

Attachment A

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**ATTACHMENT A
DRAFT RESOLUTION**

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

In the matter of the application of:

SMITH & RADER (PLN190255)

RESOLUTION NO. ----

Resolution by the Monterey County Board of Supervisors:

- 1) Denying the appeal by Rosana Rader and Michael Smith from the July 30, 2020 decision of the Zoning Administrator to approve a Design Approval for minor additions to an existing single family dwelling and a solid wood fence ranging in height from four (4) to six (6) feet on the property lines (Llano Street and Second Street);
- 2) Finding that the denial is statutorily exempt per section 15303 of the CEQA Guidelines; and
- 3) Approving Design Approval (PLN190255), modified from DA180340, as follows:
 - a. Front property line along Second Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines;
 - b. Front property line along Llano Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines; and
 - c. Side yard property line starting 4 feet tall from the sidewalk back to the setback line (20 feet) or the nearest structure whichever is less, then max 6-foot tall solid wood fence.
- 4) Grant a waiver of the County appeal fee in the amount of \$3,450

[PLN190255, SMITH & RADER, 99 Second Street, Spreckels, Greater Salinas Area Plan (APN: 177-061-003-000)]

The SMITH & RADER application (PLN190255) came on for public hearing before the Monterey County Board of Supervisors on November 5, 2020. Having considered the written and documentary evidence, the administrative record, the staff report, oral

testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROCESS** – The County has processed the subject Design Approval application (RMA-Planning File No. PLN190255/Smith. Rader) (“project”) in compliance with all applicable procedural requirements.
- EVIDENCE:**
- a) In November 2018, owners, Michael Smith and Rosa Rader, applied for a Design Approval (DA) for a fence and remodel with minor exterior changes to their residence (DA180340). Staff approved this application over the counter as submitted, including a solid wood fence up to 6 feet between properties and along Llano Street and reducing the height to 3 feet on Second Street (front).
 - b) When construction of the fence began, a neighbor (Mr. Takashima) called to state his opposition. Staff investigated and found that, while fences are normally allowed to be up to 6-feet high and can be constructed at the property line, the situation differs here because the property is in a Historic District and has an HR overlay. Additionally, Mr. Takashima expressed concern that the fence’s height blocked views for access (safety). The County notified the owners that the over-the counter-DA was approved in error, and rescinded it on May 31, 2019, pending revised plans for a new fence height and design.
 - c) On July 2, 2019, applicants submitted revised plans. The applicants lowered the fence along Llano and Second Street, but did not agree to change to a more open fence design (vs solid fence) or lower the fence along the shared property line to conform with the 4-foot height requirement in the 20-foot setback area. Applicants cited other solid fences found throughout the community and provided photos of neighboring fences showing a mixture of different heights and designs throughout the town. After further review of the redesigned fence, staff determined that, as built, the fence did not fully conform to the Spreckels Design Guidelines. Regardless of the fence’s height along the shared property line and open fence design, staff ultimately issued a Design Approval for the revised fence. Neighbors within 100 feet of the property received a pending approval notice in the mail, giving them an opportunity to appeal the Design Approval to the Zoning Administrator, per Monterey County Code (MCC) section 21.44.050.
 - d) On September 30, 2019, Mr. Takashima timely appealed, contending that the fence, as constructed along the shared property line, directly impacted his access to the street and that it is not consistent with the Spreckels Design Guidelines. Prior to the Zoning Administrator hearing, staff sent the project to the Spreckels Neighborhood Design Review (SNDR) Committee and the Historic Resources Review Board (HRRB).
 - e) Mr. Takashima claimed that the fence posed line-of-sight hazards from an alleyway on the other side of his property. He insisted that the 6-foot side fence blocked cars; view of the street. RMA-Code Compliance was asked to visit the site to determine if Mr. Takashima’s claims were accurate. On September 10, 2019, following such a site visit, staff determined that the

fence did not create new safety hazard impacts for cars or pedestrians exiting the alleyway.

- f) On August 21, 2020, the revised fence was referred to the SNDR. The SNDR stated they did not receive the application package. However, the fence had already been installed, so it was able to visit the site to review the conditions. SNDR Committee members confirmed seeing the fence and opened the meeting to the public for comments. The applicants claimed they did not receive notification of the SNDR meeting and were not present. Staff confirmed that the plans were timely sent to the SNDR and that no return-mail was received. Staff did not have a P.O. Box number for the applicants; however, a notice was sent to their agent. Members of the SNDR stated that the existing fence was not acceptable and should be removed immediately because it was not an open pattern design and was too tall. All members agreed to continue the matter to allow time for owners to both produce a revised, consistent fence plan and to attend the meeting. Staff explained that applicants were not going to make further changes. SNDR responded that the fence did not meet the Spreckels Design guidelines and directed that the project should be sent to HRRB.
- g) On December 12, 2019, the HRRB offered the following comments:
- Design Guidelines were created in 1999. They were intended as a community effort to maintain the historicity of the town of Spreckels. All new additions apply to these guidelines.
 - The house has been deemed a non-contributing structure; confirmed by historian.
 - Parcel has two front setbacks. The height of the fence on the two fronts are consistent; however, the solid fencing on both fronts are not consistent.

The HRRB voted 3 to 2 that the project be revised so the proposed fence facing Second Street and Llano Street be at a maximum of 4 feet tall and have an open pattern design consistent with Spreckels Design Guidelines Policy S-2.1. The side yard fence within the front yard setback facing Llano Avenue would remain a solid fence but be tapered down to 4 feet high from the sidewalk back to the setback line (20 feet) or the nearest structure (whichever is less) in order for the fence design to not detract from adjacent uses or the historic character of the District and to maintain the visual continuity of the existing streetscape. Dissenters on the HRRB moved for approval conditional on the front fence (Second Street) being modified to an open work pattern and reduction of the side fence between the properties to four feet back to the edge of the houses. However, after further discussions about the property being on a corner lot pursuant to MCC section 21.62.040, the HRRB concluded that Llano Street was also a front setback and should have the open pattern design as well.

- h) The Monterey County Zoning Administrator held a duly noticed public hearing on the Smith/Rader application on July 30, 2020. Notices for the Zoning Administrator public hearing were published in the Monterey County Weekly on July 20, 2020; posted at and near the project site on July 20, 2020; and mailed or emailed to vicinity property owners and interested parties on or before July 17, 2020.
- i) On July 30, 2020, after review of the application and submitted documents, and a duly-noticed public hearing at which all persons had the

opportunity to be heard, the Zoning Administrator found the project categorically exempt per CEQA Guidelines section 15303(e) and approved Design Approval (PLN190255), with a Condition to change existing fencing, modified from DA180340, as follows:

- a. Front property line along Second Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines,
- b. Front property line along Llano Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines; and
- c. Side yard property line starting 4 feet tall from the sidewalk back to the setback line (20 feet) or the nearest structure whichever is less, then max 6-foot tall solid wood fence.

Subject to 3 conditions of approval.

(Monterey County Zoning Administrator Resolution No. 20-032)

- j) Michael Smith and Rosana Rader (Applicants/Appellants), pursuant to MCC section 21.80.050.A, timely appealed the Zoning Administrator's July 30, 2020 decision. The appeal is to the Zoning Administrator's decision to condition approval on the fence being redesigned to more fully conform to the Spreckels Design Guidelines
- k) Pursuant to MCC sections 21.80.050.C and E, an appeal shall be filed with the Clerk of the Board of Supervisors within 10 days after written notice of the decision of the Appropriate Authority (i.e., Zoning Administrator Resolution No. 20-032) has been mailed to the Applicant, and no appeal shall be accepted until the notice of decision has been given (i.e., mailed). The County mailed the written notice of the decision on August 7, 2020, and said appeal was filed with the Clerk of the Board of Supervisors on August 20, 2020, within the 10-day timeframe prescribed by MCC section 21.80.050.C. The appeal sets aside the Zoning Administrator decision, and the appeal hearing is de novo (MCC sections 21.80.030 and 21.80.090.) Accordingly, the appeal challenges the Zoning Administrator's decision. A complete copy of the appeal is on file with the Clerk of the Board, and is attached to the November 5, 2020 staff report to the Board of Supervisors as Attachment F.
- l) Said appeal was timely brought to a duly noticed public hearing before the Monterey County Board of Supervisors on October 20, 2020. Notice of the hearing was published on October 9, 2020 in the Monterey County Weekly; notices were mailed on October 7, 2020 to all property owners within 300 feet of the project site, and to persons who requested notice; and at least three (3) notices were posted at and near the project site on October 9, 2020. Prior to the October 20, 2020 hearing, a written request was received from the Appellant, Rosana Rader and Michael Smith requesting that the matter was continued to November 5, 2020. At the October 20, 2020 hearing, the item was continued to a date certain of November 5, 2020 following pursuant to the written request by the Appellant.
- m) On November 5, 2020, the Board of Supervisors held a public hearing on this item.
- n) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File No. PLN190255; Clerk of the Board of Supervisors' file(s) related to the appeal.

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

- EVIDENCE:**
- a) The proposed project is a Design Approval to allow a four-foot high fence with open work pattern along Second Street, four foot high with open work pattern along Second Street solid fence along Llano Street for the fence design to not detract from adjacent uses or the historic character of the District and to maintain the visual continuity of the existing streetscape.
 - b) An application for a Design Approval was submitted on July 2, 2019.
 - c) The property is located at 99 Second Street, Spreckels (Assessor’s Parcel Number 177-061-003-000), Greater Salinas Area Plan. The parcel is zoned “HDR/5.1-HR-D” High Density Residential, 5.1 acres per unit, Historic Resources, Design Control, which allows for residential development with the issuance of a Design Approval. Therefore, the project is an allowed land use for this site.
 - d) Applicants own a single-family home on a corner lot in Spreckels. In November 2018, they submitted a Design Approval (DA) application for a fence and remodel with minor exterior changes to the residence (DA180340). Staff approved this application over the counter as submitted, including a solid wood fence up to 6 feet between properties and along Llano Street and reducing the height to 3 feet on Second Street (front).
 - e) The town of Spreckels has guidelines for fence designs due to its historic nature, where even the newest homes which were constructed in 2008 are subject to those regulations. Policy S-2.1 of the Design Guidelines of the town of Spreckels, states, “New fences in front yards should not exceed four feet in height and should generally be constructed of wood slats in an open work pattern”. It was determined the structure is not historic and does not contribute to the historic nature of the HR district. Although the property is not considered a contributing parcel in the Historic town of Spreckels, it is zoned Historic Resources (HR) and Design Control (D) Zoning Districts and therefore, is subject to the Spreckels Design Guidelines. The fencing shall be consistent with the neighborhood character and fencing design standards provided under the above-mentioned guidelines.
 - f) The property is zoned HDR/5.1-HR-D, High Density Residential, 5.1 units per acre, Historic Resources, Design Control District. Setbacks for structures in this zoning district include: Front-20 feet, Side-5 feet, and Rear-10 feet, with a 35-foot height limit. Although the house faces Second Street, it is located on a corner lot at Llano and Second Street. According to MCC section 21.62.040.M, “In case of a lot abutting upon two or more streets, the main structure and accessory structures shall not be erected so as to encroach upon the front setback required on any of the streets.” After further review, staff determined that there are two front setbacks in his case and the 4-foot height limit would apply to both Llano Street and Second Street.
 - g) There are a variety of fences within the Spreckels community. Photos of neighboring fences show a mixture of different heights and designs throughout the town. There are 3-foot high white fences with open slats surrounding the newer housing development as part of the design to tie in with the historic district. However, there are also a number 6-foot high solid fences around town (including some masonry walls). Some are very

old fences, however, there are newer fences that have recently been constructed but staff could not find permits for those. Staff finds that fencing in front yards is generally at three to four feet high along property lines extending back to the point the fence aligns with the houses, then goes up to six feet.

- h) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN190255.

3. **FINDING:** **CONSISTENCY** – The Project as approved, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) During pendency of this application, staff reviewed this project for consistency with the text, policies, and regulations in:

- the 2010 Monterey County General Plan;
- Greater Salinas Area Plan;
- Monterey County Zoning Ordinance (Title 21); and
- The Spreckels Design Guidelines

Conflicts were found to exist. Communications were received during staff's review of the project indicating inconsistencies with the text, policies, and regulations in these documents.

- b) The fence, as currently constructed is inconsistent with Spreckels Design Guidelines. When reconstructed as approved, it will become consistent. Condition #3 requires the fence to be revised as approved.
- c) The project was referred to the Spreckels Neighborhood Design Review (SNDR) Committee for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project is a Design Approval subject to review by the Zoning Administrator.
- d) The DA application for the design of the revised fence was referred to the Spreckels Neighborhood Design Review Committee (SNDR) on August 21, 2019. The SNDR stated they did not receive their package. However, fence had already been installed so they were able to visit the site to review the conditions. SNDR Committee members confirmed seeing the fence and opened the meeting to the public for comments. The applicants claimed they did not receive notification of the SNDR meeting and were not present. Members of the SNDR stated the existing fence is not acceptable and should be removed immediately because it is not an open pattern and is too tall. All members agreed to continue the matter to see a revised consistent fence plan and have the owners attend the meeting. Staff stated that the revised plans showed the fencing that was already installed. The applicants were not going to make any further changes. SNDR stated that they felt the fence did not meet the Spreckels Design guidelines and stated that it go to Historic Resources Review Board (HRRB).
- e) One of the issues the neighbor had concern with was a line of sight hazard from an alleyway on the other side of his property. He claimed cars could not see the street because of the 6-foot side fence. RMA-Code Compliance was asked to visit the site to determine if the side fencing posed a safety hazard for cars or pedestrians regarding the alleyway. On September 10,

2019, staff determined that the fence did not create safety hazard impacts for cars or pedestrians exiting the alleyway or at least no more than when cars are parked in the adjacent neighbor's driveway.

- f) Staff ultimately approved the Design Approval for the revised design of the fence (PLN190255), despite the fence design not being lowered along the shared property line and not being open construction. The Design Approval was approved administratively, and the neighbors within 100 feet of the property, received a pending approval notice in the mail, giving them an opportunity to appeal the Design Approval to the Zoning Administrator. Ultimately, the aggrieved neighbor (Mr. Takashima) submitted a timely "appeal" of this matter on September 30, 2019.
- g) Staff was tentatively set to bring this matter before the Zoning Administrator in March 2020. However, the COVID-19 pandemic caused a substantial time delay.
- h) The project was referred to the HRRB for a recommendation. On December 12, 2019, the HRRB offered the following comments:
 - Design Guidelines were created in 1999. They were intended as a community effort to maintain the historicity of the town of Spreckels. All new additions apply to these guidelines.
 - The house has been deemed a non-contributing structure; confirmed by historian.
 - Parcel has two front setbacks. The height of the fence on the two fronts are consistent; however, the solid fencing on both fronts are not consistent.

HRRB voted 3 to 2 that the project be revised so the proposed fence facing Second Street and Llano Street be at a maximum of 4 feet tall and have an open pattern design consistent with Spreckels Design Guidelines Policy S-2.1. The side yard fence within the front yard setback facing Llano Avenue would remain a solid fence but be tapered down to 4 feet high from the sidewalk back to the setback line (20 feet) or the nearest structure (whichever is less) in order for the fence design to not detract from adjacent uses or the historic character of the District and to maintain the visual continuity of the existing streetscape. Dissenters on the HRRB moved for approval conditional on the front fence (Second Street) being modified to an open work pattern and reduction of the side fence between the properties to four feet back to the edge of the houses. However, after further discussions about the property being on a corner lot pursuant to MCC section 21.62.040, the HRRB concluded that Llano Street was also a front setback and should have the open pattern design as well.

- i) The project planner conducted a site inspection on September 10, 2019 and September 30, 2019 to verify that the project on the subject parcel conforms to the plans listed above.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN190255.

4. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review.

EVIDENCE: a) California Environmental Quality Act section 15303 consists of a Class 3 Categorical Exemption for new construction or conversion of small structures.

- b) Subsection “e” specifically lists accessory (appurtenant) structures including fences.
- c) Section 15300.2 of the CEQA Guidelines lists exceptions where an exemption may not apply: location, cumulative impact, significant effect, scenic highways, and hazardous waste. The Board finds that, based on the evidence before it, no such exceptions apply.
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN190255.

5. **FINDING:** **NO VIOLATIONS** – The subject property complies with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and is not aware of any violations existing on the subject property. A stop work order was issued to the applicants for the fence construction, however, no code enforcement case was opened.
 - b) The project planner conducted a site inspection on July 15, 2019, to verify that there are no violations on the property.
 - c) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN190217.

6. **FINDING:** **APPEAL AND APPELLANT CONTENTIONS** –The appellants request that the Board of Supervisors approve the appeal and deny Design Approval PLN190255. The appeal alleges: there was a lack of fair or impartial hearing, the findings or decision or conditions are not supported by the evidence, and the decision was contrary to law. The contentions are listed below with responses. The Board of Supervisors denies the appeal based on the following findings regarding the appellant’s contentions and the findings and evidence set forth above.

Contention 1 – *Appellants contend that the County has already approved their existing fence twice; and based on precedent set by existing fences in Spreckels, they should not have to change their fence. The appellants challenge Condition #3 (SPPD003) Revised Fence Requirement.*

Response: It is unfortunate that staff erroneously approved a six-foot-high fence on two sides of the property. Applicants worked with staff on a revised fence design (second approval) and agreed to reduce the two street facing fences to 3 and 4 feet high, respectively. However, the fence on the shared property line remained too high; staff had requested that the fence be reduced to 4 feet until between the two houses as it detracted from the visual continuity of the neighborhood. Although the appellants did not want to change their fence to an open design, staff’s concern was reduction in height more than an open slatted fence.

There are a variety of fences within the Spreckels community, including 3-foot high white fences with open slats surrounding the newer housing development, while several 6-foot high solid fences, including some masonry walls, have been built around town. Some are very old, however, while there are newer fences that have recently been constructed, staff

could not find permits for those. Generally, fencing in front yards is three-to four-feet high along property lines extending back to the point the fence aligns with the houses, then goes up to six feet.

After receiving concerned emails and phone calls from neighbors, staff initiated PLN190255 as an Administrative Design Approval for the new fence to allow neighbors to potentially object and request a public hearing. Pursuant to MCC section 21.44.050, requests for public hearing of a Design Approval are heard by the Zoning Administrator under the de novo standard of review. The Zoning Administrator made the decision based on testimony and substantial evidence in the record.

Contention 2 – *Appellants contend that based on the non-historic designation of their house, they should be allowed to keep their fence as is.*

Response: It was determined that structure is not historic and therefore does not contribute to the historic nature of the HR District. Nevertheless, the property is zoned Historic Resources (HR) and Design Control (D) Zoning Districts and therefore, is subject to the Spreckels Design Guidelines. Due to its historic nature, the town of Spreckels has specific fence-design guidelines. Even homes constructed as late as 2008 are subject to those regulations. Policy S-2.1 of the Design Guidelines of the town of Spreckels, states, “New fences in front yards should not exceed four feet in height and should generally be constructed of wood slats in an open work pattern”. The fencing shall be consistent with the neighborhood character and fencing design standards provided under the above-mentioned guidelines.

Although the house faces Second Street, it is located on a corner lot at Llano and Second Street. According to MCC section 21.62.040.M, “In case of a lot abutting upon two or more streets, the main structure and accessory structures shall not be erected so as to encroach upon the front setback required on any of the streets.” After further review, staff determined that there are two front setbacks in this case and the 4-foot height limit would apply to both Llano Street and Second Street.

7. **FINDING:** **FEE WAIVER REQUEST** – The property owner’s request for Waiver of the appeal fee totaling \$3,540 has been granted by the Board of Supervisors.

EVIDENCE: a) Erroneous approvals of the fence permit by County Staff caused a financial hardship on the property owner.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- 5) Deny the appeal by Rosana Rader and Michael Smith from the July 30, 2020 decision of the Zoning Administrator to approve a Design Approval for minor additions to an existing single-family dwelling and a solid wood fence ranging in height from four (4) to six (6) feet on the property lines (Llano Street and Second Street);
- 6) Find that the denial is statutorily exempt under section 15303 of the CEQA Guidelines; and

- 7) Approve Design Approval (PLN190255), modified from DA180340, as follows:
 - a. Front property line along Second Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines;
 - b. Front property line along Llano Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines; and
 - c. Side yard property line starting 4 feet tall from the sidewalk back to the setback line (20 feet) or the nearest structure whichever is less, then max 6-foot tall solid wood fence.

8) Grant a waiver of the County appeal fee in the amount of \$3,450

In general conformance to the attached sketch and subject to the attached conditions attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 5th day of November 2020 upon motion of _____, seconded by _____, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book_____ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
 County of Monterey, State of California

By _____

Deputy

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN190255

1. DESIGN APPROVAL - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:** 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 RMA - Planning. 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)

**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.

2. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel-Risk Management)

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

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

3. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Design Approval (Resolution Number 20-029) was approved by the Zoning Administrator for Assessor's Parcel Number 177-061-003-000 on July 30, 2020. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

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

4. SPPD001- REVISED FENCE REQUIREMENT (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In order to be consistent with the Spreckels Design Guidelines, specifically Policy S-2.1, for the town of Spreckels, “New fences in front yards should not exceed four feet in height and should generally be constructed of wood slats in an open work pattern”, the fence shall consist of the following pattern:

- a. Front property line along Second Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines.
- b. Front property line along Llano Street. Max 4-foot tall open wood fence to be consistent with the Spreckels Design Guidelines.
- c. Side yard property line starting 4 feet tall from the sidewalk back to the setback line (20 feet) or the nearest structure whichever is less, then max 6-foot tall solid wood fence. (RMA Planning)

Compliance or Monitoring Action to be Performed: Upon Approval of the Design Approval, the applicants shall revise the fence design as approved and submit revised site plan reflecting the approved changes to the Monterey County RMA Planning prior to revising the existing fence.

GENERAL NOTES

- All work shall conform to the 2016 California Residential Code (CRC), Fire Code, Plumbing Code, Mechanical Code, Electrical Code and the Title 24 California Energy Code.
- Building address shall be posted in a visible location from the public right-of-way.
- The use of piping for electrical grounds is prohibited.
- Framing shall comply with Chapter 23.
- Nailing shall comply with table 2304.9.1 unless specifically noted otherwise.
- Concrete compressive strength shall be 2,500 PSI at 28 days minimum.
- Prior to submitting bids Contractors shall verify all dimensions and site conditions.
- Structural and framing lumber shall be Douglas Fir Larch unless noted otherwise. All joists, rafters, beams and posts shall be number 1 grade or better.
- Wood in contact with concrete or within 8" of finish grade shall be pressure treated Douglas Fir (P.T.D.F.) or foundation grade Redwood.
- Fasteners and connectors in/at preservative treated wood (anchor bolts, nails, screws etc.) excluding interior walls, shall be approved silicon bronze or copper, Stainless steel or hot dipped zinc coated steel.
- Contractor shall provide adequate temporary support and shoring as required where existing walls, beams, footings and headers are to be remove.
- Smoke detectors shall be installed in every bedroom, at the top of every stairwell and in all hallways leading to bedrooms. Smoke detectors shall be installed on the ceiling and or on the wall within 12" of the highest part of the ceiling.

PLUMBING AND MECHANICAL NOTES

- Clothes dryer moisture exhaust ducts shall terminate outside the building and have a back-draft damper. Exhaust duct is limited to 14' with two elbows. This shall be reduced 2' for every elbow in excess of two. Duct shall be 4" in diameter smooth metal.
- Gas line sizing diagram and pipe specifications will be submitted to the Building Department prior to rough framing inspection.
- Provide combustion air ventilation for gas burning appliances (gas or liquid) at the rate of 1 square inch per 1000 BTU capacity prior to installation.
- Provide 12" square (minimum) access panel or utility space for all plumbing fixtures with slip-joint connections.
- Plumbing vents to terminate 6" above roof and 36" from property line.
- 2x6 wall framing is required for plumbing lines 3" or greater, coordinate with Contractor.
- The water closet shall have a minimum clear width of 30" and a 24" minimum clearance in front of the water closet.
- Provide a minimum 12" square access panel or utility space for all plumbing fixtures with a slip joint connection.
- Toilets shall have a maximum flow of 1.28 gallons per flush, shower head flow shall not exceed 2.0 GPM, lavatory faucets shall not exceed 1.2 GPM, kitchen faucets shall not exceed 1.8 GPM. Water pressure shall not exceed 50 PSI.
- Rooms containing, bathtubs, showers, spas and similar bathing fixtures shall be provided with mechanical ventilation as per [CMC 402.5, CRC R303.3.1] and shall be provided a humidistat or other means of humidity control [CALGreen 4.506.1].

ELECTRICAL NOTES

- At least one 20 amp branch circuit shall be provided to supply bathroom receptacle outlets, and separately, laundry room receptacle outlets. Such circuits shall have no other outlets.
- All 120 volt receptacles installed in bathrooms, garages, outdoors, in an unfinished basement or accessory building, in the garage, at all kitchen countertops and within 6' of a wet bar sink shall be GFCI protected.
- Prior to the installation of any switches, outlets or fixtures the owner shall have a walk through the entire project with the Electrical Contractor to verify proper placement.
- Finish and color of outlet and switch covers shall match existing if applicable.
- All 125 volt, 15 and 20 ampere receptacle outlets shall be listed tamper-resistant Receptacles per CEC 406.11.
- Lighting in garages, laundry rooms and utility rooms shall be high efficacy luminaires and controlled by vacancy sensor [CAL Energy 150.0(k)5].
- Lighting for Bathrooms shall have at least one high efficacy luminaire. All other lighting shall be high efficacy or controlled by a vacancy sensor [CAL Energy 150.0(k)3A].
- At least half the rated lighting wattage installed in a kitchen shall be high efficacy luminaires [CAL Energy 150.0(k)3A].
- Lighting for other rooms shall be high efficacy or dimmable or controlled by a vacancy sensor [CAL Energy 150.0(k)7].
- All lighting attached to the residence or to or to other buildings on the same lot must be high efficacy, or controlled by a motion sensor and either a photocell or an astronomical time clock [CAL Energy 150.0(k)9].

PROJECT INFORMATION:

Owner: Michael Smith and Rosana Rader
99 Second Street
Spreckels, CA

A.P.N.: 177-061-003
Map of Spreckels
BLKS. I, J, K & L

Lot Area: 7,200 s.f.

Lot Coverage: Existing Residence/Garage 2,692 s.f. 37%

Floor Area Ratio: Existing Residence/Garage 2,692 s.f. 37%

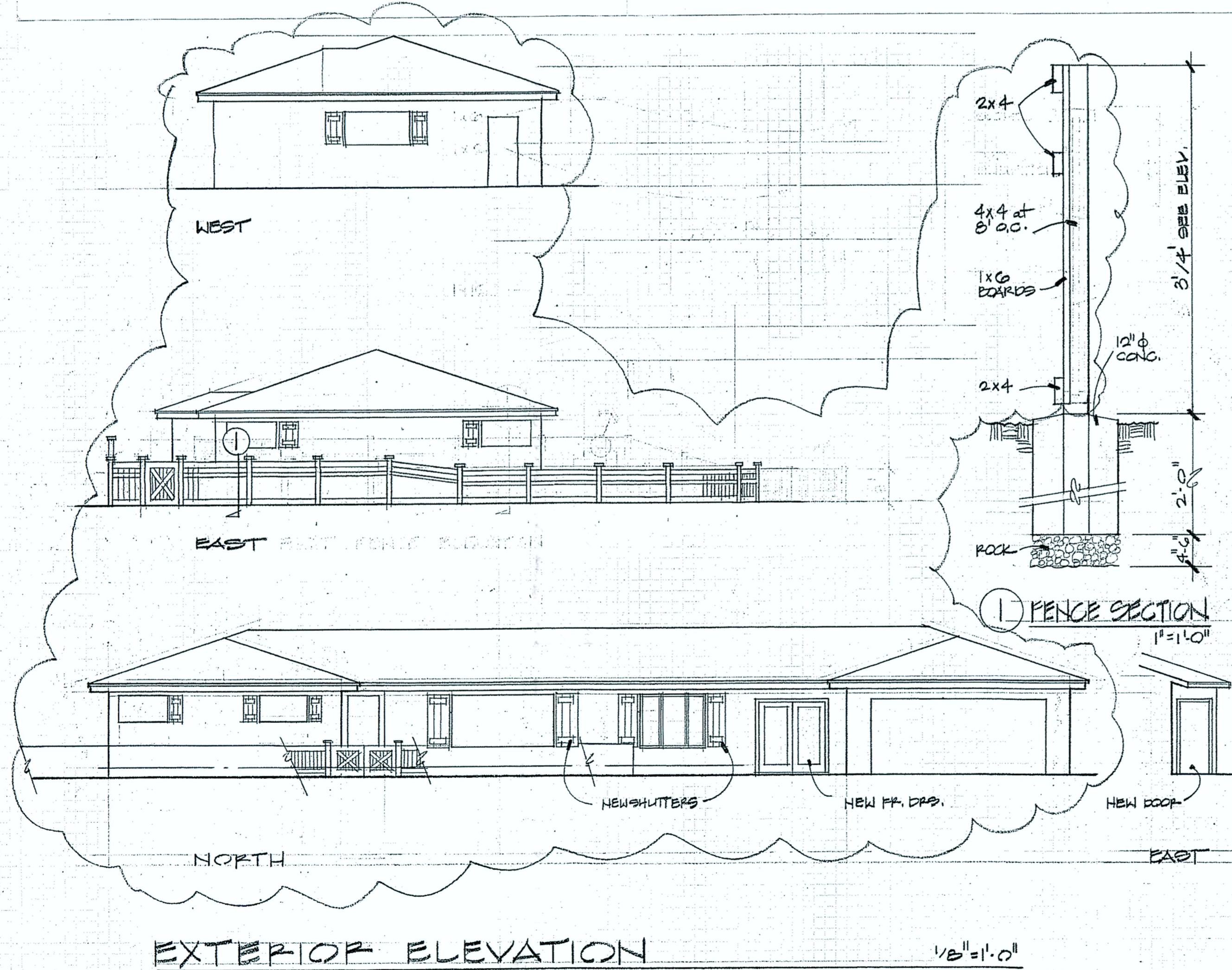
Zoning: HDR/5.1-HR-D

Tree removal: none

Grading: none

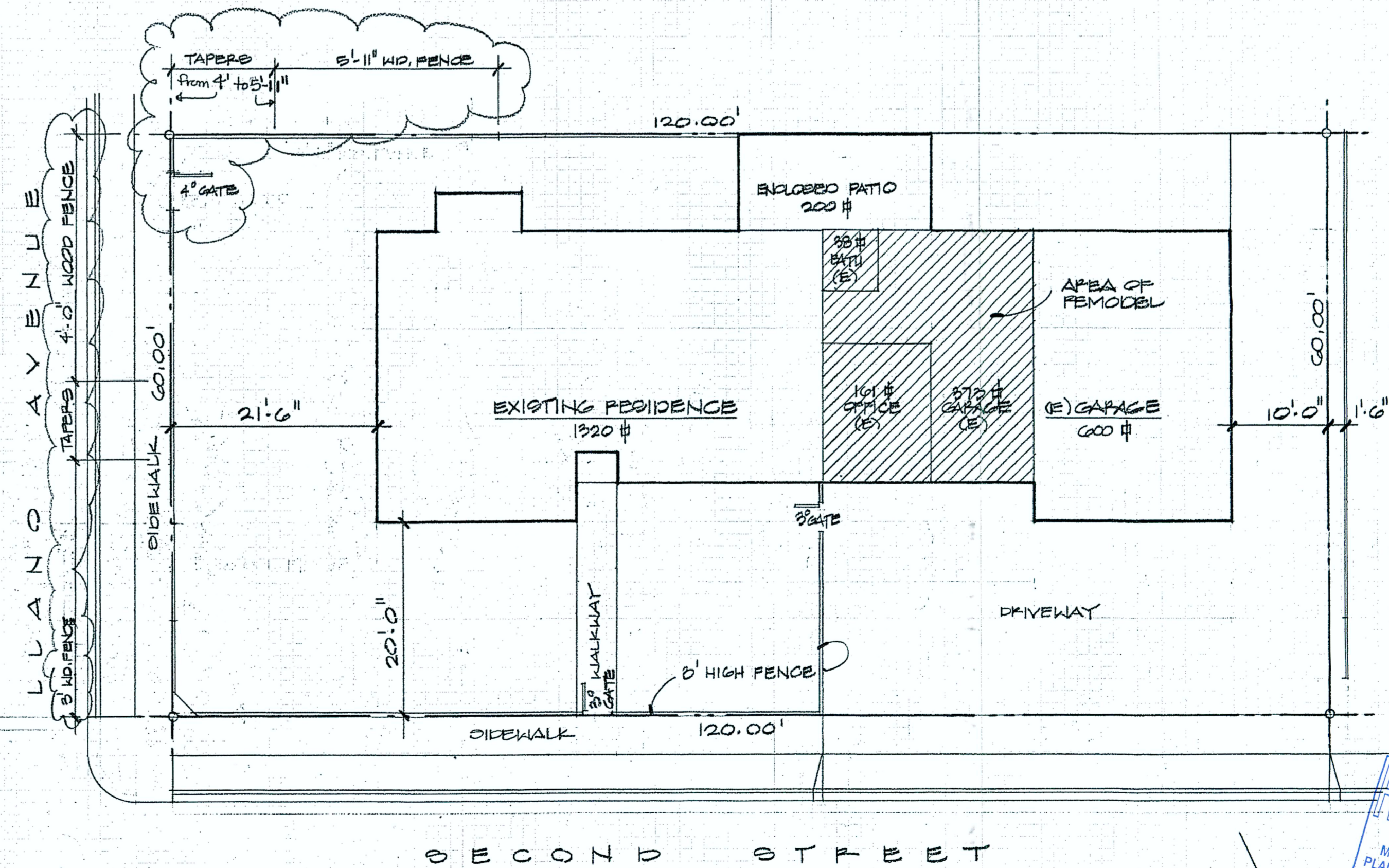
Occupancy/Building Type: R/3 -U VB

Scope of work: Remove 38 s.f. bathroom and 161 s.f. office from original garage space and then remodel original 22' x 26' garage into master suite. Update bath 2 with new fixtures. Remove 9' garage door and replace with pair 3' French doors. Add 2'-8" man door to 20' x 30' garage. Install 71' of 5'-11" wood fence on rear and side property line, 10' section of wood fence tapering from 5'-11" to 3' and 102' of 3' wood fence. Fence will have 2 - 3' gates and on 6' gate (pair of 3' gates).



EXTERIOR ELEVATION

1/8" = 1'-0"



SITE PLAN

1" = 10'-0"

REVISIONS	BY
PLAN CHANGE 6-18-19	OBJ

PROPOSED REMODEL FOR:
MICHAEL SMITH and ROSANA RADER
99 SECOND STREET
SPRECKELS, CA



Date	10-12-18
Scale	AS NOTED
Drawn	OBJ
Job	112-18
Sheet	1
Of 2	Sheets

PROJECT FILE NO. PLN190255 PHOTOGRAPHS



Date: 6/18/19 Site Address: 99 Second St. Planner: _____
Description: modify fence design for formerly approved plan, color change & add shutters.

PROJECT FILE NO. _____ PHOTOGRAPHS



Date: _____ Site Address: _____ Planner: _____
Description: _____

RECEIVED
JUL 02 2019
MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY
LAND USE DIVISION