STAFF REPORT
Monterey County Design Approval
Resource Management Agency - Planning Department
168 W. Alisal St.2nd Floor, Salinas, CA 93901
(831) 755-5025; FAX (831) 757-9516

Date: December 20, 2012

To: Jacqueline Onciano, Zoning Administrator

From: Valerie Negrete, Project Planner (831) 755-5227
negretev@co.monterey.ca.us

cc: Front Counter Copy; Valerie Negrete, Planner; Delinda Robinson, Senior Planner Laura Lawrence, Planning Services Manager; Kathleen Pokigo, Property Owner; Mark Maryash, Agent/Representative; Steve Dallas, Neighbor; Michael Harrington, Brian Finnegan's Office; Wilson Wendt; The Open Monterey Project; LandWatch; Project File PLN120613

Re: Pokigo (PLN120613)
Location: Assessor's Parcel Number: 187-121-017-000
18 La Rancheria, Carmel
Carmel Valley Master Plan

The Applicant is requesting an approximate 981 linear-foot fence 5 foot 11.5 inches in height and constructed of redwood adjacent to the northeast and southwest property boundary with two gates located on southeast boundary of the existing easement and adjacent to La Rancheria Road (southwestern property line). No tree removal or grading is proposed. The site is accessed from La Rancheria by a circular driveway and contains an easement access which runs north parallel to La Rancheria.

Pursuant to Monterey County Code Section 21.44.040, the Appropriate Authority to hear and decide the application is the Director of Planning, whereas the subject fence is a small structure which was approved over the counter on September 20, 2012 **(Exhibit J).**

A complaint was filed and 12CE00325 was opened in order to investigate alleged violations on the property. The applicant worked with Monterey Regional Fire Department to ensure that their proposed fence was in accordance with Fire Requirements. On December 7, 2012, the applicant submitted a revised site plan which met Fire Department requirements for access to the Pokigo property and access to the neighbor's property to the north. As proposed, ingress and egress to the site will be through one driveway, the southern access point on La Rancheria Road. Fire access to the neighboring property was improved by the trimming of two oak trees (24" and 18-30" oak tree) located in the existing 20-foot driveway and utility easement to the neighbor's property. Monterey Regional Fire District has reviewed the plan and provided that the one point of access to and from the site from La Rancheria was sufficient **(see Exhibit H)**. Access to both properties is at least 12 feet wide and provides a clearance of 15 feet high.

The project is located in a high Archaeological Sensitivity zone and required an Archaeological Report. A Preliminary Cultural Reconnaissance prepared by Mary Doane, dated September 19,

2012, concluded that the site did not contain evidence of archaeological significance, therefore no additional monitoring was warranted.

Staff verified that the existing work that was done did not require a grading permit (under 100 cubic yards) and the stockpiles of gravel do not require a grading permit. The existing easement was not impacted by the new fence as there was adequate distance for fire truck access **(see Exhibit H).** Oak tree trimming was done in accordance with Monterey County Code 21.64.260, as no more than one-third of the green foliage of the two oak trees was removed **(See Exhibit I).** 12CE00325 has been closed and there remains no outstanding violations on the property.

Staff site visits on September 28, 2012 and October 2, 2012 and confirmed that the project does not propose tree removal, does not propose development on slopes exceeding 30%, nor is there any removal of Environmentally Sensitive Habitat areas. The project is consistent with the Site Development standards required of Low Density Residential zoning districts.

Therefore, staff is recommending approval of the Design Approval subject to the conditions in **Exhibit A**.

Attachments:	Exhibit A	Recommended Conditions of Approval
	Exhibit B	Site Plan
	Exhibit C	Vicinity Map
	Exhibit D	Proposed Colors and Materials
	Exhibit E	10/4/2012 Letter from Wilson Wendt
	Exhibit F	11/27/2012 –Letter from Finnegan's office
	Exhibit G	12/10/2012 – Letter from Wendt Wilson
	Exhibit H	Letter from Monterey Regional Fire Protection District
	Exhibit I	Correspondence from Brian Jacobson, Smith Tree Service
	Exhibit J	Design Approval Matrix

This report was reviewed by Delinda Robinson, Senior Planner

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN120613

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit consists of a Design Approval for an approximate 981 linear-foot fence 5 foot 11.5 inches in height and constructed of redwood adjacent to the northeast and southwest property boundary with two gates located on southeast boundary of the existing easement and adjacent to La Rancheria Road (southwestern property line). No tree removal or grading is proposed. The property is located at 18 La Rancheria, Carmel (Assessor's Parcel Number 187-121-017-000). This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition 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. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

Exhibit A

2. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

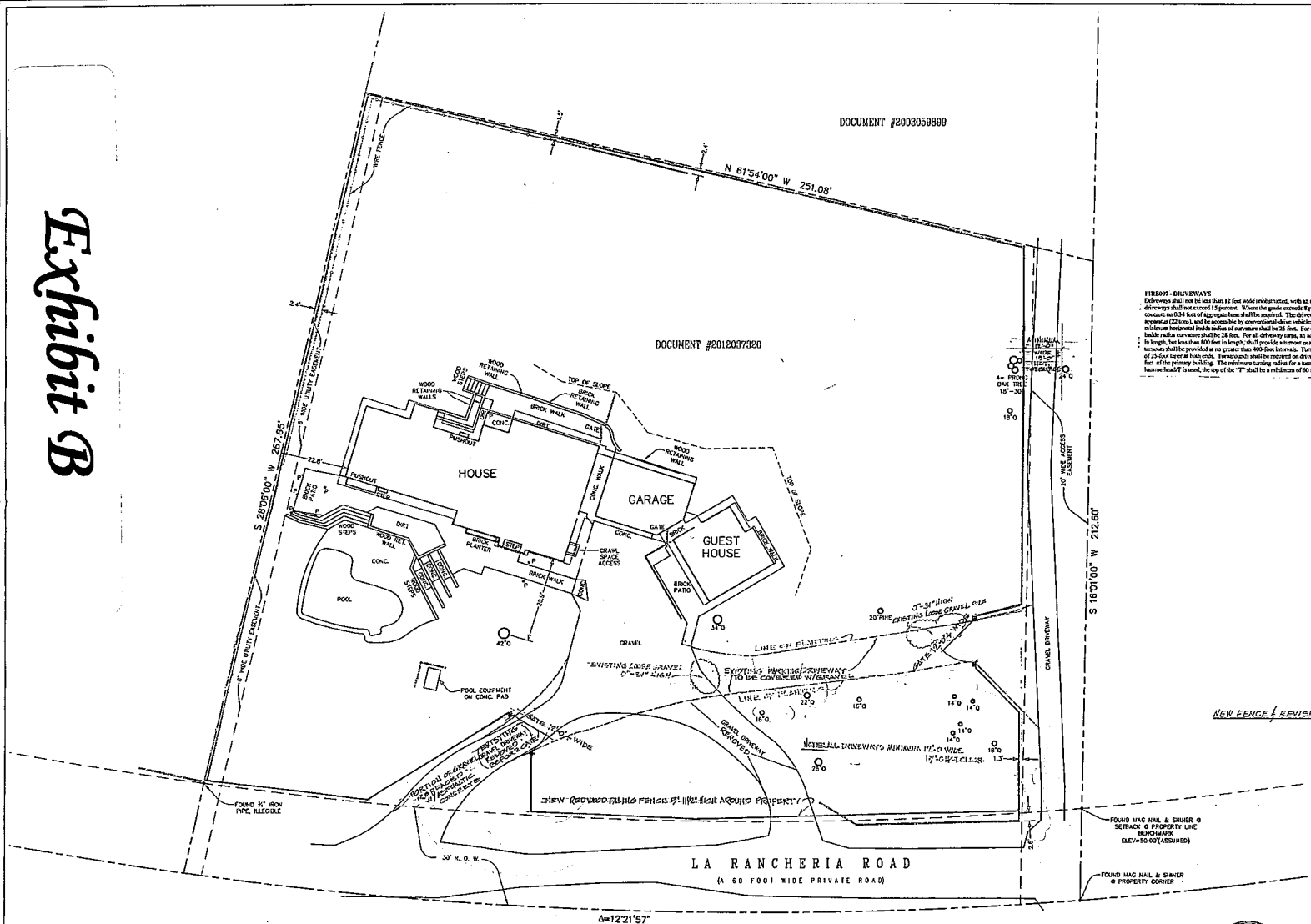
Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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 Register 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 recovery. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "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.

Exhibit B



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 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 be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centre line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

Mike Schulze
Deputy Chief/Fire Marshal
Monterey County Regional Fire District
19900 Portola Drive
Salinas, CA 93908
(831) 455-1828 phone
(831) 455-0946 fax

LEGEND:

———	ROOF OVERHANG
———	WOOD FENCE
P	WOOD PILLAR
16"Ø	16" DIA. OAK TREE (TYP.)

NOTES:

1. BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN ARE FROM THE RECORDS.
2. ELEVATIONS SHOWN ARE BASED ON ASSUMED DATUM. PROJECT BENCHMARK IS THE MAG. NAIL SET AT THE EASTERLY INTERSECTION OF THE SETBACK LINE WITH THE PROPERTY LINE.

   ELEVATION = 50.00 FEET (ASSUMED)
3. CONTOUR INTERVAL = ONE FOOT.
4. NOT ALL TREES ARE SHOWN.

RECEIVED DEC 07 2012 MONTEREY COUNTY PLANNING DEPARTMENT

NEW FENCE & REVISED DRIVEWAY PLAN - PREPARED BY MARK WEINMASTER, ARCHITECT 831-659-5940

REVISED 10/18/12: REMOVED TREE & TREE SUPPORTS

PLANIMETRIC MAP

SHOWING A PORTION OF

THE PARCEL DESRIBED IN DOCUMENT #2012037320

CARMEL VALLEY — COUNTY OF MONTEREY — STATE OF CALIFORNIA

PREPARED FOR

Kathleen Pokigo

BY

CENTRAL COAST SURVEYORS

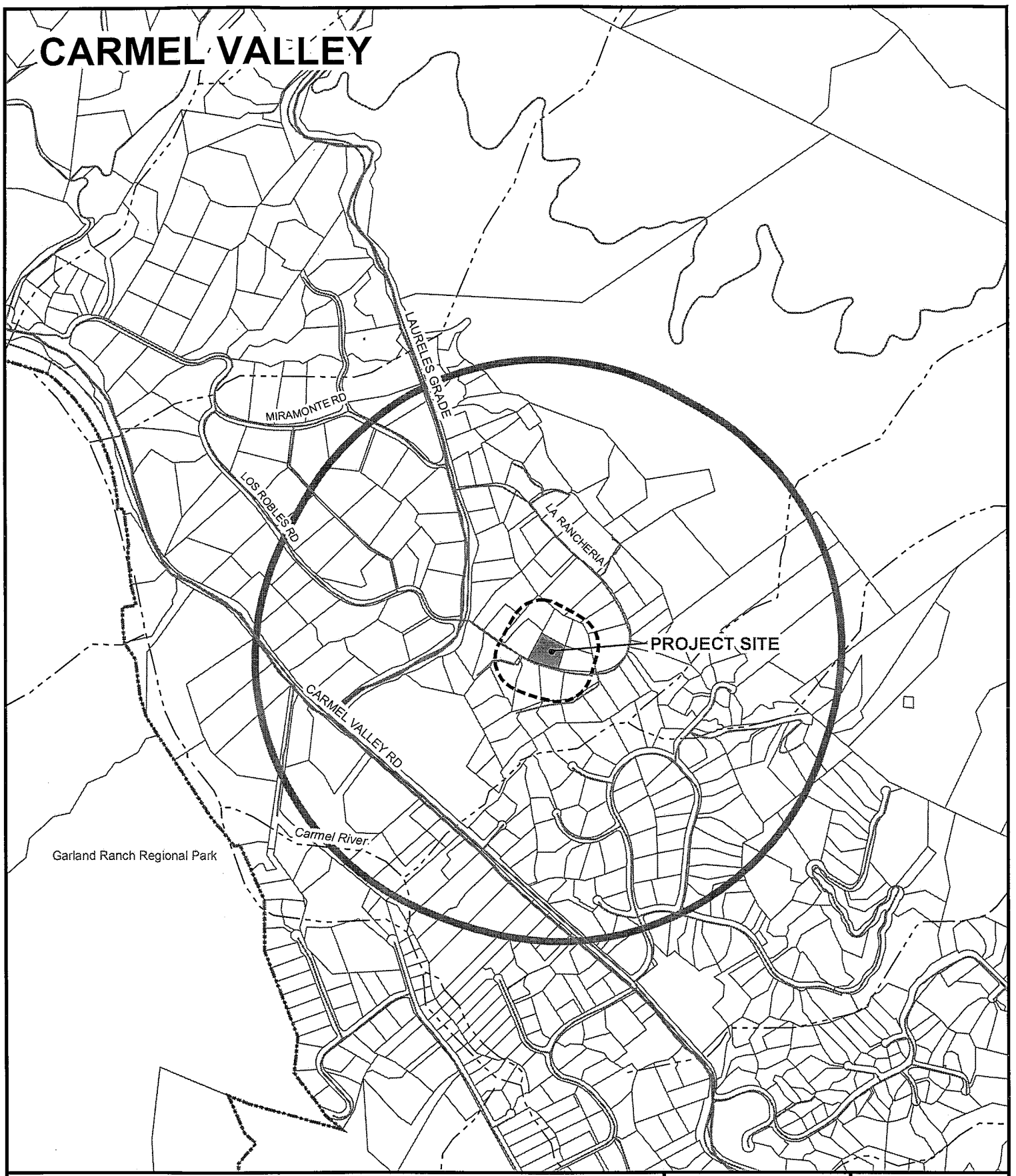
5 HARRIS COURT, SUITE N-11 — MONTEREY, CALIFORNIA 93940

Phone: (831) 394-4930
Fax: (831) 394-4931

LICENSED LAND SURVEYOR — DAVID T. DUNN — Exp. 12-31-13 — No. 4874 — STATE OF CALIFORNIA

SCALE: 1" = 16'	JOB No. 12-58	SEPTEMBER 2012
	PREPARED: LLJS	

APN 187-121-017



APPLICANT: POKIGO

APN: 187-121-017-000 **FILE #** PLN120613

2500' Limit 300' Limit Water

N

0 1,000 Feet

MONTEREY COUNTY CALIFORNIA 1850

PLANNER: NEGRETE

Exhibit C

Exhibit D

FILE #: PLN120613

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT
168 West Alisal, 2nd Floor, Salinas, CA 93901
Telephone: (831) 755-5025 Fax: (831) 757-9516
http://www.co.monterey.ca.us/planning

RECEIVED
SEP
MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

DESIGN APPROVAL REQUEST FORM

ASSESSOR'S PARCEL NUMBER: 187-121-017

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

PROPERTY OWNER: KATHLEEN POKIGO Telephone:
Address: 18 LA RANCHERIA, CARMEL VALLEY, CA. Fax:
City/State/Zip: 93924 Email:

APPLICANT: Telephone:
Address: Fax:
City/State/Zip: Email:

AGENT: MARK MERYASH Telephone: (831) 659-2323
Address: 199 LA RANCHERIA Fax: ~~MAF~~
City/State/Zip: CARMEL VALLEY, CA. 93924 Email: MARKMERYASH@ME.COM

Mail Notices to: ☐ Owner ☐ Applicant ☒ Agent
(Check only one)

PROJECT DESCRIPTION: (Attach *Scope of Work*) BUILD 6'-0" HIGH REDWOOD PALING FENCE AROUND ENTIRE PROPERTY

MATERIALS TO BE USED: REDWOOD 4"x4" POSTS & 2½" REDWOOD PALINGS

COLORS TO BE USED: NATURAL REDWOOD

I acknowledge that I will need a building permit and must comply with the Monterey County Building Ordinance. Additionally, I acknowledge that the Zoning Ordinance states that no building permit be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit. I further acknowledge that this approval is for design of the structures and compliance with zoning regulations only.

PROPERTY OWNER/AGENT SIGNATURE: Mark Meryash DATE: 9/17/2012

FOR DEPARTMENT USE ONLY

ZONING: LDR4-D-S-RAZ
GENERAL/AREA PLAN: Carmel Valley MP
ADVISORY COMMITTEE: Carmel Valley MP
RELATED PERMITS: none
PLANNER: Negrete
LUAC REFERRAL: ☐ YES ☒ NO
DOES THIS CORRECT A VIOLATION? ☐ YES ☒ NO
WITHIN ARCH BUFFER ZONE? High ☐ YES ☐ NO
ON SEPTIC SYSTEM? (REFER TO EHB) ☒ YES ☐ NO
DECISION: ☒ ADMINISTRATIVE ☐ PUBLIC HEARING
LEGAL LOT: La Rancheria Carmel ☒ YES ☐ NO
GIVEN OUT BY: [illegible] DATE: 9/20/2012
ACCEPTED BY: Negrete DATE: 9/21/2012
COMMENTS: @ 6' fence at property line

ADVISORY COMMITTEE RECOMMENDATION

☐ APPROVAL ☐ DENIAL

For: ____ Against: ____ Abstain: ____ Absent: ____

Was the Applicant Present? ☐ YES ☐ NO

Recommended Changes:

Signature:

Date:

APPROPRIATE AUTHORITY: ☒ DIRECTOR OF PLANNING ☐ ZONING ADMINISTRATOR ☐ PLANNING COMMISSION
ACTION: ☒ APPROVED ☐ DENIED
CONDITIONS: Fence must be at 6' High, no higher

APPROVED BY: Valerie Negrete DATE: 9/20/2012
PROCESSED BY: Valerie Negrete DATE: 9/20/2012

COPY TO APPLICANT: ☐ IN PERSON OR ☐ MAILED DATE:

It is unlawful to alter the substance of any official form or document of Monterey County. DA Request Form (Inland) Rev. 07-19-2012

GENERAL PLAN POLICY CONSISTENCY CHECKLIST FOR DESIGN APPROVALS (Inland Only)

To be completed by Applicants

LAND USE DESIGNATION:	APN:	PLANNING NUMBER:
AREA PLAN: ☐ Cachagua Area Plan ☒ Carmel Valley Master Plan ☐ Central Salinas Valley Area Plan ☐ Fort Ord Master Plan ☐ Greater Monterey Peninsula Area Plan ☐ Greater Salinas Area Plan ☐ North County Area Plan ☐ South County Area Plan ☐ Toro Area Plan ☐ Agriculture & Winery Corridor Plan	PROJECT DESCRIPTION: ERECT A 6'-0" HIGH REDWOOD FENCE AROUND THE PROPERTY	

Please answer each question based on the description of the project (see back of questionnaire for policy references)

	The project is for: ☒ Residential use ☐ Commercial use ☐ Agricultural use ☐ Public or Quasi-Public use ☐ Industrial use
☐ Yes ☒ No	The project proposes a cell-site, telcom (digital) communication facility/site?
☐ Yes ☒ No	The project includes the construction of a new structure?
☐ Yes ☒ No	The project includes the enlarging, altering, repairing, moving, improving, or removing of existing structures? If "yes", describe
☐ Yes ☒ No	The project includes demolition work? If "yes", describe
☐ Yes ☒ No	Project includes the use of roofing materials that are different in type and/or color from the original materials?
☐ Yes ☒ No	Project includes replacement and/or repair of (50%) or more of the exterior walls of a structure?
☐ Yes ☒ No	Project includes historical structure or a structure more than fifty (50) years old?
☐ Yes ☒ No	Project includes an accessory structure(s)? If "yes", describe:
☐ Yes ☒ No	Project includes the placement of a manufactured home, mobile home, modular or prefabricated unit? ☐ Private property ☐ Park installation (mobile home park)
☐ Yes ☒ No	Project includes retaining walls?
☐ Yes ☒ No	Project involves new, change or modifications to existing utilities and/or power lines?
☐ Yes ☐ No	Project is change or modification to an approved application.
☐ Yes ☒ No	Does the project propose a lot line adjustment or subdivision?
☐ Yes ☒ No	Does the project include subdivision creating five or more lots, or new commercial/industrial use that creates intensity equal to or greater than five residences?
☐ Yes ☒ No	Is the project located near an incorporated area (City)?
☐ Yes ☐ No	Is the project located within a Community Area or Rural Center?
☐ Yes ☒ No	Is the project located within ¼ mile of a public airport?
☐ Yes ☒ No	Is this the first residence on a property?
☐ Yes ☒ No	Does the project propose a secondary unit?
☐ Yes ☒ No	Would native vegetation be removed with this project?
☐ Yes ☒ No	Would proposed development occur within 100 feet a creek/drainage (including seasonal) or river?
☐ Yes ☒ No	Does the project propose any tree removal? If "yes" Type Size Number
☐ Yes ☐ No	Project includes grading, dirt importation, dirt removal, and/or drainage changes.
☐ Yes ☒ No	Would the project be connected to an existing well or private water system?
☐ Yes ☒ No	The project includes constructing, enlarging, altering, repairing, moving, improving or removing a well.
☐ Yes ☒ No	Project is associated with a new or improvements to a water system. water system number of connections
☐ Yes ☐ No	Does the project include a new individual or existing wastewater system (e.g. septic)?
☐ Yes ☒ No	The project includes constructing, enlarging, altering, repairing, moving, improving or removing a septic tank/system?
☐ Yes ☒ No	Does the project propose development on slopes over 25%?
☐ Yes ☒ No	Is the project 50 feet from a bluff?
☐ Yes ☒ No	Project is located within 100 feet of seasonal or permanent drainage, lake, marsh, ocean, pond, slough, stream, wetlands. If "yes", describe
☐ Yes ☒ No	Does the project include cultivation of land that is currently not cultivated?
☐ Yes ☒ No	Does the project propose non-agricultural uses adjacent to agricultural uses?
☐ Yes ☒ No	Is the project located within the winery corridor?
☐ Yes ☒ No	Would any portion of the proposed development be visible from a public road, designated vista point, or public park? If yes, is it located on a slope or near the top of a hill? ☐ Yes ☐ No
☐ Yes ☒ No	Does the project propose or require affordable housing?
☐ Yes ☒ No	Does the project require a General Plan Amendment?
☐ Yes ☒ No	Is the project located within a Special Treatment Area?
☐ Yes ☒ No	Is the project located within a Study Area?
☐ Yes ☐ No	Project involves or includes an existing or proposed trail or easement.

I, the undersigned, have authority to submit application for a permit on the subject property. I have completed this questionnaire accurately based on the proposed project description. It is my interpretation that the project is consistent with the 2010 Monterey County General Plan. I understand that Monterey County may require project changes or some other permit/entitlement if the project is found to be inconsistent with any General Plan policy.

Signature Mark Meryash Date 9/20/2012

Print Name: MARK MERYASH

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

Staff Use Only	
BASED ON REVIEW OF THE PROJECT DESCRIPTION PROPOSED , THE PROJECT IS:	☐ CONSISTENT WITH THE 2010 MONTEREY COUNTY GENERAL PLAN ☐ INCONSISTENT WITH THE 2010 MONTEREY COUNTY GENERAL PLAN

NOTES / COMMENTS:

PLANNER:	PLANNING TEAM:	DATE:

POLICY REFERENCE BASED ON TOPIC	
GENERAL PLAN AMENDMENT	LU-1.7, LU-2.18, LU-2.19, LU-2.21, LU-2.23, LU-2.24, LU-2.27, LU-2.29, LU-6.5, LU-9.6 thru LU-9.8, GS-1.11, CSV-1.4, PS-3.1, OS-5.20, OS-8.6,
WITHIN CITY SPHERE OF INFLUENCE OR MEMORANDUM OF UNDERSTANDING	LU-2.14 THRU LU-2.19, AG-1.12, GS-1.14
COMMUNITY AREAS	LU-1.8, LU-1.19, LU-2.3, LU-2.10 thru LU-2.12, LU-2.20 thru LU-2.27, LU-2.29, LU-9.5, C-1.1, OS-3.6, OS-5.17, OS-8.6, OS-9.2, OS-10.10, T-1.7, AWCP-3.4A, NC-1.5, GS-1.1, GS-1.13, AG-1.3, AG-1.4,PS-1.1, PS-1.2, PS-3.1, PS-4.13, PS-5.1, PS-8.2, PS-11.14, S-2.5, S-5.17, S-6.4, S-6.5,
RURAL CENTERS	LU-1.8, LU-1.19, LU-2.3, LU-2.11, LU-2.12, LU-2.26 thru LU-2.32,OS-5.17, OS-9.2, OS-10.10, T-1.7, T-1.8, AWCP-3.4A, NC-1.5, GS-1.13, AG-1.3, PS-1.1, PS-1.2, PS-3.1, PS-4.13, PS-5.1, PS-8.2, S-5.17, S-6.5,
SPECIAL TREATMENT AREAS	T-1.4, T-1.8, GS-1.1 thru GS-1.3, GS-1.10, GS-1.12, GMP-1.6 thru GMP-1.9, CSV-1.1, CSV-1.3, CSV-1.5 thru CSV-1.7, CV-1.22, CV-1.23, CV-1.25, CV-1.27, CACH-1.5,
STUDY AREAS	GS-1.7, GS-1.11, CSV-1.4, CV-1.26
WINERY CORRIDOR	AG-4.1 thru AG-4.5, AWCP
DEVELOPMENT OUTSIDE COMMUNITY AREAS OR RURAL CENTERS	LU-1.19, S-2.7, OS-3.6
DEVELOPMENT ON SLOPES OVER 25%	LU-9.5, OS-3.5, OS-3.6, OS-3.9, S-1.2, CV-2.9, CV-6.2, CV-6.4, CV-6.5, FOMP-A-6, GMP-4.1, GS-1.1, GS-3.1, NC-1.3, NC-3.9, NC-3.10, T-3.6
CONVERSION TO AGRICULTURE	OS-3.5, OS-5.22, AG-1.6, AG-1.7, AG-1.12, AG-2.9, AG-3.3NC-3.10, NC-3.11, CV-6.2, CV-6.4,
ROUTINE AND ON-GOING AG ACTIVITIES	AG-3.1 thru AG-3.3
NON-AG ADJACENT TO AG USES	LU-1.5, LU-2.8, AG-1.2, AG-2.8, CV-6.1, GS-1.1, T-1.8
AGRICULTURE (F, PG, & RG)	LU-3.1, LU-3.2, 6.0 – AGRICULTURE ELEMENT
FARM WORKER HOUSING	AG-1.6
AG EMPLOYEE HOUSING	AG-1.7
AG SUPPORT FACILITIES	AG-2.1 thru AG-2.9
RURAL RESIDENTIAL (LDR, RDR, & RC)	LU-2.34 thru LU-2.37
URBAN RESIDENTIAL (HDR & MDR)	LU-2.33
COMMERCIAL (LC, HC, & VPO)	LU-4.1 thru LU-4.8, ED-2.3, ED-4.2
INDUSTRIAL (AI, LI, & HI)	LU-5.1 thru LU-5.9, ED-2.3, ED-4.2
PUBLIC / QUASI PUBLIC (PQP)	LU-6.1 thru LU-6.5
AFFORDABLE HOUSING	LU-1.19, LU-2.11 thru LU-2.13, LU-2.23, LU-2.28, T-1.7, T-1.8, NC-1.5, GS-1.13, GMP-1.9, FOMP-H-1.1, FOMP-C.3, CV-1.6, CV-1.27
SECONDARY UNITS	LU-2.10, CV-1.6, GS-1.13, NC-1.5, T-1.7, PS-1.1
SUBDIVISION	LU-1.7, LU-9.3 thru LU-9.5, AG-1.3, NC-1.5, AWCP-3.5.A, T-1.5, T-1.7, GS-1.13, CV-1.6, CV-1.7, PS-1.1, PS-3.2, PS-3.9, PS-3.19, PS-4.9, PS-4.13, PS-11.10, S-1.7, S-2.7, S-4.10, S-4.27, S-6.7, OS-1.5, OS-1.10, OS-6.5, OS-7.5, OS-8.4,
LOT LINE ADJUSTMENT	LU-1.14 thru LU-1.16
OFF-SITE ADVERTISING	LU-1.10
EXTERIOR LIGHTING	LU-1.13
LANDSCAPING	OS-5.6, OS-5.14
TREE REMOVAL	OS-5.9, OS-5.10, OS-5.25, PS-12.10, CACH-3.4, CV-3.11, FOMP-C-1, FOMP-C-2.1 thru FOMP-C-2.5, GMP-3.3, GMP-3.5, GS-1.5, GS-1.8, GS-3.3, NC-3.4, T-3.7.
CIRCULATION (e.g. roads, transportation)	Chapter 2.0

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT
168 West Alisal, 2nd Floor, Salinas, CA 93901
Telephone: (831) 755-5025 Fax: (831) 757-9516

DESIGN APPROVAL REQUEST FORM INSTRUCTIONS

Applicant shall submit the following to the Planning Department. This form must be returned with the application.

NOTE: All materials, plans, multi-page plans and other data must be legible, collated, stapled and folded (maximum size 8 ½ "x 14" when folded).

1) Completed "Design Approval Request Form." For projects located within the Inland area of Monterey County, complete the General Plan Consistency Check-list. For projects located within the Coastal area of Monterey County, please complete the "Statement of Planning Scope of Work" form.

2) 3 Copy (Copies) of the site plan showing:
Lots
   a. Assessor's parcel number, subdivision name and lot number
   b. Name and address of the preparer
   c. North arrow and scale
   d. Property boundaries with dimensions
   e. Location of all streets, roads, rights-of-way, driveways, easements, Utility and scenic easements and parking areas (Disabled accessible provisions when applicable)
   f. Location and dimensions of all existing and proposed buildings and structures on the site/property including fences
   g. Slope contours at minimum 2 foot intervals (topography)
   h. Direction of drainage, drainage information and features
   i. Existing or proposed well(s)
   j. Existing or proposed septic tank(s) and leachfield area(s) **[Note: If the property uses a septic system for sewage disposal, contact Monterey County Environmental Health prior to submittal to ensure that the project complies with their regulations.]**
   k. Location of lateral and connection to public sewer lines (Indemnification of sewage disposal methods, including names of systems involved (if any)
   l. Existing and proposed water lines (indemnification of water supply, including names of systems involved (if any)
   m. Location of existing trees and those proposed for removal (specify type, size, which are to remain and those to be removed)
   n. Existing vegetation. Specify size, type and number to be removed
   o. Location of wetlands, streams, creeks, or any other body of water
   p. Distance(setbacks) from property lines to proposed structures and between all existing and proposed structures
   q. Areas subject to inundation and or 100 years flood levels.
   r. Location of all proposed grading including cut/fill and amount. Indicate maximum height of excavation and embankment.
   s. Lot size
   t. Lot coverage, floor area ratio, impervious coverage (square feet and percentage)

3) None Copy (copies) of grading plans showing:
   a. A statement as to specific intention or ultimate purpose of grading
   b. Quantity of excavation and fill
   c. Retaining walls, terraces, etc.
   d. Cross sections; dimensions such as maximum cut and fill, slopes of cuts and fills, maximum and minimum roadway width; show all finished contours to be achieved by grading.
   e. Property lines and contours of existing ground and details of terrain and area drainage, including existing erosion problems

4) NA Copy (copies) of existing and proposed floor plans showing:
   a. All proposed and existing buildings on the subject property showing room sizes, entrances, exits, stairways and ramps.
   b. Walls to be removed and/or to remain shall be clearly indicated

5) NA Copy (copies of exterior elevation plans showing:
   a. All four sides of structure(s)
   b. Materials to be used on walls, roof, etc

c. Roof appurtenances
d. Height of structures from average natural grade shall be dimensioned on elevations.
e. Elevations and finished floor elevations shall be identified

6) Here Photographs of site and structures (see guidelines for photograph submittal).

7) Here Submit two samples of all exterior paint or stain colors including roof materials to be used. Photos are acceptable if to "match existing."

8) NA A list of the names, addresses and Assessor' Parcel Numbers of all property owners within 300 feet of the property, including the owner of the subject property for which this application is filed. The list shall be taken from the most recent records of the Monterey County Assessor.

9) NA A copy of the Assessor's parcel book page showing the property on which development is proposed and parcels within 300 feet of the subject property. Please indicate on the map which parcels were included on the list, as requested above in item 8.

10) NA Set(s) of pre-addressed stamped envelopes to be sent (no return address) to all persons listed on item 8 within 300 feet of the subject property, including the applicant, owner, and representative (as requested above in item 8).

11) ✓ Filing Fee of $ 177.53

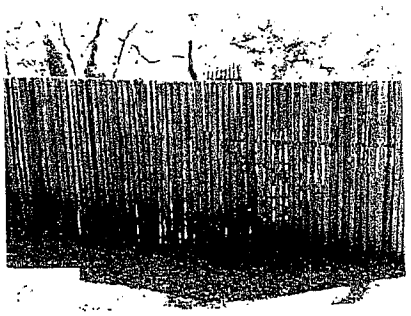
After review by Planning Department staff, your Design Approval Application may be referred to the local Land Use Advisory Committee (LUAC) for their recommendations to the Planning Commission, Zoning Administrator or Director of Planning Department. It is strongly recommended that you attend the LUAC meeting to explain your project.

Advisory Committee to which this project will be referred: _____

Application given out by: Bethncort

Application received by: Negrete, Valerie 9/20/2012

PROJECT FILE NO. _____ PHOTOGRAPHS



NEIGHBORING FENCES

Date: _____ Site Address: _____ Planner: _____

Description: _____

_____

_____

PROJECT FILE NO. _____ PHOTOGRAPHS

Date: _____ Site Address: _____ Planner: _____

Description: _____

_____

_____

COLOR SAMPLES FOR PROJECT FILE NO. _____

REDWOOD

Materials: PALINGS Colors: NATURAL REDWOOD
Description: _____

Materials: _____ Colors: _____
Description: _____

Materials: _____ Colors: _____
Description: _____

Materials: _____ Colors: _____
Description: _____

Exhibit E

MILLER STARR REGALIA

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Walnut Creek, CA 94596

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F 925 933 4126
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Wilson F. Wendt
wilson.wendt@msrlegal.com

October 4, 2012

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

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

Re: 18 La Rancheria, Carmel Valley, APN 187-121-017; Code Enforcement and PLN 120613

Dear Mr. Holm:

Our office represents Steven G. Dallas, Trustee of the Steven G. Dallas Living Trust, which is the owner of property located at 14 La Rancheria in Carmel Valley (the "Dallas Parcel") adjacent to the parcel owned by Kathleen Look Pokigo (the "Pokigo Parcel"). Our clients are concerned because Ms. Pokigo has begun construction and grading operations on the Pokigo Parcel that appear to damage and interfere with the use by our clients of a driveway and utility easement running along the easterly 20 feet of the Pokigo parcel (the "Dallas Easement").

For years, the Pokigo Parcel has been accessed by a horseshoe driveway without any involvement with the Dallas Easement. Recently, Ms. Pokigo, apparently without any permit or prior approval from the County, began grading activities and construction of a fence in such a way as to significantly damage and disturb the physical condition and ability to use the Dallas Easement. We are not sure what the purpose of the grading activities affecting the Dallas Easement is but understand that Ms. Pokigo wants to use that entrance for access by heavy trucks and equipment which may be necessary to remodel the residential structures located on the Pokigo Parcel. Obviously, our clients are significantly concerned, both over the possibility of heavy truck usage damaging the Dallas Easement and the underground water utility line which is the only source of water running to the Dallas Parcel, and over the grading which has gone on on the Pokigo Parcel which has changed the grade of the parcel adjacent to the easement in such a way that drainage off of the easement will now be precluded and affected. If this is not remedied it presents the possibility that in the rainy season the surface of the Dallas Easement will be significantly damaged.

The Dallas Easement is a nonexclusive easement and, as such, Ms. Pokigo as the owner of the servient tenement, has the right to use the easement area so long as the use does not interfere with or impede the superior right of enjoyment of the easement owner (Dallas). Miller & Starr California Real Estate 3d §15.65; *Scruby v. Vintage Grapevine Inc.*, 37 Cal.App.4th 697 (1995). In this case, the grading which has already gone on on the property appears to significantly interfere with the use and enjoyment of the easement for the Dallas Parcel and no accommodation has been made as to the cost of ongoing maintenance of the Dallas Easement if the use by the Pokigo parcel is to continue into the future.

We understand that in addition to a grading permit, Ms. Pokigo has requested a permit to erect a fence. That area of the county is extremely open and flowing and has not been fenced. The erection of a fence will significantly alter the characteristics of that area and the construction of that fence should be only approved once the appropriate reviewing body has held a public hearing, gotten comments and applied appropriate conditions of approval to protect the Dallas Easement. In addition, Mr. Dallas has submitted to you an email from Miles Schuler of the Fire District indicating that the Fire District would not approve plans for a fence on that property if there was not sufficient clearance for a fire truck to get up the Dallas easement to the Dallas parcel. As proposed, such access cannot be provided because of the presence of a large oak tree in the Dallas easement.

For this and a number of other equally pressing reasons, we hereby request that you set this matter for public hearing as soon as possible.

Very truly yours,

MILLER STARR REGALIA

Wilson F. Wendt

WFW:jj
cc: Mitzi Dallas
Steven G. Dallas
Kathleen Look Pokigo

Exhibit F

BRIAN FINEGAN
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW
SIXTY WEST ALISAL STREET, SUITE 1
POST OFFICE BOX 2058
SALINAS, CALIFORNIA 93902

RECEIVED
NOV 28 2012
MONTEREY COUNTY
PLANNING DEPARTMENT

AREA CODE 831
SALINAS TELEPHONE 757-3641
MONTEREY TELEPHONE 375-9652
FACSIMILE 757-9329
E-MAIL brian@bfinegan.com

November 27, 2012

Wilson Wendt, Esq.
Miller Starr Regalia
1331 N. California Blvd., Fifth Floor
Walnut Creek, CA 94596

Re: 18 La Rancheria, Carmel Valley, PLN 120613

Dear Mr. Wendt:

Our office represents Kathleen Pokigo, to whom you have directed correspondence regarding an easement across her property at 18 La Rancheria (the "Pokigo Parcel"), held by your client, Mr. Steven Dallas, at 14 La Rancheria (the "Dallas Parcel"). Given the nature of your correspondence with both my client and Mr. Carl Holm of the Monterey County Planning Department, and the assertions contained therein, I feel a response is warranted on a number of issues.

Your letters dated October 4th and October 18th, correctly point out that the Dallas Parcel holds a non-exclusive easement, twenty (20) feet in width, across a portion of the Pokigo Parcel for road and utility purposes. However, as owner of the servient tenement, Ms. Pokigo is expressly allowed continued use of the area covered by the easement in any manner and for any purpose that is not inconsistent with, and does not unreasonably interfere with the use and enjoyment of the easement. Miller & Starr California Real Estate 3d §15:64; *Brown v. Ratliff* (1913) 21 Cal.App. 282, 294. The law on this point is well settled. Ms. Pokigo may also make any changes or improvements upon said area that do not unreasonably interfere with the enjoyment of the Dallas easement (*Scruby v. Vintage Grapevine Inc.*, 37 Cal.App.4th 697 [1995]). Whether Ms. Pokigo's activities unreasonably hinder Mr. Dallas' use of the easement is a question of fact (*Id.*). Unfortunately for Mr. Dallas, the facts at hand weigh decidedly in Ms. Pokigo's favor, as a simple examination of the property supports.

First, contrary to the incorrect assertions contained in your October 4th email to Mr. Holm, none of Ms. Pokigo's activities relating to changes in her driveway, neither present nor future, have "significantly damaged or disturbed neither the physical condition nor [Mr. Dallas'] ability to use the easement". Specifically, grading activities

on the Pokigo Parcel have not "changed the grade of the parcel adjacent to the easement in such a way that drainage off of the easement will now be precluded and affected". A simple examination of the property reveals this. In actuality, the grade on the Dallas Parcel is higher and any changes to drainage (however unlikely) would naturally flow onto Ms. Pokigo's property. I have taken numerous photographs evidencing this, and would be happy to forward them to your office.

Moreover, Ms. Pokigo's activities in no way present an obstacle to Mr. Dallas' use of the easement to access his parcel. Courts have held that the conveyance of an easement limited to roadway use only grants a right of ingress and egress and a right of unobstructed passage to the holder of the easement (*Scruby v. Vintage Grapevine Inc.,* Supra). Ms. Pokigo is simply using a portion of the easement in its current state in order to access her residence and she is well within her rights to do so.

Second, you state your client's concern over potential damage to the underground water utility line providing water service across the easement to the Dallas Parcel and demand that our client install a conduit for additional utilities across the easement at an unspecified future date. The driveway project will not damage, in any way, the underground water utility line. Moreover, despite statements by your client to the contrary, the Pokigo driveway will not be paved and access to the line for future maintenance will, therefore, not be impaired.

Unrelated to the easement, your correspondence also makes a series of incorrect assertions on a number of points. Your October 4th email states that Ms. Pokigo has requested a grading permit for the driveway activities. Neither Ms. Pokigo, nor her architect, have sought a grading permit for her driveway nor are they required to do so. Monterey County Code Section 16.08.040 specifically excludes grading activities using less than 100 cubic yards of gravel from the requirement of a permit. As Mr. Holm correctly pointed out in his October 5th email to your client, the project is "below the threshold that would require a grading permit (100 c.y.)".

Your October 4th email to Mr. Holm also includes a number of inaccurate assertions regarding the planned construction of a fence on the Pokigo Parcel. You state that the area of the County in question is "extremely open and flowing and has not been fenced" and that "the erection of a fence will significantly alter the characteristics of that area". This is patently incorrect. A simple examination of the neighboring properties quickly shows that almost every neighboring parcel on La Rancheria Road has a fence. The Dallas property itself has a fence around its residence and a parcel adjacent to Ms. Pokigo has a redwood paling fence of the same like and kind that is being proposed. Again, I have taken numerous photos illustrative of this point and will forward them for your review upon your request.

Your October 4th email to Mr. Holm also requests that construction of the aforementioned fence should only be approved once the appropriate reviewing body has held a public hearing. Title 21 of the Monterey County Code, however, decidedly states to the contrary. A review of PLN120613 accurately shows that our client is

presently seeking Design Approval to build a new redwood paling fence. The Pokigo Parcel is located in a "D" District of Monterey County, and as such, the appropriate authority to consider and decide a Design Approval Application is the Director of Planning (M.C.C. 21.44.040 [D]). Put simply, the Design Approval Application is considered an administrative, rather than a discretionary, permit and a public hearing is, therefore, not required by law. As Mr. Dallas alludes to in his lengthy email correspondence with the County, an Administrative Permit shall be referred to the Zoning Administrator at a public hearing if there is public opposition in the form of a "written request, *based on a substantive issue*, for a public hearing by one or more owners or residents in the area" (M.C.C. 21.70.060 [A] [5]). Unfortunately for Mr. Dallas, there is no substantive issue upon which to base his opposition. While your aforementioned email of October 4th represents that the proposed fence will prevent sufficient space for a fire truck to access the Dallas easement, the Fire District itself disagrees. Currently, access to the easement has been increased due to the removal of certain tree limbs, and Miles Schuler of the Fire District is submitting a letter to the record in support of this fact.

Moreover, and perhaps more importantly, Design Approval, and therefore an Administrative Permit, only applies to the construction of "structures". As 21.06.1220 explicitly states, a "structure means anything constructed or erected, <u>except fences under six feet in height</u>" (M.C.C. 21.06.1220). The Pokigo Fence, in the revised plan, is <u>under</u> six feet in height, and therefore does not even require Design Approval or an Administrative Permit on which a public hearing would be based in the first place.

It is my hope that this letter concludes the matter, and that Ms. Pokigo's driveway and fence construction activities may continue unimpeded. Please direct any future correspondence regarding the matter to our office.

Very truly yours,

Michael Harrington

cc: Ms. Kathleen Pokigo
Mr. Carl Holm, Monterey County Resource Management Agency
Ms. Valerie Negrete, Monterey County Planning Department
Mr. Mike Novo, Monterey County Planning Department
Mr. Miles Schuler, Monterey County Regional Fire District
Ms. Jacqueline Onciano, Monterey County Resource Management Agency
Mr. Joshua Bowling, Monterey County Code Enforcement

Exhibit G

MILLER STARR REGALIA

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Wilson F. Wendt
wilson.wendt@msrlegal.com

December 10, 2012

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

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

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

Dear Mr. Holm:

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

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

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

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

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

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

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

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

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

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

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

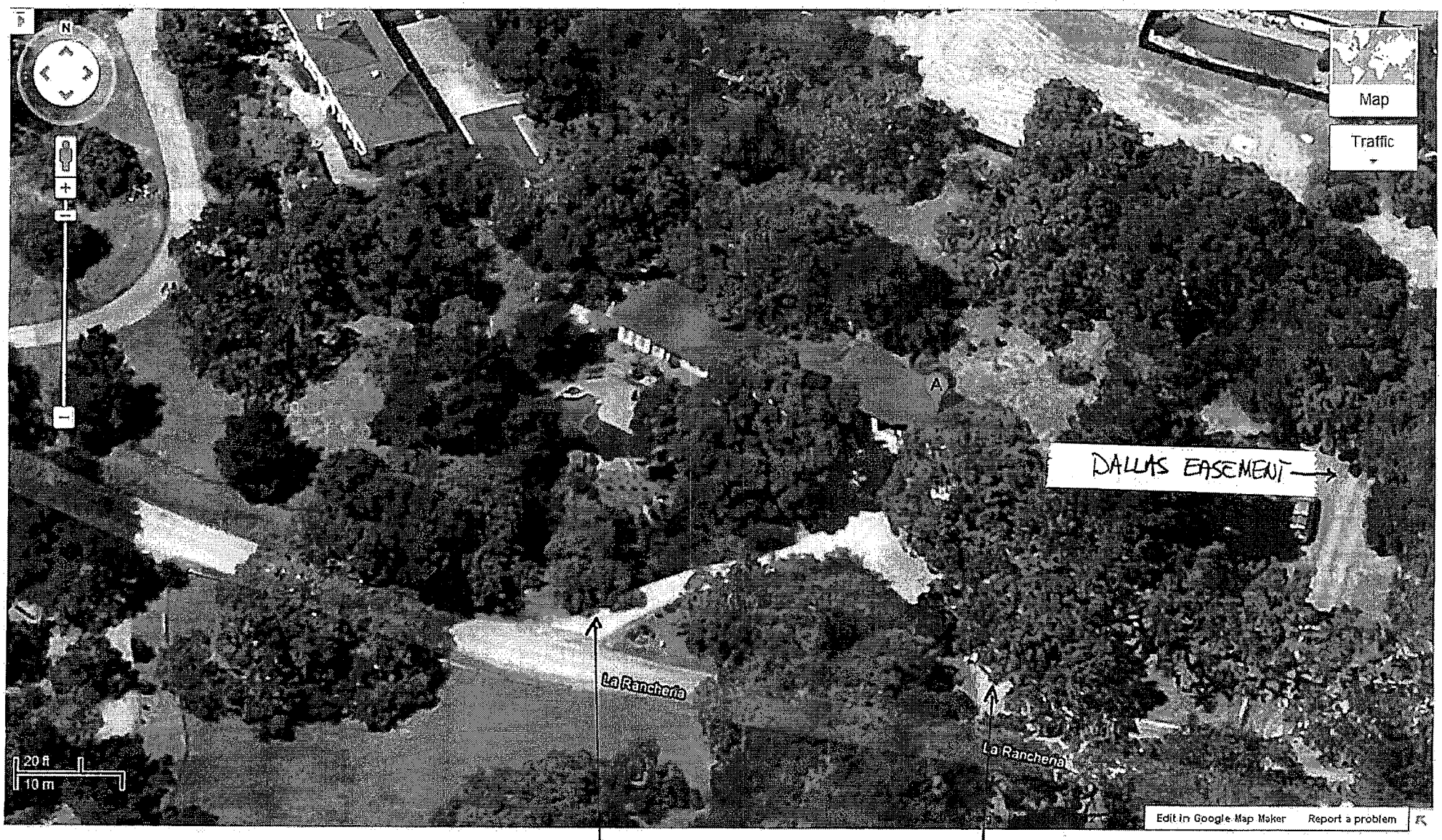
Very truly yours,

MILLER STARR REGALIA

Wilson F. Wendt

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

Google 18 La Rancheria, Carmel Valley, CA Sign in



EXISTING POKIGO ACCESS

MONTEREY COUNTY REGIONAL FIRE DISTRICT

19900 Portola Drive, Salinas, California 93908
(831) 455-1828 Fax (831) 455-0646 www.mcrfd.org

Michael B. Urquides, Fire Chief
David J. Sargenti, Division Chief/Administration
Ron L. Lemos, Division Chief/Operations
Miles J. Schuler, Division Chief/Fire Prevention

December 13, 2012

RECEIVED
DEC 13 2012
MONTEREY COUNTY
PLANNING DEPARTMENT

Valerie Negrete, Assistant Planner
Monterey County Planning Department
168 W. Alisal Street, 2nd floor
Salinas, CA 93901

Re: PLN1200613 - Pokigo - 18 LaRancheria, Carmel Valley - APN 187-121-017

Dear Valerie:

This letter is sent at the request of Mark Meryash, Architect, who has prepared plans for Kathleen Pokigo for the above referenced project. In recent weeks, we were contacted by both Mr. Meryash and the neighboring property owner's representative, Steve Dallas, regarding the question about the proposed driveway revision on Ms. Pokigo's property. According to the plan submitted to your office by Mr. Meryash on December 7, 2012, Ms. Pokigo is proposing to eliminate the eastern half of the driveway loop that connects to La Rancheria and build a new portion of driveway that would connect to the existing driveway that serves Mr. Dallas' property by way of an easement located along the eastern property line.

Since September of this year, I have been asked to conduct more than one site visit and have received numerous telephone calls and emails regarding this matter. As a result, I have reached a conclusion as to the fire district's requirements for access to the Pokigo property. I have evaluated the existing portion of the loop driveway that will remain connected to La Rancheria, and I have determined that, with some minor maintenance-type modifications, it will provide adequate, code-compliant access to the Pokigo residence as it currently exists. The modifications will only include trimming of surrounding vegetation and provision of a full 12 feet of driving surface. At this time, the driveway portion proposed to be connected to the eastern driveway easement will not be necessary for effective fire department access to either the Pokigo residence or the Dallas residence.

Additionally, I have been sent copies of letters from attorneys representing Mr. Dallas and Ms. Pokigo regarding this matter. The letter dated December 10, 2012, from Wilson F. Wendt, attorney for Mr. Dallas, refers to Section 18.56 of the Monterey County Code, which outlines emergency access standards for residences located in the State Responsibility Area. While the reference is correct, it is, again, confirmed that the new driveway branch proposed under PLN1200613 will not be required at this time to serve the Pokigo residence. If any future revisions to the residence occur, the fire access will be reevaluated at that time.

If you have any further questions regarding the fire district's involvement in this matter, please contact me by telephone at (831) 455-1828 or by email at mschuler@mcrfd.org.

Sincerely,

MILES SCHULER, Division Chief/Fire Marshal

Exhibit H

Exhibit I

SINCE 1926

SMITH TREE SERVICE

Box 22638
Carmel, CA 93922

Brian A. Jacobson

ISA Certified Arborist
No. WE 0442A

CA Contractor's License
No.649998

stree@redshift.com

(831) 649-4343
(831) 657-0742 FAX
(831) 809-6709 Cell

December 7, 2012

DEC 07 2012
MONTEREY COUNTY
PLANNING DEPARTMENT

Planner of the Day
Monterey County Planning and Building Inspection Department
168 West Alisal St, 2nd Floor
Salinas, CA 93901

Re: Plans for fence construction, **APN 187-121-017-000**

To Whom It May Concern:

This letter is a part an application for a permit to build a fence on the property of Kathleen Pokigo, at 18 La Rancheria, Carmel Valley, 93924.

This parcel is on a south-sloping alluvial fan on the north side of Carmel Valley. This area is abundantly stocked with young and mature Valley Oaks (Quercus lobata) and Coast Live Oaks (Quercus agrifolia).

Along the east edge of the property is an easement on which there is a driveway that provides access to the dwelling just north of Ms. Pokigo's home. Recently, at the order of the Fire Department, oak trimming was done to provide the required 12 feet of clearance along that driveway. Trimming was done in two oaks, on either side of the driveway, and the total amount of trimming in the east tree comprised less than 5% if the canopy, and the trimming in the west tree comprised less than 10% of its canopy. The large cut near the base of the west oak is what remains of a large, low, horizontal branch with little foliage, that protruded into the vehicle access corridor.

Since no grade changes are planned for this project, the construction of a fence should have little or no impact on the health of the oaks on this property. **It is recommended that fencepost holes excavated near oak trunks should be hand-dug, and damage to large oak roots (greater than 4" diameter) is to be avoided. Additionally, soil compaction should be avoided and vehicles should remain on roads or in parking areas in order to reduce soil compaction in the oak root zones.**

Sincerely,

Brian A. Jacobson
President, Smith Tree Service, Inc.
ISA Certified Arborist No. WE-0422A
ISA Certified Tree Risk Assessor #1545
Calif. Contr. Lic. No. 649998

DESIGN APPROVAL GUIDELINES MATRIX (FOR PROJECTS IN "D", "S" AND "VS" DISTRICTS) – rev. 9/21/2012

TYPE OF PROJECT	INLAND	COASTAL	CCP	COMMENTS
Accessory Structure - Non-Habitable	A, OTC	A, OTC, CAP	A, OTC	OTC if <=240 SF; If >1,000 SF, COASTAL requires a CAP; if on septic, refer applicant to EHB.
Accessory Structure - Habitable	A	CAP	A	If >1,000 SF, COASTAL requires a CAP; if on septic, refer applicant to EHB.
Barn	A	CAP	not applicable	check viewshed policies; if on septic, refer applicant to EHB.
Chimney	OTC	OTC	X	
Deck - Detached	X, A	X, A	X	(X if replacing with same color and material type and in CCP)
Deck - Additions to existing	A, OTC	A, OTC	X	Second Story Deck or >500 SF requires administrative approval
Decks less than 12" high	OTC	OTC	X	(X if replacing with same color and material type and in CCP)
Dormer, Ornamental	OTC	OTC	OTC	If no additional interior floor area
Fence	OTC	OTC	X	check viewshed policies
Fence, Agricultural	X	X	X	
Fence, Deer, <15'	OTC	OTC	X	
Fireplace, Outdoor - BBQ - Oven	A, OTC	A, OTC	A, OTC	>6' tall requires administrative approval
Flagpole	OTC	OTC	OTC	
Foundations	X	X	X	
Fountain	A, OTC	A, OTC	A, OTC	>6' tall requires administrative approval
Interior Remodel with no exterior changes	X	X	X	If on septic, refer applicant to EHB.
New Paint	OTC	OTC	X	X in Castroville if same colors
Patio Cover	A, OTC	A, OTC	A, OTC	>240 SF requires administrative approval
Pool Accessory Equipment Shed	OTC	OTC	OTC	
Pool House	A	A, CAP	A	If >1,000 SF, COASTAL requires a CAP; if on septic, refer applicant to EHB.
Pools/Spas - Above ground	A, OTC	A, OTC	A, OTC	>2' Deep or >5,000 gallons requires administrative approval
Pools/Spas - In ground	X	X	X	If property is on septic, refer applicant to EHB.
Repair & routine maintenance with no change in appearance	X	X	X	
Reroofs	OTC, X	OTC, X	X	OTC (X with same color and material type and in CCP)
Retaining Wall	A, OTC	A, OTC	A, OTC	Review potential impacts to resources; if there are impacts, a discretionary permit is required.
Roof Line Change	A	A	A	
SFD - New	PH	CAP	PH	If property is on septic, refer applicant to EHB.
SFD Addition to 1st Story	A	A, CAP	A	In COASTAL, CAP if >=10% of internal floor area (between the sea and the first public road); if on septic, refer applicant to EHB.

Exhibit J

See NOTES on Page 2

TYPE OF PROJECT	INLAND	COASTAL	CCP	COMMENTS
SFD Addition of New 2nd Story	A, PH	A, PH, CAP	A, PH	Public hearing if potential for substantial adverse impact; CAP if >=10% of internal floor area (between the sea and the first public road); if on septic, refer applicant to EHB.
SFD Addition to Existing 2nd Story	A, PH	A, PH, CAP	A, PH	Public hearing if potential for substantial adverse impact; CAP if >=10% of internal floor area (between the sea and the first public road); if on septic, refer applicant to EHB.
Sign (To change copy only)	X	X	X	
Sign	A	A	A	check sign ordinance
Skylight	OTC	OTC	OTC	
Solar Panels	X	X	X	
Trellis	A, OTC	A, OTC	X	OTC if <240 SF or not visible from common public viewing area
Water Tanks	A	A, CAP	not applicable	>5,000 gallons or ratio of height to diameter or width >2:1; Immediate installation in emergency situation only. A discretionary permit may be required if associated with a water system.
Window awnings	OTC	OTC	OTC	
Window/Door Change-out	X, OTC, A	X, OTC, A	X	"X" with same color and material type and in CCP; OTC if different color/material; "A" if enlarging, if a historic structure. or zoned "HR" for historic resources (not arch. resources)

NOTES:

- This matrix is intended to be used as a guide. Review the purpose in the main zoning district. If any questions arise regarding the interpretation of this document, the text in the Monterey County Zoning Ordinance (20.44, 21.44 or 21.46) shall take precedence. For any project, always check viewshed policies.
- If the Design Approval has known controversy, consult a manager about a different level of review (OTC → A or A → PH)
- For Coastal projects, always check MCC 20.70.120 (Exemptions).
- Projects within an "S" and "VS" district require a site visit and may require additional discretionary permits such as use permits or administrative permits.
- CCP = Castroville Community Plan Area only; review CCP for more detail. Within the CCP, the Director of Planning has the discretion to classify a project as exempt from Design Approval (CCP, Page B-4)
- A = Administrative Approval
- CAP = Coastal Administrative Permit
- OTC = Over The Counter Approval
- PH = Public Hearing (ZA or PC)
- X = Exempt (No DA required)