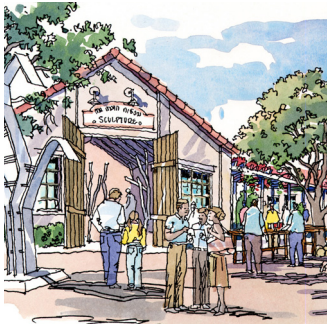


Section 6  
Plan Review





# Plan Review

## **6.1 ENTITLEMENT PROCESS**

This Specific Plan (EGSP) and accompanying permits, approved following certification of the Environmental Impact Report, provide the basic authority for development of approximately 1,400 residential units plus up to 70 accessory (carriage house) units, 75,000 square feet of commercial use, 11,000 square feet of public and institutional use, and 100,000 square feet of Arts District space within the Plan Area upon satisfaction of the requirements set forth in the Specific Plan.

## **6.2 DESIGN REVIEW**

Before development of property within the EGSP area may occur, final approvals are required. These approvals include project and design review to ensure compliance with the technical requirements and Pattern Book design guidelines contained herein. The design guidelines contained in the Pattern Book supercede the County's Zoning Ordinance to the extent the provisions conflict.

The Developer shall establish a formal Design Review process to be carried out by an appropriate entity to be designated by Developer, such as a Community Services District (CSD) and/or Homeowners Association (HOA). Monterey County will not be involved with the formal Design Review process established by the Developer. Written Design Review approval from the entity designated by the Developer shall be required and shall be submitted to Monterey County as part of an application for a building permit. Monterey County will ensure conformance with the EGSP design standards prior to issuing building permits.

**6.3 AMENDMENTS TO THE SPECIFIC PLAN**

The Government Code includes procedures for amending the EGSP (Sections 65453, 65454 and 65456). Conformance Determinations, as described below in Section 6.4.1, are not amendments and may be approved by the County Director of Planning and Building Inspection (Director). The Planning Commission, after at least one noticed public hearing, shall provide recommendations to the Board of Supervisors regarding any proposed amendments. Upon receipt of recommendations from the Planning Commission, the Board of Supervisors shall set the matter for public hearing and shall give notice of said hearing. After conclusion of the public hearings, the Board of Supervisors may deny, adopt, or adopt any part of the proposed amendment in such form as the Board may deem advisable. All of the following findings are required to approve a Specific Plan amendment:

1. The proposed Specific Plan amendment is consistent with the goals, objectives, policies and programs of the General Plan, and is necessary and desirable to implement the provisions of the General Plan.
2. The uses proposed in the Specific Plan amendment are compatible with adjacent uses and properties.
3. The proposed Specific Plan amendment will not adversely affect the public health, safety or welfare.
4. The proposed Specific Plan amendment will not create internal inconsistencies in the Specific Plan.

Specific Plan amendments may require a companion General Plan amendment. Any amendments to the EGSP shall be processed in accordance with Government Code Section 65453, as well as any applicable local ordinances governing amendments of Specific Plans. Specific Plan amendments are subject to CEQA. It is the intent of the Specific Plan that the companion EIR, once certified, may serve, without further environmental studies, as the environmental documentation for Specific Plan amendments, other than major amendments, as appropriate under CEQA.

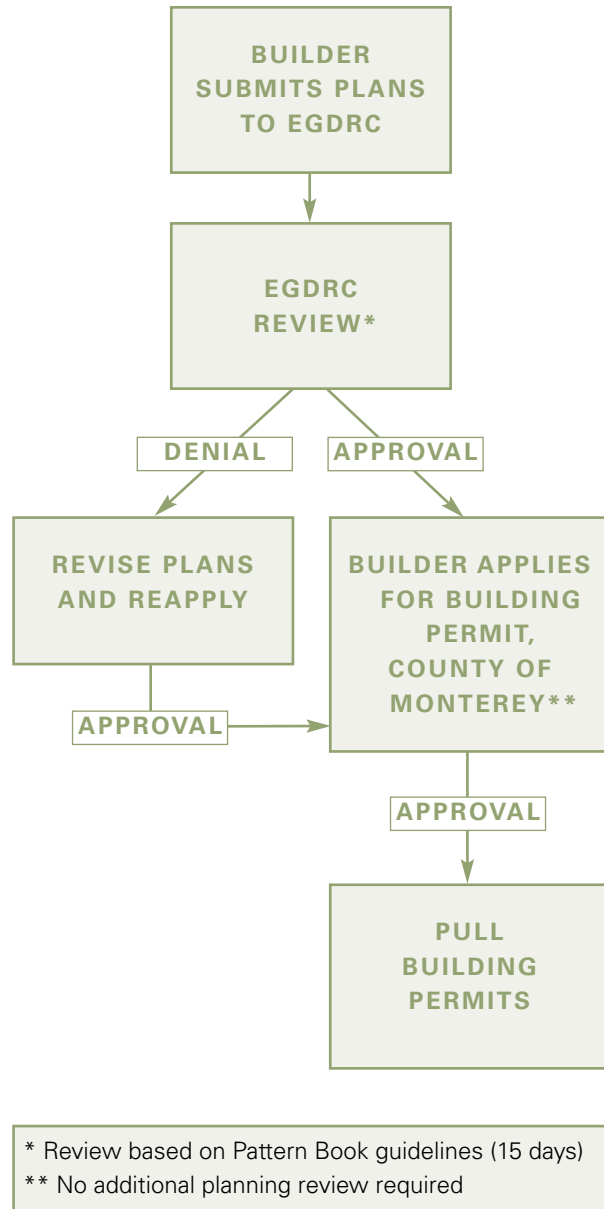


FIGURE 6.1 East Garrison Design Review Committee (EGDRC) Design Review Process Flow Chart

Application for a Specific Plan amendment shall be made to the Appropriate Authority in writing in a form prescribed by the Director and shall be accompanied by statements, plans, and elevations necessary to show the detail of the proposed use, structure, or modification, and such other information as the Director may require.

Where an application for an amendment is denied by the Board of Supervisors, no new application for an amendment substantially the same as the one denied may be submitted for a period of one year from the date of denial.

## 6.4 CONFORMANCE DETERMINATIONS

### 6.4.1 Purpose

The purpose of a Conformance Determination is to determine whether a proposed development or use that constitutes a minor variation from EGSP provisions is consistent with the EGSP and may proceed without an amendment to the EGSP. The proposed minor variation shall be found consistent if it substantially conforms to the standards, regulations, and guidelines of the EGSP and other applicable Monterey County ordinances. Where appropriate, a Conformance Determination may be combined with a Use Permit or Administrative Permit.

Minor variations may be approved for a proposed development or use and only for the following aspects of the Specific Plan:

1. Allowance of a use not listed in the Permitted Uses matrix (Table 3.8), if the use complies with the land use designation in which the use is requested and is therefore permitted within that land use designation.
2. Minor changes in the size and location of public facilities.
3. Modifications to the Pattern Book or Design Guidelines, but not including setbacks, lot size, or parking requirements.

4. Relocation of carriage unit rights from one or more designated lots to other lots. Relocation shall only be to Bungalow, Village, Bluff, and Courtyard lots.
5. Changes to numbers or letters establishing or referencing text sections or figures, including references to County Code sections.
6. Modifications to Section 1.5, Section 3.5.7, Section 3.5.11, Section 4.2, Section 4.4, Section 4.5, updates to Sections 4.7 through 4.10, updates to Section 5, Section 6.2 Table 3.1, and Figure 3.5 Summary.
7. Modifications to travel lane width, curb types, curb radii, and sidewalk and verge locations and sizes, as long as no increase in water use results from the modifications. These modifications also require the approval of the Fire District and County Public Works Department.
8. Modifications to the Landscape Pattern section of the Pattern Book as long as no increase in water use results from the modifications.
9. Modifications to park and public space designs described in Sections 4.6.1 through 4.6.11. These modifications also require the approval of the County Parks Department.

### 6.4.2 Appropriate Authority

The Director is the Appropriate Authority to hear and decide applications for the Conformance Determination provided in this subsection 6.4. Notwithstanding the foregoing, the Director shall have the discretion to refer an application for a Conformance Determination to the Planning Commission for a noticed public hearing and determination. In such case, the Planning Commission shall become the Appropriate Authority. If the Conformance Determination is combined with a Use Permit or Administrative Permit, the decision-making body for the principal land use shall be the decision-making body for the Conformance Determination.

#### 6.4.3 Submittal Requirements

All applications for a Conformance Determination shall contain the following information in addition to any standard permit application requirements required by the Monterey County Zoning Ordinance:

1. Name, signature, and address of the applicant and of all persons owning any interest in the property included in the application.
2. Location of the subject property (address or vicinity).
3. Legal description of property.
4. Specific Plan land use designation(s) on the property.
5. Description of the proposed facility or use.
6. Written statement describing the request and explaining how each of the required findings can be made.
7. Such other forms and documents as are necessary to determine conformance with the provisions of the Specific Plan.
8. A fee as specified by the County Board of Supervisors.

#### 6.4.4 Additional Requirements

The Appropriate Authority may also require the following information and documents as necessary to make the required determination(s):

1. A site plan illustrating the use, development, structure(s), building(s), or modification(s) of standards. Site plans must be drawn to a scale satisfactory to and in the number of copies prescribed by the Appropriate Authority, indicating the use, location and size of all pertinent buildings and structures, yards, driveways, access and parking areas, landscaping, walls, and fences, and other similar features.

2. Such supplemental information or material as may be necessary, including revised or corrected copies of any site plan or other document previously submitted.

#### 6.4.5 Required Findings

The Appropriate Authority, acting upon any Conformance Determination request as provided in this section, shall either approve, approve with conditions, or deny the request based on findings as specified below. In order to approve a proposed development or use, the Appropriate Authority must make all of the following findings for the development or use, as proposed or subject to specified conditions:

1. The variation from the EGSP is minor in nature.
2. The development or use is consistent with the EGSP and substantially conforms to the standards, regulations, and guidelines of the EGSP and other applicable Monterey County ordinances.
3. The development or use will not adversely affect public health, safety, or welfare.
4. The development or use will not adversely affect adjacent property.
5. The development or use will not have environmental effects that have not been previously analyzed.

#### 6.4.6 Time Limit

The Appropriate Authority shall act on an application for determination of Conformance, or publish a public hearing notice, within 60 days from the date of receipt of an application and all required submittals. Any public hearing shall commence within 60 days from the date of publication of the notice.

#### 6.4.7 Public Hearings

The Director shall have the discretion to hold a public hearing regarding the Conformance Determination. If the determination is referred to the Planning Commission, a public hearing shall be conducted.

**6.4.8 Appeals**

The decision of the Director with regard to a Conformance Determination may be appealed to the Planning Commission. In such case, the decision of the Planning Commission shall be final and may not be appealed. The decision of the Planning Commission, when acting as the Appropriate Authority, may be appealed to the Board of Supervisors. Appeal procedures and timelines shall be in accordance with the appeal procedures and timelines set out in the Monterey County Inland Zoning Ordinance applicable to discretionary decisions.

**6.5 NOTICE**

Any public hearing required by this Chapter shall be noticed in the manner provided in the Monterey County Inland Zoning Ordinance. The Appropriate Authority shall notify the applicant and any interested parties of the final action taken on the application by first class mail.

**6.6 MATTERS OF INTERPRETATION**

Every effort has been made to provide policies and regulations that are clear; however, interpretations will be necessary when specific and unusual circumstances arise. The Director is responsible for interpretation of the EGSP.

If any situation arises in the implementation of the EGSP that is not addressed by specific site development regulations or, if an issue, condition, or situation arises that is not clearly addressed in the EGSP, the

Director shall provide an interpretation based on such County goals, policies, plans, and requirements as are most closely related to the subject matter of the issue or situation to be interpreted.

The approved Specific Plan is intended to be interpreted and applied in a manner consistent with the Monterey County Code. If the Director nevertheless determines that a conflict exists between the Specific Plan and the County Code, the provisions of the Specific Plan shall take precedence.

Administrative interpretations of the Director pursuant to this Section 6.6 may be appealed to the Planning Commission. The decision of the Planning Commission shall be final and may not be appealed. Appeal procedures and timelines shall otherwise follow the appeal procedures and timelines set out in the Monterey County Inland Zoning Ordinance regarding appeals of administrative interpretations.

**6.7 SPECIFIC PLAN COMPLIANCE AND ENFORCEMENT**

No building permit, grading permit, land use discretionary permit, or other permit for a land use subject to the provisions of the EGSP may be approved if it is found to be inconsistent with the EGSP.

The Director is responsible for enforcing the provisions of the Monterey County Zoning Ordinance and the EGSP. The regulatory elements of the EGSP are enforceable pursuant to the enforcement requirements of the Monterey County Code.