The variance shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

EVIDENCE: a) The granting of this variance would not award the property a privilege inconsistent with the limitations upon neighboring properties. Due to the size, configuration and topography of the lot, as well as the location of the existing guesthouse that is to remain, there is no alternative location for the proposed residence that would meet the other zoning requirements as well as the setback requirement of Section 1805.3.2 of the 2007 California Building Code.

- b) 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 PLN110055.
- c) The project planner conducted a site inspection on August 17, 2010 to identify circumstances related to other property in the vicinity and in the same zoning district.

8. **FINDING: VARIANCE (Authorized Use)** – The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: a) The property has a zoning designation of LDR/2.5-D-S” [Low Density Residential, 2.5 acres per unit with Design Control, and Site Plan Review Overlays].

- b) 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 PLN110055.

9. **FINDING:** The decision on this project is appealable to the Planning Commission.

EVIDENCE: Sections 21.80.040 A. of the Monterey County (Zoning Ordinance) Title 21.

DECISION

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

- A. Find that the project as proposed qualifies under, the California Environmental Quality Act (CEQA) Guidelines Section 15303.a, which categorically exempts the construction of a single family residence;

- B. Approve an Administrative permit to reconstruct an existing 800 square foot one story single family dwelling with a new 750 square foot one story residence in a Site Control Zoning District and Design Approval and subject to the conditions (**Exhibit 1**) which is attached hereto and incorporated herein by reference; and
- C. Approve a Variance to allow a front yard setback of approximately 20 where a 30 foot setback is required.

PASSED AND ADOPTED this 17th day of February, 2011.

Laura Lawrence, Acting 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 [DATE]

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

NOTES

1. You will need a 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 3 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION ### - EXHIBIT 1 Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>Buck & Lisa Blackwell</u> File No: <u>PLN110055</u> APN: <u>APN 161-251-002-000</u> Approved by: <u>Zoning Administrator</u> Date: <u>February 17, 2011</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 Administrative Permit, Variance and Design Approval allows the reconstruction of an existing 800 square foot one story, single-family dwelling with a new 750 square foot one story, single-story dwelling with a front yard setback of approximately 20 where a 30 foot setback is required. The property is located at 9 Camp Steffani, Carmel Valley, (Assessor's Parcel Number 197-091-012-000) Carmel Valley Master Plan Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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)	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 responsibility to ensure that conditions and mitigation measures are properly fulfilled.	Owner/ Applicant RMA - Planning WRA RMA - Planning	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>
2.		<p>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 APN 197-091-012-000 on February 17, 2011. The permit was granted subject to 17 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)</p>	<p>Obtain appropriate form from the RMA-Planning Department.</p> <p>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p> <p>RMA- Planning</p>	Prior to issuance of grading and building permits or commencement of use.	
3.		<p>PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time-period of 3 years, to expire on February 17, 2014 unless use of the property or actual construction has begun within this period. (RMA – Planning Department)</p>	<p>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.</p>	<p>Owner/ Applicant</p>	As stated in the conditions of approval	
4.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	<p>Owner/ Applicant/ Archaeologist</p>	Ongoing	

<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>
5.		PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA – Planning Department and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
6.		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. 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	
			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	
			Submit an approved water permit from the MPWMD to the RMA – Building Permit	Owner/ Applicant/ Licensed Landscape Contractor	Prior to issuance of Building Permits	
7.		SP001 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A(n) Archaeological report has been	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to Occupancy	

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		prepared for this parcel by Susan Morley, dated May, 2010 and is on record in the Monterey County RMA - Planning Department , Library No. 100366. All development shall be in accordance with this report." (RMA – Planning Department)	Submit proof that all development has been implemented in accordance with the report to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to Occupancy	
8.		SPD001 – DEMOLITION OF KITCHEN VERIFICATION The applicant shall secure a demolition building permit to remove the existing kitchen and any other internal features not allowed under the development standards for a guesthouse per Section 21.64.020 of the Monterey County Zoning Ordinance. The applicant shall provide evidence to the Director of the RMA confirming that the building permit for said demolition has had a final building permit inspection. (RMA – Planning Department and Building Services Department)	1) The applicant shall submit a copy of the final building permit inspection to the Planning Department for record keeping in PLN100257 and PLN110055.	Owner/ Applicant	Prior to the issuance of grading or building permits for the main residence	
9.		PD019(A) – DEED RESTRICTION – GUESTHOUSE (INLAND) The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse as follows: <ul style="list-style-type: none"> • Only one guesthouse shall be allowed per lot. • Detached guesthouses shall be located in close proximity to the principal residence. • Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements. • The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens. • The guesthouse shall have a maximum of six (6) linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight (8) square feet of cabinet space, excluding clothes closets. • The guesthouse shall not exceed 600 square feet of livable floor area. 	Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner/ Applicant Owner/ Applicant	Prior to the issuance of grading or building permits Prior to occupancy or commencement of use	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<ul style="list-style-type: none"> • The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect. • Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited. • The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area. • The guesthouse height shall not exceed 15 feet nor be more than one story. <p>(RMA – Planning Department)</p>				
RMA – Public Works Department						
10.		<p>PW0005 – ENCROACHMENT (STD DRIVEWAY) Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to <u>(Camp Steffani Road)</u></p>	Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
Health Department Environmental Health Division						
11.		<p>EHSP01 – DEED NOTIFICATION – SEPTIC SYSTEM (NON STANDARD CONDITION) This property is highly constrained by steep slopes and over development. The current application (PLN100257 – replacement of an existing home) will better suit the property for septic disposal as additional square footage will be available once the new home is built. However, there is not feasible area on the property for a conventional septic system that meets the standards in</p>	<ul style="list-style-type: none"> • Obtain form from EHB. • Record notarized Conditional Wastewater Treatment and Dispersal Deed Notification • Submit evidence of recordation to EHB. 	Owner/ Applicant	Prior to Issuance of Building Permit	

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		Monterey County Code 15.20. The applicant shall record a deed notification with the Monterey County Recorder for parcel 197-091-012-000 indicating that: Any repair or expansion of the septic system will likely require the installation of an advanced treatment and disposal system in compliance with Monterey County Code Chapter 15.20 or unless otherwise approved by the Director of Environmental Health. (Environmental Health)				
Monterey County Water Resources Agency						
12.		WR22 - FLOODPLAIN RECORDATION The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." (Water Resources Agency)	Submit the recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Prior to issuance of any grading or building permits	
13.		WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
Fire Agency Monterey County Regional Fire District,						

<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>
14.		<p>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 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. (Monterey County Regional Fire District).</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection.	
15.		<p>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</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	

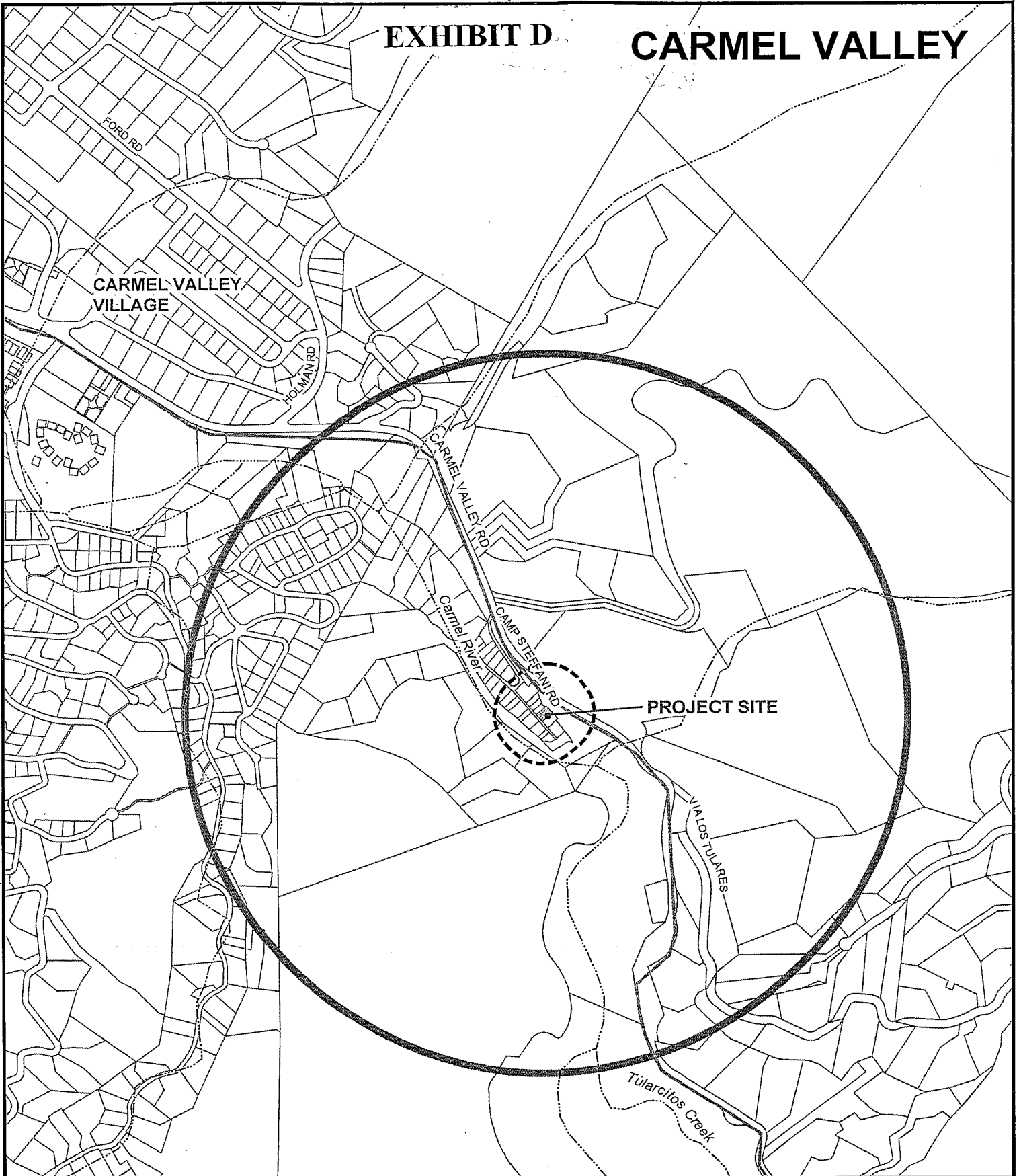
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>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. (Monterey County Regional Fire District).</p>	<p>Applicant shall schedule fire dept. rough sprinkler inspection</p>	<p>Applicant or owner</p>	<p>Prior to framing inspection</p>	
			<p>Applicant shall schedule fire dept. final sprinkler inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	
16.		<p>FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Manage combustible vegetation within a minimum of 30 feet of structures (or to the property line). Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing 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. (Monterey County Regional Fire District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p>	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	

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17.		FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Monterey County Regional 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	

END OF CONDITIONS

EXHIBIT D

CARMEL VALLEY

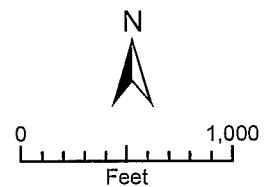


APPLICANT: BLACKWELL

APN: 197-091-012-000

FILE # PLN100257

 Water
  2500' Limit
  300' Limit
  City Limits



PLANNER: MONTANO

3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Classified in Occupancy Category I, in accordance with Section 1604.5;
2. Area of 600 square feet (56 m²) or less for light-frame construction or 400 square feet (37 m²) or less for other than light-frame construction; and
3. Eave height of 10 feet (3048 mm) or less.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

1805.2.2 Isolated footings. Footings on granular soil shall be so located that the line drawn between the lower edges of adjoining footings shall not have a slope steeper than 30 degrees (0.52 rad) with the horizontal, unless the material supporting the higher footing is braced or retained or otherwise laterally supported in an approved manner or a greater slope has been properly established by engineering analysis.

1805.2.3 Shifting or moving soils. Where it is known that the shallow subsoils are of a shifting or moving character, footings shall be carried to a sufficient depth to ensure stability.

1805.3 Footings on or adjacent to slopes. The placement of buildings and structures on or adjacent to slopes steeper than one unit vertical in three units horizontal (33.3-percent slope) shall conform to Sections 1805.3.1 through 1805.3.5.

1805.3.1 Building clearance from ascending slopes. In general, buildings below slopes shall be set a sufficient distance from the slope to provide protection from slope drainage, erosion and shallow failures. Except as provided for in Section 1805.3.5 and Figure 1805.3.1, the following criteria will be assumed to provide this protection. Where the existing slope is steeper than one unit vertical in one unit horizontal (100-percent slope), the toe of the slope shall be

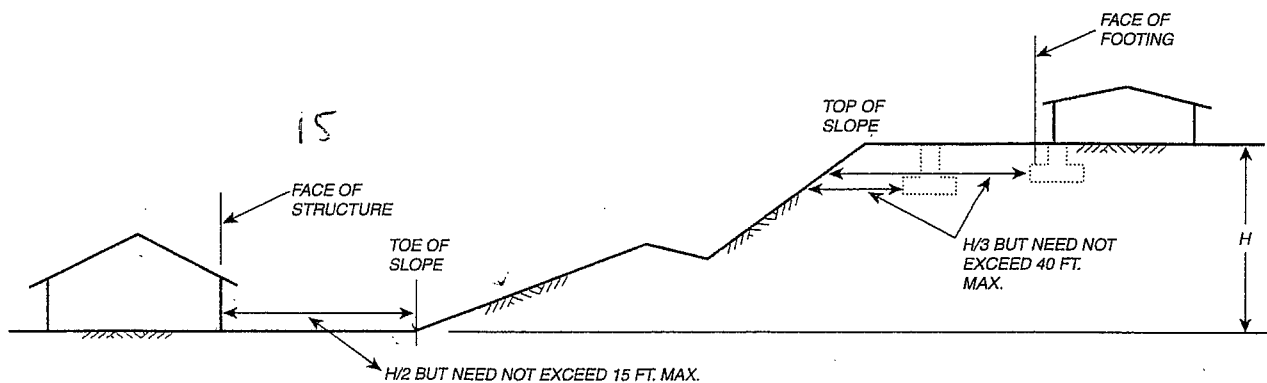
assumed to be at the intersection of a horizontal plane drawn from the top of the foundation and a plane drawn tangent to the slope at an angle of 45 degrees (0.79 rad) to the horizontal. Where a retaining wall is constructed at the toe of the slope, the height of the slope shall be measured from the top of the wall to the top of the slope.

1805.3.2 Footing setback from descending slope surface. Footings on or adjacent to slope surfaces shall be founded in firm material with an embedment and set back from the slope surface sufficient to provide vertical and lateral support for the footing without detrimental settlement. Except as provided for in Section 1805.3.5 and Figure 1805.3.1, the following setback is deemed adequate to meet the criteria. Where the slope is steeper than 1 unit vertical in 1 unit horizontal (100-percent slope), the required setback shall be measured from an imaginary plane 45 degrees (0.79 rad) to the horizontal, projected upward from the toe of the slope.

1805.3.3 Pools. The setback between pools regulated by this code and slopes shall be equal to one-half the building footing setback distance required by this section. That portion of the pool wall within a horizontal distance of 7 feet (2134 mm) from the top of the slope shall be capable of supporting the water in the pool without soil support.

1805.3.4 Foundation elevation. On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of 12 inches (305 mm) plus 2 percent. Alternate elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

1805.3.5 Alternate setback and clearance. Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official is permitted to require an investigation and recommendation of a registered design professional to demonstrate that the intent of this section has been satisfied. Such an investigation shall



For SI: 1 foot = 304.8 mm.

FIGURE 1805.3.1
FOUNDATION CLEARANCES FROM SLOPES