

MONTEREY COUNTY PLANNING COMMISSION

Meeting: November 13, 2013 Time: 9:00 a.m.	Agenda Item No.: 1
Project Description: Consider a Lot Line Adjustment between two (2) legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Certificate of Compliance Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Certificate of Compliance Document No. 2004079684]), resulting in two (2) newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B), respectively.	
Project Location: 570 Aguajito Road, Carmel	APN: 103-061-015-000
Planning File Number: PLN130209	Owner: Gordon and Sandra Steuck Agent: Aaron Johnson, Attorney
Planning Area: Greater Monterey Peninsula Area Plan.	Flagged and staked: No
Zoning Designation: RDR/5.1-UR-D-S (Rural Density Residential, 5.1 acres per unit / Urban Reserve / Design Control District / Site Plan Review)	
CEQA Action: Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Adopt the Negative Declaration (**Exhibit E**); and
- 2) Approve a Lot Line Adjustment between two (2) legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Certificate of Compliance Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Certificate of Compliance Document No. 2004079684]), resulting in two (2) newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B), respectively (PLN130209), based on the findings and evidence and subject to the conditions of approval (**Exhibit C**)

PROJECT OVERVIEW:

The subject application is for a Lot Line Adjustment (LLA) between two (2) legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Certificate of Compliance Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Certificate of Compliance Document No. 2004079684]), resulting in two (2) newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B).

The subject LLA was approved by the Minor Subdivision Committee (hereafter, "Committee") on December 8, 2011. On December 19, 2011, the Aguajito Property Owners Association (hereafter, "APOA") and Eric and Teresa Del Piero (collectively, "Appellants") filed a Notice of Appeal of the Committee's approval of the lot line adjustment. On February 7, 2012, in a de novo hearing, the appeal of the LLA was considered by the Board of Supervisors. The filing of Appellants' Notice of Appeal had the effect of setting aside the Committee's approval of the LLA, in its entirety, per Section 19.16.015 of the Monterey County Code (MCC) which states, "*An appeal of a decision, in whole or in part...shall set aside in its entirety the decision of the Appropriate Decision Making Body....*" At the February 7, 2012 hearing of the Board of Supervisors, the Board vote resulted in a 2-2 tie. The Board then voted to confirm the failed

motion due to split vote and clarify that its tie vote had the effect of leaving the negative declaration and LLA unapproved (i.e., as it was before the *de novo* hearing). Thus, by operation of law, the previous approval of the LLA by the Committee remained set aside in its entirety per MCC Section 19.16.015. After the February 7, 2012 Board Hearing, Gordon and Sandra Steuck filed a Petition for Writ of Mandate and Complaint for Declaratory Relief against the County of Monterey and the Monterey County Board of Supervisors with the Superior Court (hereafter, “Steuck action”) in which the Steucks sought to set aside the County’s 2-2 vote. Eric and Teresa Del Piero then filed a Complaint in Intervention in an attempt to intervene in the Steucks’ action. In response, the Steucks filed a Demurrer to the Del Pieros’ Complaint in Intervention.

On November 9, 2012, at a combined hearing on the Steucks’ Motion for Judgment on the Pleadings and Demurrer to the Del Piero’s Complaint and the County’s Motion for Dismissal and Judgment on the Pleadings, the Court 1) sustained the Steucks’ demurrer without leave to amend, and 2) granted the County’s motion to dismiss the Steucks’ action, which included the dismissal of the Del Pieros’ Complaint and 3) found with respect to the Steucks’ Motion for Judgment on the pleadings, the Court found that, “...*there is an adequate remedy available to the STEUCKS who are free to re-apply to COUNTY; and, therefore, the STEUCKS’ motion for judgment on the pleadings, is denied.*”

Consequently, Gordon and Sandra Steuck have initiated the subject application for a LLA. In its review of the subject application, County staff determined that the proposed LLA was not exempt from the California Environmental Quality Act (CEQA) and generated an Initial Study which was circulated for a 20-day public review circulation period from September 17, 2013 through October 8, 2013 (SCH#: 2013091053). Comment letters were received during this time and are attached here (**Exhibit F**). Most of the comments received centered around the potential for the vacant lot to be developed. However, County Staff cannot speculate as to future development. Further, the subject application for a LLA does not propose the development of any structures.

During the review period for the proposed LLA, a public hearing was requested by Anthony Lombardo & Associates on behalf of Eric and Teresa Del Piero. Therefore, this item is being considered by the Planning Commission in accordance with MCC Section 19.09.005.H.3.

See Exhibit B for further Discussion

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

- RMA - Public Works Department
- √ Environmental Health Bureau
- Water Resources Agency
- Cypress Fire Protection District
- Parks Department

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by the RMA – Planning Department and the Environmental Health Bureau have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review on November 4, 2013. Based on the revisions to Monterey County LUAC

Procedure (“Guidelines”) adopted by the Monterey County Board of Supervisors per Board of Supervisors Resolution No. 08-338, this application warranted referral to the LUAC because the proposed LLA is considered development which requires CEQA review. However, the November 4, 2013 Greater Monterey Peninsula LUAC meeting was cancelled due to lack of a quorum.

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

/S/ Valerie Negrete



Valerie Negrete, Assistant Planner
(831) 755-5227, negretev@co.monterey.ca.us
(October 20, 2013)

cc: Front Counter Copy; Planning Commission; Cypress Fire Protection District; RMA-Public Works Department; Environmental Health Bureau; Water Resources Agency; Laura Lawrence; Planning Services Manager; Valerie Negrete, Project Planner; John and Sandra Steuck, Owners; Aaron Johnson, Attorney; The Open Monterey Project; LandWatch; Planning File PLN130209

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
• Conditions of Approval
• Lot Line Adjustment Survey Map
Exhibit D Vicinity Map
Exhibit E Negative Declaration
Exhibit F Comments on the Negative Declaration
Letter dated September 24, 2013 from A. Lombardo & Associates
Letter dated September 25, 2013 from A. Lombardo & Associates
Letters dated May 29, 2009 to October 4, 2013 from Aguajito Property Owners Association
Letter dated October 8, 2013 from Monterey Peninsula Water Management District (MPWMD)
Letter dated October 8, 2013 from Frank and Marie Chiorazzi
Letter dated October 8, 2013 from Johnson, Moncrief & Hart

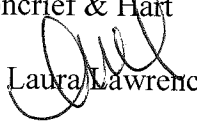
This report was prepared with assistance by County Counsel and reviewed by  Laura Lawrence, Planning Services Manager

EXHIBIT A

Project Information for PLN130209

Application Name: Steuck Gordon John & Sandra Lee Trs
Location: 570 Aguajito Rd, Carmel
Applicable Plan: Greater Monterey Peninsula
Primary APN: 103-061-015-000
Advisory Committee: Monterey Peninsula
Coastal Zone: No
Permit Type: Lot Line Adjustment
Final Action Deadline (884): 11/25/2013
Environmental Status: Negative Declaration
Zoning: RDR/5.1-UR-D-S
Land Use Designation: Rural Density Residential

Project Site Data:

Lot Size: 8.9	Coverage Allowed: 20%
Existing Structures (sf): 0	Coverage Proposed: 0
Proposed Structures (sf): 0	Height Allowed: 30'
Total Sq. Ft.: 8.9	Height Proposed: 0
Special Setbacks on Parcel:	FAR Allowed: NA
	FAR Proposed: NA

Resource Zones and Reports:

Seismic Hazard Zone: IV	Soils Report #: NA
Erosion Hazard Zone: Moderate	Biological Report #: NA
Fire Hazard Zone: None	Forest Management Rpt. #: NA
Flood Hazard Zone: No	Geologic Report #: NA
Archaeological Sensitivity: Moderate	Archaeological Report #: NA
Visual Sensitivity: Highly Sensitive	Traffic Report #: NA

Other Information:

Water Source: well	Grading (cubic yds.): 0
Water Purveyor: NA	Sewage Disposal (method): septic
Fire District: Cypress fire Department	Sewer District Name: NA
Tree Removal: 0	

EXHIBIT B DISCUSSION

Project Description

The subject application is for a Lot Line Adjustment (LLA) between two (2) legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Certificate of Compliance Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Certificate Compliance Document No. 2004079684]) (hereafter, "subject property" or "legal lots of record"), resulting in two (2) newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B).

The reconfigured existing lots of record better meet the objectives of the General Plan by reconfiguring the lots to better achieve a superior lot design to the newly configured Lot B. The southern property slopes downward to Aguajito Road with all slopes exceeding 25% in steepness. This LLA would allow Lot B to potentially be developed without placing structures on slopes over 25% or requiring the removal of protected vegetation. The proposal also serves to better achieve the goals and policies of the General Plan in that protection of slopes, avoiding development in the viewshed of slopes, and avoiding unnecessary erosion and control structures on slopes, all serve to retain the character and natural beauty of Monterey County as characterized by Goal OS-1 of the General Plan. Additionally, Policy OS-1.9 in the same Conservation and Open Space Goals and Policies section of the General Plan, states that, "Development that protects and enhances County's scenic qualities shall be encouraged." This project provides this protection.

Currently the property has a 30-foot wide access and utility easement created in 1937, which transects the mid-point of the parcel going east to west dividing the two lots of record into a north and a south lot. The surrounding properties are of a rural residential nature and range in size from 4.8 acres to 6.43 acres, each with a single family residence. The Steuck properties are consistent with the general size of the properties in the immediate area and conform with the rural character of the area. If structures are proposed in the future the County would scrutinize the design and location to determine if such proposals were consistent with the General Plan, Area Plan and Zoning Ordinance.

Land Use – Legal Lots of Record

The subject legal lots of record are legal non-conforming lots as to size. Properties created legally, yet found to be non-conforming as to size are recognized by the 2010 General Plan and may be adjusted in a manner as to not increase their non-conformity. The subject property is zoned "RDR/5.1-UR-S-D", Rural Density Residential, 5.1 acres per unit with Urban Reserve, Site Plan Review District and Design Control overlays which require a minimum building site of 5.1 acres. In this case, the resulting parcels will be 4.6 acres (westerly Parcel A) and 4.3 acres (easterly Parcel B) and will not be more non-conforming than prior to the adjustment.

Background

On October 3, 2008 an application was submitted to the County for the development of two (2) new residences and a LLA for the currently proposed lot configuration. On November 10, 2008, a Notice of Violation (NOV) was filed on the subject property which required the property owner to obtain a Grading Restoration Permit. Grading Restoration Permit No. GP090013 was issued on February 11, 2009 and subsequently finalized on April 2, 2009.

On April 16, 2009 the applicants revised their application to omit the two (2) residences and only propose the subject LLA.

On June 9, 2009 the Del Piero's appealed the Building Official's decision to issue a final on the Grading Restoration Permit. The Building Official, Tim McCormick considered the appeal and revoked the final on the Grading Restoration Permit (GP090013). A letter of corrections was issued to the applicant and the applicant complied with the corrections. Subsequently, the Grading Restoration Permit was finalized on July 1, 2010. No further code enforcement issues concerning the subject property remain with the County.

The subject LLA was approved by the Minor Subdivision Committee (hereafter, "Committee") on December 8, 2011. On December 19, 2011, the Aguajito Property Owners Association (hereafter, "APOA") and Eric and Teresa Del Piero (collectively, "Appellants") filed a Notice of Appeal of the Committee's approval of the lot line adjustment. On February 7, 2012, in a *de novo* hearing, the appeal of the LLA was considered by the Board of Supervisors. The filing of Appellants' Notice of Appeal had the effect of setting aside the Committee's approval of the LLA, in its entirety, per Section 19.16.015 of the Monterey County Code (MCC) which states, "*An appeal of a decision, in whole or in part...shall set aside in its entirety the decision of the Appropriate Decision Making Body....*" At the February 7, 2012 Hearing, the Board vote resulted in a 2-2 tie. The Board then voted to confirm the failed motion due to split vote and clarify that its tie vote had the effect of leaving the negative declaration and LLA unapproved (i.e., as it was before the *de novo* hearing). Thus, by operation of law, the previous approval of the LLA by the Committee remained set aside in its entirety per MCC Section 19.16.015.

After the February 7, 2012 Board Hearing, the Steucks filed an action in the Superior Court of Monterey County to set aside the Board's 2-2 tie vote and, the Del Piero's filed a Complaint to intervene in the Steucks' action. On November 9, 2012, the Court dismissed the Steucks' action, which included a dismissal of the Del Piero's Complaint to intervene, and found that, "*...there is an adequate remedy available to the STEUCKS who are free to re-apply to COUNTY....*" Consequently, Gordon and Sandra Steuck have initiated the subject application for a LLA.

Environmental Review

The subject LLA was found not to be exempt from CEQA. Typically LLAs are exempt from CEQA per CEQA Guidelines Section 15305 which exempts projects that do not result in changes in land use or density and have an average slope of less than 20%. In this case, the total project area has an average slope of more than 20% and after the proposed LLA, there is a potential to change the land use density of proposed Parcel B. Parcel B is currently vacant and the proposed LLA will result in an area more suitable for development. However, future development is speculative and not part of this application.

The Initial Study (Negative Declaration) was circulated for public review from September 17, 2013 through October 8, 2013 (SCH#: 2013091053). The following comment letters were received during this time:

Letter dated September 24, 2013 from A. Lombardo & Associates

Letter dated September 25, 2013 from A. Lombardo & Associates

Letters dated May 29, 2009 to October 4, 2013 from Aguajito Property Owners Association

Letter dated October 8, 2013 from MPWMD

Letter dated October 8, 2013 from Frank and Marie Chiorazzi

Letter dated October 8, 2013 from Johnson, Moncrief & Hart

Letter dated September 24, 2013 from Lombardo and Associates

Comment: *The Project Description is incorrect because it did not include future plans for the construction of a single family dwelling on the property.*

Staff Response: The proposed LLA does not include the development of a single family dwelling. Future development is speculative.

Comment: *The parcel legality of the two lots were questioned as the property was conveyed in a single transaction at one point.*

Staff Response: The proposed LLA is between two (2) legal lots of record approved and recorded through Certificates of Compliance more particularly described as (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Certificate of Compliance Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Certificate Compliance Document No. 2004079684]).

Comment: *The Initial Study paragraph “Fill Areas Restored” did not discuss an unresolved grading violation. The current condition is an engineered building pad, not a restored site.*

Staff Response: There are no violations on the property. In a March 11, 2011 Inter-Office Memorandum to Leslie J. Girard, Assistant County Counsel, from John Huntley, Management Analyst, Building Services Department Re: Enforcement Case Review and Chronology / Gordon & Sandra Steuck / Assessor's Parcel Number 103-061-015-000, the Building Services Department concludes:

Inspections were undertaken during and following the corrective work. All fill material originally placed on the east side of the property (slopes exceeding 30%) prior to May of 1988 was removed and that section of the property was returned to the original elevations and contours, reseeded and prepared for final inspection approval. On the west side of the property adjacent to the Del Piero property, un-compacted fill material was excavated, stockpiled and replaced in compacted lifts in accordance with the approved revised grading plan. Re-vegetation was undertaken, storm water runoff infrastructure was installed and the site was prepared for final inspection approval in compliance with the revised grading plan. Inspections were undertaken and final inspection on grading permit GP090013 was granted July 1, 2010.

A letter confirming full compliance with requirements under grading permit GP090013 was sent to Dr. and Mrs. Steuck August 25, 2010. Enforcement Case CE090292 was closed that same day. (See March 11, 2011 Inter-Office Memo to Leslie J. Girard from John Huntley, Exhibit A to Johnson, Moncrief & Hart letter dated October 8, 2013).

Comment: *Aesthetics were not analyzed because there was no staking of future structures.*

Staff Response: The proposed LLA does not include the development of a single family dwelling. Analyzing development that is not part of the subject application is speculative.

Comment: *Biological resources were not addressed because the site contains oak habitat (GMP 3-5) and tree removal.*

Staff Response: The proposed LLA does not include the development of a single family dwelling. General Plan Policy GMP 3.5 relates to development being designed to prevent to the maximum extent feasible the removal of oak trees. The proposed LLA does not include oak tree removal.

Comment: *Greenhouse gasses and hydrology were not analyzed because there was no analysis of two homes (the owner had previously applied for a three connection water system).*

Staff Response: The proposed LLA does not include the development of a single family dwelling. Analyzing development that is not part of the subject application is speculative.

Comment: *Land use was not addressed (LU-1.16 & OS 3.5) and may not apply because the resultant lots are not more feasible than the existing configuration and slope impacts are not less impacted.*

Staff Response: The proposed LLA does not include the development of a single family dwelling. General Plan Policy LU-1.16 allows LLAs between or among lots that do not conform to minimum parcel size standards if the resultant lots are consistent with all other General Plan policies, zoning and building ordinances and the LLA would, among other things, produce a superior parcel configuration, or reduce the non-conformity of existing legal lots of record; or promote resource conservation, including open space and critical viewshed protection, or better achieve the goals, policies and objectives of the General Plan. The purpose of the LLA is to reconfigure two (2) properties in such a manner where impacts to protected slopes and trees could be avoided if development is proposed in the future. Further, the proposed LLA will adjust the lot lines in order to place any future development away from Aguajito Road.

Comment: *Analysis of PS- 3.1, 3.2, 3.3 and 3-4 for long term proof of water were not addressed.*

Staff Response: The proposed LLA does not include the development of a single family dwelling. Analysis of General Plan Policies PS - 3.1 and PS - 3.2 is applicable to new development for which a discretionary permit applies. As previously indicated, the subject application does not propose the development of any structures.

General Plan Policy PS - 3.3 pertains to the development of specific criteria for use in the evaluation and approval of adequacy of all new domestic wells. Policy PS - 3.4 pertains to the assessment of impacts on adjacent wells and in-stream flows for new high-capacity wells. The availability of water was reviewed by the Environmental Health Bureau (EHB). EHB has recommended two (2) conditions of approval which require the recordation of deed restrictions concurrently with the recordation of the Certificates of Compliance as follows:

EHB Condition No. 7 requires the recordation of a Deed Restriction which states, *Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to meager ability of fractured rock to store and transmit water. Therefore, with intrinsic uncertainties regarding the long term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future*

owners of this property are hereby given notice that additional water sources may be required in the future.

EHB Condition No. 8 requires the recordation of a Deed Restriction which states, *In the event of sale of either lot, water easements shall be recorded to maintain access to the well water for both lots.*

Comment: *Transportation/traffic was not analyzed as there may be no proof of access from Gentry Hill to Aguajito.*

Staff Response: An existing access easement, the Katherine Gentry Road Right of Way through the Steuck property, has been in place since 1946.

Letter dated September 25, 2013 from Anthony Lombardo & Associates

Comment: A public hearing is requested.

Staff Response: The project has been set before the Planning Commission in accordance with MCC Section 19.09.005.H.3.

Letters dated May 29, 2009 to October 4, 2013 from Aguajito Property Owners Association

Comment: *An EIR is needed for the Lot Line Adjustment, review of any hazardous materials and review of a new buildable lot.*

Staff Response: The County has generated an Initial Study which analyzed impacts to resources as a result of the proposed Lot Line Adjustment. A Negative Declaration, finding that the proposed LLA will not have a significant effect on the environment, has been prepared by the County. Therefore, the proposed LLA does not require the preparation of an EIR (CEQA Guidelines Section 15070(a) – Decision to Prepare a Negative Declaration). No violations exist on the subject property. Further, the subject application for a LLA does not propose the development of any structures.

Letter dated October 8, 2013 from Monterey Peninsula Water Management District (MPWMD)

Comment: *The MPWMD commented that a Water Distribution System (WDS) is needed for one well serving two parcels and the MPWMD would like the parcel numbers once the Lot Line Adjustment is approved.*

Staff Response: The County has added this comment to the record.

Letter dated October 8, 2013 from Frank and Marie Chiorazzi

Comment: *The letter requests an EIR for a “housing project” with a comprehensive evaluation of disputed facts. Specifically, proof of access across the Chiorazzi property.*

Staff Response: The proposed LLA will not impact existing access to the subject property. County Staff has not found any language in the easement document to the contrary.

Comment: *Well capacity is not adequate.*

Staff Response: Well capacity is reviewed by Environmental Health Bureau (EHB). The availability of water was reviewed by the EHB and they have recommended two (2) conditions of approval which require the recordation of deed restrictions concurrently with the recordation of the Certificates of Compliance as follows:

EHB Condition No. 7 requires the recordation of a Deed Restriction which states, *Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to meager ability of fractured rock to store and transmit water. Therefore, with intrinsic uncertainties regarding the long term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future.*

EHB Condition No. 8 requires the recordation of a Deed Restriction which states, *In the event of sale of either lot, water easements shall be recorded to maintain access to the well water for both lots.*

Comment: *There is undocumented fill on the property that was never removed.*

Staff Response: There are no violations on the subject property. The Initial Study, included with the Negative Declaration (**Exhibit E**) states, at Page 2:

Fill Areas Restored

Prior to (submittal of the application for) the subject Lot Line Adjustment there was fill placed on the property... The property owner was required to attain a grading permit, GP090013, in order to restore the areas that were disturbed. After working closely with the Monterey County Building Department the property owner restored the fill areas by removing and redistributing fill in other areas that were impacted.... There are no unresolved issues with the restoration completed.

Further, in a March 11, 2011 Inter-Office Memorandum to Leslie J. Girard, Assistant County Counsel, from John Huntley, Management Analyst, Building Services Department Re: Enforcement Case Review and Chronology / Gordon & Sandra Steuck / Assessor's Parcel Number 103-061-015-000, the Building Services Department concludes:

Inspections were undertaken during and following the corrective work. All fill material originally placed on the east side of the property (slopes exceeding 30%) prior to May of 1988 was removed and that section of the property was returned to the original elevations and contours, reseeded and prepared for final inspection approval. On the west side of the property adjacent to the Del Piero property, un-compacted fill material was excavated, stockpiled and replaced in compacted lifts in accordance with the approved revised grading plan. Re-vegetation was undertaken, storm water runoff infrastructure was installed and the site was prepared for final inspection approval in compliance with the revised grading plan. Inspections were undertaken and final inspection on grading permit GP090013 was granted July 1, 2010.

A letter confirming full compliance with requirements under grading permit GP090013 was sent to Dr. and Mrs. Steuck August 25, 2010. Enforcement Case CE090292 was closed that same day. (See March 11, 2011 Inter-Office Memo to Leslie J. Girard from John Huntley, Exhibit A to Johnson, Moncrief & Hart letter dated October 8, 2013).

Letter dated October 8, 2013 received from Johnson, Moncrief and Hart

Comment: The Steucks contend this project is exempt from CEQA and argue that the County should limit its review and approval to a determination of whether or not the parcels resulting from the LLA conform to county zoning and building ordinances and to whether or not the resulting parcels will conform to the General Plan, and applicable specific plan. Because of these limitations, the Steucks contend the decision to approve this LLA is a ministerial decision and thus exempt from CEQA.

Staff Response: CEQA Guidelines Section 15305 – Minor Alterations in Land Use Limitations, provides for a Class 5 - Categorical Exemption for:

*...minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:
(a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel....*

In this case, the total area does not have an average slope of less than 20% and, after the LLA, there will be a more suitable area for development of Parcel B. Therefore, the proposed LLA is not categorically exempt from the CEQA review process.

The Subdivision Map Act requires a local agency to limit its review of LLAs to a determination of whether the LLA “will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.” (Govt. Code §66412(d).) This determination is discretionary. A determination of consistency with the general plan involves an exercise of judgment. The County’s Subdivision Ordinance treats LLAs as discretionary, requiring CEQA review, notice of public hearing, and a right of appeal. Under the County’s Subdivision Ordinance, the Planning Director forwards the proposed application for a LLA to affected departments, committees and public agencies for their findings and recommendations (MCC 19.09.020.C.) Public notice is provided (MCC 19.09.005.F and 19.01.055). The lower hearing body’s determination is appealable. (MCC 19.16.010 - Applicability).

Before the appropriate authority can approve this LLA, it must first have determined by a majority vote that the proposed LLA conforms to the local general plan, applicable specific plan and zoning and building ordinances (Cal. Gov’t Code § 66412(d)).

A LLA may be granted only after the following findings are made:

1. The lot line adjustment is between four (or fewer) existing adjoining parcels.
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
3. The parcels resulting from the lot line adjustment conform to the County’s general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances (Cal. Gov’t Code § 66412(d))

In regard to the General Plan consistency determination, the relevant 2010 Monterey County General Plan Policy LU-1.16 provides as follows:

LLAs between or among lots that do not conform to minimum parcel size standards may be allowed

if the resultant lots are consistent with all other General Plan policies, zoning and building ordinances and the lot line adjustment would:

- a. accommodate legally constructed improvements which extend over a property line; or
- b. facilitate the relocation of existing utilities, infrastructure, or public utility easements; or
- c. resolve a boundary issue between or among affected owners; or
- d. produce a superior parcel configuration; or
- e. reduce the non-conformity of existing legal lots of record; or
- f. promote resource conservation, including open space and critical viewshed protection, without triggering eminent domain; or
- g. better achieve the goals, policies and objectives of the General Plan; or
- h. facilitate Routine and Ongoing Agricultural activities.

Whether the proposed LLA meets these criteria involves an exercise of judgment, the hallmark of discretionary review. (See, e.g., definition of “discretionary project” in CEQA Guidelines Section 15357). Determining whether a lot configuration is superior is not merely a question of rote application of measurable quantitative standards. The County Subdivision Ordinance appropriately establishes discretionary procedures. It provides that the decision making body shall approve, disapprove, or conditionally approve the adjustment in conformance with standards set forth in the SMA and Chapter 19.09 (LLA) of the County Code. (MCC 19.09.025.A) Conformance with Government Code 66412, the 2010 Monterey County General Plan, and the County Subdivision Ordinance, and the authority of the decision maker to deny or conditionally approve this LLA makes this LLA application discretionary in nature. (Cal. Gov’t Code § 66412(d); Land Use Element Policy LU-1.16, MCC 19.09.025.A)

Public Hearing

The Director of Planning is the appropriate decision making body to consider LLAs unless the matter is referred to public hearing per MCC Section 19.09.005.H, in which case the Planning Commission is the appropriate decision making body to hear and consider LLAs (MCC Section 19.09.005.E). In a letter dated September 25, 2013, a public hearing was requested by Anthony Lombardo & Associates on behalf of Eric and Teresa Del Piero. Therefore, the proposed LLA was set for consideration by the Planning Commission per MCC Section 19.09.005.H.3.

Recommendation

County Staff has reviewed the proposed LLA, prepared the Initial Study and Negative Declaration, and has concluded that the proposed LLA will not have a significant effect on the environment (**Exhibit E**). Staff has reviewed comments received from the public. Said comments have not changed Staff’s initial determination and finding that the proposed project could not have a significant effect on the environment and that a negative declaration will be prepared. The proposed LLA is consistent with the Monterey County General Plan 2010 and the Greater Monterey Peninsula Area Plan. Staff recommends that the Planning Commission adopt the Negative Declaration and approve the Steucks’ Application for a LLA based on the proposed Findings and Evidence and subject to the Conditions of Approval set forth in **Exhibit C** - Draft Resolution including Conditions of Approval and LLA Survey Map.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:
Gordon and Sandra Steuck (PLN130209)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Adopting the Negative Declaration; and
- 2) Approving a Lot Line Adjustment between two (2) legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Certificate of Compliance Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Certificate of Compliance Document No. 2004079684]), resulting in two (2) newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B), respectively.

[PLN130209, Gordon and Sandra Steuck, 570
Aguajito Road, Carmel, Greater Monterey Peninsula
(APN:103-061-015-000)]

The Gordon and Sandra Steuck application for a Lot Line Adjustment (PLN130209) came on for public hearing before the Monterey County Planning Commission on November 13, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

- 1 **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Lot Line Adjustment (LLA) between two (2) legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Certificate of Compliance Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Certificate of Compliance Document No. 2004079684]) (subject property), resulting in two (2) newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B), respectively.

EVIDENCE: The application, project plans, and related support materials submitted

by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130209.

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

EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the 2010 Monterey County General Plan;
- Greater Monterey Peninsula Area Plan;
- Monterey County Zoning Ordinance (Title 21);
- Monterey County Subdivision Ordinance (Title 19);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 570 Aguajito Road, Carmel (Assessor's Parcel Number 103-061-015-000), Greater Monterey Peninsula Area Plan. The parcel is zoned "RDR/5.1-UR-D-S" [Rural Density Residential, 5.1 acres per unit / Urban Reserve / Design Control District / Site Plan Review], which allows LLAs with an Administrative Permit. Therefore, the project is an allowed land use for this site.
- c) The subject LLA involves the adjustment of two (2) legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Certificate of Compliance Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Certificate of Compliance Document No. 2004079684]), resulting in two (2) newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B), respectively. No development is proposed at this time.
- d) The current zoning for the subject property requires a density of 5.1 acres per unit for each building site. The existing parcels are less than 5.1 acres each but remain consistent with the General Plan (GP) Policies governing LLAs (See Finding No. 7 below).
- e) The reconfigured existing lots of record better meet the objectives of the General Plan by reconfiguring the lots to better achieve a superior lot design to the newly configured Lot B. Currently the property has a 30-foot wide access and utility easement created in 1937, which transects the mid-point of the parcel going east to west dividing the two lots of record into a north and a south lot. The southern property slopes downward to Aguajito Road with all slopes exceeding 25% in steepness. This LLA would allow Lot B to potentially be developed without placing structures on slopes over 25% or requiring the removal of protected vegetation. If structures are proposed in the future the County would scrutinize the design and location to determine if such proposals were consistent with the General Plan, Area Plan and Zoning Ordinance. The surrounding properties are of a rural residential nature and range in size from 4.8 acres to 6.43 acres, each with a single family

residence. The Steuck properties are consistent with the general size of the properties in the immediate area and conform with the rural character of the area.

- f) The proposal better achieves the goals and policies of the General Plan in that protection of slopes, avoiding development in the viewshed of slopes, and controlling structures on slopes and avoiding unnecessary erosion, all serving to retain the character and natural beauty of Monterey County as characterized by Goal OS-1 of the General Plan. Additionally, Policy OS-1.9 in the same Conservation and Open Space Goals and Policies section of the General Plan, states that, “Development that protects and enhances County’s scenic qualities shall be encourages.” This project provides this protection.
- g) The project planner conducted a site inspection on March 28, 2013 to verify that the project on the subject property conforms to the plans listed above.
- h) The project was referred to the Greater Monterey Peninsula Area Land Use Advisory Committee (LUAC) for review on November 4, 2013. Based on the revisions to the LUAC Procedure (“Guidelines”) adopted by the Monterey County Board of Supervisors per Monterey County Board of Supervisors Resolution No. 08-338, this application warranted referral to the LUAC because the subject LLA is considered development which requires CEQA review. However, the November 4, 2013 LUAC meeting was cancelled due to lack of a quorum.
- i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130209.

3 **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff did not identify any potential impacts to Biological Resources, Archaeological Resources, or Soil/Slope Stability. An Initial Study was prepared for the LLA and no impacts were found to impact resources (See Finding No. 6 below).
 - c) Staff conducted a site inspection on March 28, 2013 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130209.

4 **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of

this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available. Water will be provided by a private well and septic system. No development is proposed with the lot line adjustment.
 - c) Staff conducted a site inspection on March 28, 2013 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130209.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on March 23, 2013 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) There are no violations on the subject property. The Initial Study, included with the Negative Declaration states on Page 2 that:

Fill Areas Restored

Prior to (submittal of the application for) the subject Lot Line Adjustment there was fill placed on the property... The property owner was required to attain a grading permit, GP090013, in order to restore the areas that were disturbed. After working closely with the Monterey County Building Department the property owner restored the fill areas by removing and redistributing fill in other areas that were impacted.... There are no unresolved issues with the restoration completed.

In a March 11, 2011 Inter-Office Memorandum to Leslie J. Girard, Assistant County Counsel, from John Huntley, Management Analyst, Building Services Department Re. Enforcement Case Review and Chronology / Gordon & Sandra Steuck / Assessor's Parcel Number 103-061-015-000, the Building Services Department concludes:

Inspections were undertaken during and following the corrective work.

All fill material originally placed on the east side of the property (slopes exceeding 30%) prior to May of 1988 was removed and that section of the property was returned to the original elevations and contours, reseeded and prepared for final inspection approval. On the west side of the property adjacent to the Del Piero property, un-compacted fill material was excavated, stockpiled and replaced in compacted lifts in accordance with the approved revised grading plan. Re-vegetation was undertaken, storm water runoff infrastructure was installed and the site was prepared for final inspection approval in compliance with the revised grading plan. Inspections were undertaken and final inspection on grading permit GP090013 was granted July 1, 2010.

A letter confirming full compliance with requirements under grading permit GP090013 was sent to Dr. and Mrs. Steuck August 25, 2010. Enforcement Case CE090292 was closed that same day. (See March 11, 2011 Inter-Office Memo to Leslie J. Girard from John Huntley, Exhibit A to Johnson, Moncrief & Hart letter dated October 8, 2013).

6 **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN130209).
 - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.
 - d) The Negative Declaration (“ND”) for PLN130209 was prepared in accordance with CEQA and circulated for a 20-day public review circulation period from September 17, 2013 through October 8, 2013 (SCH#: 2013091053).
 - e) Issues that were analyzed in the Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
 - f) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County’s independent judgment, comment letters and information and testimony presented during public hearings.

These documents are on file in the RMA-Planning Department and are hereby incorporated by this reference.

- g) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- h) The county received seven (7) comment letters during the Initial Study circulation period. Comment letters received were reviewed against the analysis completed by the county in the Initial Study.
- i) The first letter received during the Initial Study circulation period was dated September 24, 2013 from Anthony Lombardo & Associates. The letter makes several contentions which mirror previous comments from made concerning the applicants' previous application for a LLA. The comment letter includes comments that; 1) the Initial Study contains flaws and omissions; 2) the Project Description is incorrect because it did not include future plans for the construction of a single family dwelling on the property; 3) the parcel legality of the two (2) lots were questioned as the property was conveyed in a single transaction; 4) the Initial Study did not discuss an unresolved grading violation; 5) fill areas to be restored do not mention that the an engineered building pad may now exist; 6) aesthetics were not analyzed because there was no staking of future structures; 7) biological resources were not addressed because the site contains oak habitat (GMP 3-5) and there should be mention of tree removal; 8) greenhouse gasses and hydrology were not analyzed because there was no analyses of two homes (the owner had previously applied for a three connection water system); 9) land use was not addressed (LU-1.16 & OS 3.5); 10) the resultant lots are not more feasible than the existing configuration and slope impacts are not less impacted; 11) the Initial Study did not analyze PS- 3.1, 3.2, 3.3 and 3-4 for long term proof of water; 12) transportation/traffic was not analyzed as there may be no proof of access from Gentry Hill to Aguijito.

Response: The county has reviewed said comments and finds that the Initial Study analyzes the project in accordance with CEQA and, that references to future development are speculative. The subject LLA is between two (2) legal lots of record, for which Certificates of Compliance (CoCs) were approved and recorded for approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Certificate of Compliance Document No. 2004079692]) and 4.3 acres

(portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Certificate of Compliance Document No. 2004079684]). There are no violations on the property. (See Finding 5). There is no current development over 25% slopes. General Plan Policy GMP 3.5 relates to development being designed to prevent to the maximum extent feasible the removal of oak trees and the subject LLA does not include a proposal for oak tree removal. General Plan Policy LU 1.16 allows LLAs between or among lots that do not conform to minimum parcel size standards if the resultant lots are consistent with all other General Plan policies, zoning and building ordinances and the LLA would, among other things, produce a superior parcel configuration, or reduce the non-conformity of existing legal lots of record; or promote resource conservation, including open space and critical viewshed protection, or better achieve the goals, policies and objectives of the General Plan. The Initial Study states that the purpose of the LLA is to reconfigure two (2) properties in such a manner where impacts to protected slopes and trees could be avoided if development is proposed in the future. Further, the proposed LLA will adjust the lot lines in order to place any future development away from Aguajito Road. Analysis of PS - 3.1 and PS - 3.2 is applicable to new development for which a discretionary permit is required. As previously indicated, no structures are proposed as part of the subject application for a LLA. General Plan Policy PS - 3.3 pertains to the development of specific criteria for use in the evaluation and approval of adequacy of all new domestic wells. Policy PS - 3.4 pertains to the assessment of impacts on adjacent wells and in-stream flows for new high-capacity wells. The availability of water was reviewed by the Environmental Health Bureau (EHB). EHB has recommended two (2) conditions of approval which require the recordation of deed restrictions concurrently with the recordation of the Certificates of Compliance as follows: EHB Condition No. 7 requires the recordation of a Deed Restriction which states, *“Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to meager ability of fractured rock to store and transmit water. Therefore, with intrinsic uncertainties regarding the long term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future.”* EHB Condition No. 8 requires the recordation of a Deed Restriction which states, *“In the event of sale of either lot, water easements shall be recorded to maintain access to the well water for both lots.”* A separate letter was submitted from Anthony Lombardo & Associates dated September 25, 2013 requesting a public hearing.

- j) Letters dated May 29, 2009 to October 4, 2013 from the Aguajito Property Owners Association were received during the circulation period and mirror previous comments made regarding the Steucks' original application for a LLA. Said correspondence requested an EIR for the LLA, review of any hazardous materials and review of a new buildable lot. The County has generated an Initial Study which analyzed impacts to resources as a result of the LLA. No violations

exist on the property. There is no plan for development of a single family dwelling included in the subject application for a LLA. See Finding No. 6. Evidence j for further discussion.

- k) A Letter dated October 8, 2013 from the Monterey Peninsula Water management District (MPWMD) was received during the circulation period. The MPWMD commented that a Water Distribution System (WDS) is needed for one well serving two parcels and that the MPWMD would like the parcel numbers once the LLA. The County has added this comment to the record.
- l) A Letter dated October 8, 2013 was received from Frank and Marie Chiorazzi during the circulation period. The letter requests an EIR for a "housing project" with a comprehensive evaluation of disputed facts. Specifically, the comment letter states that proof of access across the Chiorazzi property and well capacity is not adequate and that there is undocumented fill on the property that was never removed. The subject LLA will not impact existing access and the County has not found any language in the easement document to the contrary. An existing 30 foot wide access and utility easement was created in 1937, which transects the midpoint of the parcel east and west dividing the two lots of record north and south. Well capacity is reviewed by EHB. EHB has recommended two (2) conditions of approval which require the recordation of deed restrictions concurrently with the recordation of the Certificates of Compliance as follows: EHB Condition No. 7 requires the recordation of a Deed Restriction which states, *"Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to meager ability of fractured rock to store and transmit water. Therefore, with intrinsic uncertainties regarding the long term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future."* EHB Condition No. 8 requires the recordation of a Deed Restriction which states, *"In the event of sale of either lot, water easements shall be recorded to maintain access to the well water for both lots."* There are no violations on the subject property. The Initial Study, included with the Negative Declaration at Exhibit E states, at Page 2: ***"Fill Areas Restored.***
Prior to (submittal of the application for) the subject Lot Line Adjustment there was fill placed on the property... The property owner was required to attain a grading permit, GP090013, in order to restore the areas that were disturbed. After working closely with the Monterey County Building Department the property owner restored the fill areas by removing and redistributing fill in other areas that were impacted.... There are no unresolved issues with the restoration completed."
- m) In a letter dated October 8, 2013 from Johnson, Moncrief and Hart, the Steucks contend this project is exempt from CEQA and argue that the County should limit its review and approval to a determination of whether or not the parcels resulting from the LLA conform to county zoning and building ordinances and to whether or not the resulting parcels will conform to the General Plan, and applicable specific plan.

Because of these limitations, the Steucks contend the decision to approve this LLA is a ministerial decision and thus exempt from CEQA.

County's Response:

CEQA:

CEQA Guidelines Section 15305 – Minor Alterations in Land Use Limitations, provides for a Class 5 - Categorical Exemption for:

...minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

(a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel....

In this case, the total area does not have an average slope of less than 20% and, after the LLA Parcel B will have a more buildable area however it will better meet the General Plan policies regarding resource protection. Therefore, the proposed LLA is not categorically exempt from the CEQA review process.

Subdivision Map Act:

The Subdivision Map Act requires a local agency to limit its review of LLAs to a determination of whether the LLA “will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.” (Govt. Code §66412(d)) This determination is discretionary. A determination of consistency with the general plan involves an exercise of judgment.

Before the appropriate authority can approve this LLA, it must first have determined by a majority vote that the proposed LLA conforms to the local general plan, applicable specific plan and zoning and building ordinances. (Cal. Gov't Code § 66412(d))

A LLA may be granted only after the following findings are made:

1. The lot line adjustment is between four (or fewer) existing adjoining parcels.
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
3. The parcels resulting from the lot line adjustment conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. (Cal. Gov't Code § 66412(d))

County's Subdivision Ordinance - Lot Line Adjustments:

The County's Subdivision Ordinance treats LLAs as discretionary, requiring CEQA review, notice of public hearing, and a right of appeal. Under the County's Subdivision Ordinance, the Planning Director forwards the proposed application for a LLA to affected departments, committees and public agencies for their findings and recommendations (MCC 19.09.020.C) Public notice is provided (MCC 19.09.005.F and 19.01.055) The lower hearing body's determination is appealable. (MCC 19.16.010 - Applicability)

General Plan Consistency:

In regard to the General Plan consistency determination, the relevant 2010 Monterey County General Plan Policy LU-1.16 provides as follows:

LLAs between or among lots that do not confirm to minimum parcel size standards may be allowed if the resultant lots are consistent with all other General Plan policies, zoning and building ordinances and the lot line adjustment would:

- a. accommodate legally constructed improvements which extend over a property line; or
- b. facilitate the relocation of existing utilities, infrastructure, or public utility easements; or
- c. resolve a boundary issue between or among affected owners; or
- d. produce a superior parcel configuration; or
- e. reduce the non-conformity of existing legal lots of record; or
- f. promote resource conservation, including open space and critical viewshed protection, without triggering eminent domain; or
- g. better achieve the goals, policies and objectives of the General Plan; or
- h. facilitate Routine and Ongoing Agricultural activities.

Discretionary Review:

Whether the proposed LLA meets these criteria involves an exercise of judgment, the hallmark of discretionary review. (See, e.g., definition of “discretionary project” in CEQA Guidelines Section 15357).

Determining whether a lot configuration is superior is not merely a question of rote application of measurable quantitative standards. The County Subdivision Ordinance appropriately establishes discretionary procedures. It provides that the decision making body shall approve, disapprove, or conditionally approve the adjustment in conformance with standards set forth in the SMA and Chapter 19.09 (LLA) of the County Code. (MCC 19.09.025.A) Conformance with Government Code 66412, the 2010 Monterey County General Plan, and the County Subdivision Ordinance, and the authority of the decision maker to deny or conditionally approve this LLA makes this LLA application discretionary in nature. (Cal. Gov’t Code § 66412(d); Land Use Element Policy LU-1.16, MCC 19.09.025.A)

- n) The County has considered the comments received during the public review period and said comments do not alter the conclusions in the Initial Study and Negative Declaration.
- o) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.
- p) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN130209.

7 FINDING:

LOT LINE ADJUSTMENT – Section 66412 of the California Government Code (Subdivision Map Act) states that LLAs may be granted based upon the following findings:

- 1. The lot line adjustment is between four (or fewer) existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel;

2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment; and
 3. The parcels resulting from the lot line adjustment will conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.
- EVIDENCE:**
- a) The parcel is zoned "RDR/5.1-UR-D-S" [Rural Density Residential, 5.1 acres per unit / Urban Reserve / Design Control District / Site Plan Review] which allows LLAs.
 - b) The project area has a total of 8.9 acres.
 - c) The LLA is between four (or fewer) existing adjoining parcels. The properties share the southern and northern boundaries and are located north of Aguajito Road.
 - d) The LLA will not create a greater number of parcels than originally existed. Two (2) contiguous separate legal parcels of record will be adjusted and two (2) contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
 - e) The LLA is consistent with the Monterey County Zoning Ordinance (Title 21). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property.
 - f) The LLA is consistent with General Plan Policy LU-1.14 which states, "*Consistent with the provisions of the State Subdivision Map Act, lot line adjustments shall be between four or fewer adjoining parcels.*" The subject LLA is between two (2) adjoining parcels and; therefore, the LLA is consistent with LU-1.14.
 - g) The LLA is consistent with General Plan Policy LU -1.15 which states, "*Where a lot line adjustment may be configured to result in lots conforming to the policies and standards of this General Plan, that configuration is required. Lot line adjustments that may compromise the location of wells, on-site wastewater systems or envelopes should not be approved.*" Both parcels (4.3 acres and 4.6 acres) are legal non-conforming parcels and it is not possible to configure them both to 5.1 acres each. EHB reviewed the application for a LLA and found the proposed LLA to be consistent with applicable General Plan Policies related to wells and on-site waste water systems. No well will be compromised and waste-water systems will be located with required setbacks between property lines.
 - h) There is an access existing easement within the LLA area. The county reviewed all the title documents including descriptions in the grant deeds and each deed of trust for the current road right of way (access easement) for the Steuck properties. No restrictions were identified regarding the number of houses that may have access to the easement. There will be no additional easements required to access the newly configured lots.
 - i) The LLA involves two (2) lots which are non-conforming as to minimum parcel size. However, General Plan Policy LU-1.16 provides that LLAs between or among lots that do not conform to minimum parcel size standards may be allowed if the resultant lots are consistent with General Plan policies, Zoning and Building Ordinances and, the lot

line adjustment “...would produce a superior parcel configuration.” Additionally, GP LU-1.18 states, “If the standards in this General Plan render a legal lot of record substandard in size, the substandard size of the parcel shall not by itself render the parcel a legal non conforming use. Any proposed expansion, enlargement, extension, or intensification of uses on such a lot shall not be prohibited due to its substandard size unless there are overriding public health impacts. Development of the lot shall comply with all other policies, standards and designated land use requirements of this Plan.” In this case, there is no other development proposed with this LLA and no issues remain unresolved.

- j) As an exclusion to the Subdivision Map Act, no map is recorded for a LLA. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval.
- k) The project planner conducted a site inspection on March 28, 2013 to verify that the project would not conflict with zoning or building ordinances.
- l) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN130209.

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

EVIDENCE: a) MCC Section 19.16.020.C. states, “The Board of Supervisors is the Appeal Authority to consider appeals from the decisions of the Planning Commission.”

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Adopt the Negative Declaration; and
2. Approve a Lot Line Adjustment between two (2) legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Certificate of Compliance Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Certificate of Compliance Document No. 2004079684]), resulting in two (2) newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B), in general conformance with the attached Lot Line Adjustment Survey Map and subject to the attached conditions, all being attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED this 13th day of November, 2013 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:

NOES:

ABSENT:
ABSTAIN:

Mike Novo, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

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

NOTES

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

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

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

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

Monterey County Planning Department

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN130209

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Lot Line Adjustment (PLN130209) allows the adjustment of two legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Certificate of Compliance Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Certificate of Compliance Document No. 2004079684]), resulting in two newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B). The property is located at 570 Agujityo Road, Carmel (Assessor's Parcel Number 103-061-015-000), Greater Monterey Peninsula Area Plan. 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.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Lot Line Adjustment (Resolution Number ***) was approved by Planning Commission for Assessor's Parcel Number 103-061-015-000 on November 13, 2013. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Concurrently with the recordation of the Certificates of Compliance, prior to the issuance of grading and building permits or commencement of use, whichever comes first, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

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.
(RMA - Planning Department)

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, recordation of the certificates of compliance whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

4. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 2 years, to expire on November 13, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a Certificate or Certificates of Compliance to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

5. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

6. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning prior to the recordation of the Certificates of Compliance.

7. EHSP01 - Long-Term Water Supply Deed Restriction (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction which includes the statement: Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to meager ability of fractured rock to store and transmit water. Therefore, with the intrinsic uncertainties regarding the long-term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future.

Compliance or Monitoring Action to be Performed: The property owner shall submit the deed restriction for review and approval by the Environmental Health Bureau and the Office of the County Counsel.

Once approved, the deed restriction shall be recorded with the Monterey County Recorder to be recorded concurrently with the recordation of the Certificates of Compliance. Proof of recordation shall be provided to EHB and the Planning Department.

8. EHSP02 - Deed Restriction - Water Source (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction as a condition of project approval which includes but is not limited to the following:

The owner of APN: ___-___-___-000 shall, in perpetuity, grant access and use of the well to serve future development on the newly configured vacant lot (APN: ___-___-___-000) resulting from PLN080454.

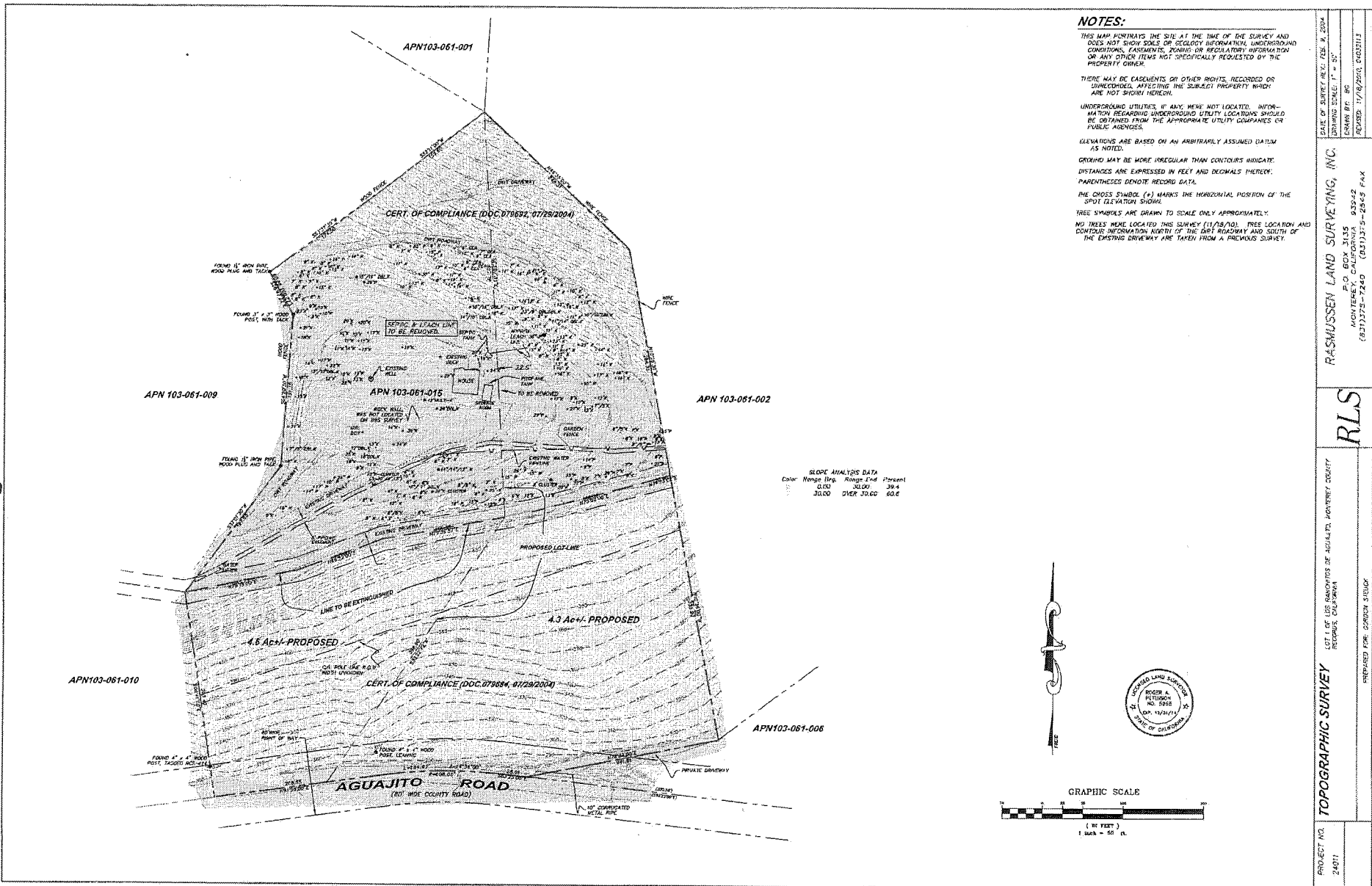
A 72 hour source capacity test was completed on APN: ___-___-___-000 in September 2010. The Environmental Health Bureau (EHB) credited the well capacity at 8.5 gallons per minute. This yield is sufficient to server a maximum of two single family dwellings. The newly configured vacant lot (APN: ___-___-___-000) is to be served by the onsite well on APN: ___-___-___-000. The access to the well water for APN: ___-___-___-000 (currently vacant property) can only be severed if the property has a separate source approved by EHB that meets capacity requirements. Severance of the water access shall not be done without EHB approval.

In the event of sale of either lot, water easements shall be recorded to maintain access to the well water for both lots.

Compliance or Monitoring Action to be Performed: The property owner shall submit the deed restriction for review and approval by the Environmental Health Bureau and the Office of the County Counsel.

Once approved, the deed restriction shall be recorded with the Monterey County Recorder to be recorded concurrently with the recordation of the Certificates of Compliance. Proof of recordation shall be provided to EHB and the Planning Department.

EXHIBIT **G**



NOTES:

THIS MAP REPRESENTS THE STATE AT THE TIME OF THE SURVEY AND DOES NOT SHOW SLOPE OR GEOLOGY INFORMATION, UNDERGROUND CONDITIONS, EASEMENTS, ZONING OR REGULATORY INFORMATION OR ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE PROPERTY OWNER.

THERE MAY BE EASEMENTS OR OTHER RIGHTS, RECORDED OR UNRECORDED, AFFECTING THE SUBJECT PROPERTY WHICH ARE NOT SHOWN HEREON.

UNDERGROUND UTILITIES, IF ANY, WERE NOT LOCATED. INFORMATION REGARDING UNDERGROUND UTILITY LOCATIONS SHOULD BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES OR PUBLIC AGENCIES.

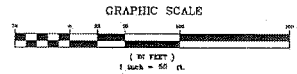
ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.

BOUNDARIES MAY BE MORE IRREGULAR THAN CONTOURS INDICATE. DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF. PARENTHESES DENOTE RECORDED DATA.

THE CROSS SYMBOL (+) MARKS THE HORIZONTAL POSITION OF THE SPOT ELEVATION SHOWN.

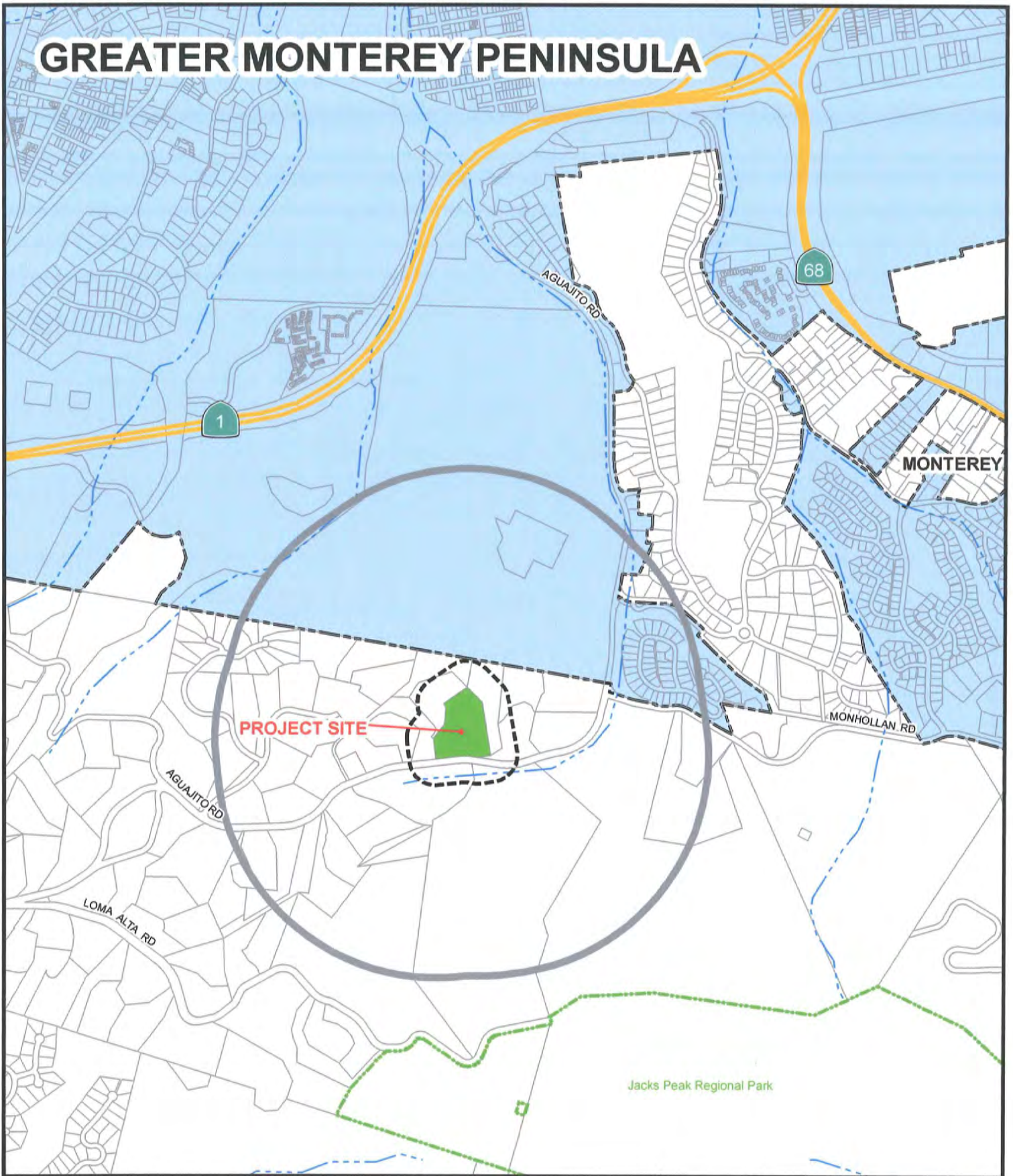
TREE SYMBOLS ARE DRAWN TO SCALE ONLY APPROXIMATELY.

NO TREES WERE LOCATED THIS SURVEY (11/18/10). TREE LOCATION AND CONTOUR INFORMATION NORTH OF THE DIRT ROADWAY AND SOUTH OF THE EXISTING DRIVEWAY ARE TAKEN FROM A PREVIOUS SURVEY.



PROJECT NO. 2401	DATE OF SURVEY: APR. 25, 2010	RASMUSSEN LAND SURVEYING, INC. P.O. BOX 3135 MONTEREY, CALIFORNIA 93942 (831)725-7240 (831)725-2865 FAX
	DRAWING SCALE: 1" = 50'	
TOPOGRAPHIC SURVEY	LET 1 OF 100 PARCELS OF AGUJITO, MONTEREY COUNTY, CALIFORNIA	PREPARED FOR: GORDON STEUER
		RLS

GREATER MONTEREY PENINSULA



APPLICANT: STEUCK

APN: 103-061-015-000

FILE # PLN130209

2500' Limit 300' Limit Water City Limits

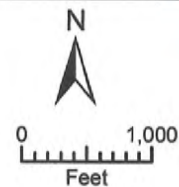


EXHIBIT D

PLANNER: NEGRETE

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Gordon John Steuck & Sandra Lee TRS

Lead Agency: County of Monterey Contact Person: Valerie Negrete
 Mailing Address: 168 West Alisal Street Phone: 831-755-5227
 City: Salinas Zip: 93901 County: USA

Project Location: County: Monterey City/Nearest Community: Monterey

Cross Streets: Aquajito Road Zip Code: 93901

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: _____

Assessor's Parcel No.: 103-061-015-000 Section: _____ Twp.: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: _____ Waterways: _____

Airports: _____ Railways: _____ Schools: _____

Document Type:

- | | | | |
|---|--|------------------------------------|--|
| CEQA: <input type="checkbox"/> NOP | <input type="checkbox"/> Draft EIR | NEPA: <input type="checkbox"/> NOI | Other: <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons | <input type="checkbox"/> Supplement/Subsequent EIR | <input type="checkbox"/> EA | <input type="checkbox"/> Final Document |
| <input checked="" type="checkbox"/> Neg Dec | (Prior SCH No.) _____ | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Mit Neg Dec | Other: _____ | <input type="checkbox"/> FONSI | |

Local Action Type:

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> General Plan Update | <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Rezone | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan | <input type="checkbox"/> Prezone | <input type="checkbox"/> Redevelopment |
| <input type="checkbox"/> General Plan Element | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Use Permit | <input type="checkbox"/> Coastal Permit |
| <input type="checkbox"/> Community Plan | <input type="checkbox"/> Site Plan | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input checked="" type="checkbox"/> Other: <u>lot line adjustmt.</u> |

Development Type:

- | | |
|---|--|
| <input type="checkbox"/> Residential: Units _____ Acres _____ | <input type="checkbox"/> Transportation: Type _____ |
| <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Mining: Mineral _____ |
| <input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Power: Type _____ MW _____ |
| <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Waste Treatment: Type _____ MGD _____ |
| <input type="checkbox"/> Educational: _____ | <input type="checkbox"/> Hazardous Waste: Type _____ |
| <input type="checkbox"/> Recreational: _____ | <input checked="" type="checkbox"/> Other: <u>No development</u> |
| <input type="checkbox"/> Water Facilities: Type _____ MGD _____ | |

Project Issues Discussed in Document:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Aesthetic/Visual | <input type="checkbox"/> Fiscal | <input type="checkbox"/> Recreation/Parks | <input type="checkbox"/> Vegetation |
| <input type="checkbox"/> Agricultural Land | <input type="checkbox"/> Flood Plain/Flooding | <input type="checkbox"/> Schools/Universities | <input type="checkbox"/> Water Quality |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Forest Land/Fire Hazard | <input type="checkbox"/> Septic Systems | <input type="checkbox"/> Water Supply/Groundwater |
| <input type="checkbox"/> Archeological/Historical | <input type="checkbox"/> Geologic/Seismic | <input type="checkbox"/> Sewer Capacity | <input type="checkbox"/> Wetland/Riparian |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Minerals | <input type="checkbox"/> Soil Erosion/Compaction/Grading | <input type="checkbox"/> Growth Inducement |
| <input type="checkbox"/> Coastal Zone | <input type="checkbox"/> Noise | <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Land Use |
| <input type="checkbox"/> Drainage/Absorption | <input type="checkbox"/> Population/Housing Balance | <input type="checkbox"/> Toxic/Hazardous | <input type="checkbox"/> Cumulative Effects |
| <input type="checkbox"/> Economic/Jobs | <input type="checkbox"/> Public Services/Facilities | <input type="checkbox"/> Traffic/Circulation | <input type="checkbox"/> Other: _____ |

Present Land Use/Zoning/General Plan Designation:

Residential - Rural Density 5.1 AC/U

Project Description: *(please use a separate page if necessary)*

Lot Line Adjustment between two legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Document No. 2004079684]), resulting in two newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B), respectively

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

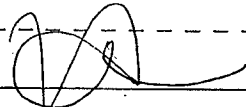
- | | |
|--|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Fish & Game Region # _____ | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Integrated Waste Management Board | |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date September 17, 2013 Ending Date October 8, 2013

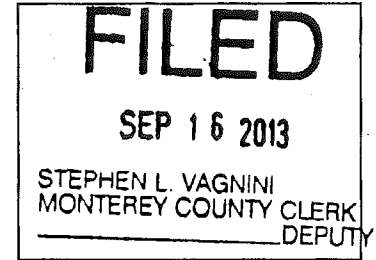
Lead Agency (Complete if applicable):

Consulting Firm: <u>N/A</u>	Applicant: <u>Aaron Johnson c/o Johnson, Moncrief & Hart, PC</u>
Address: _____	Address: <u>16 W. Gabilan Street</u>
City/State/Zip: _____	City/State/Zip: <u>Salinas, CA 93901</u>
Contact: _____	Phone: <u>(831) 759-0900</u>
Phone: _____	

Signature of Lead Agency Representative:  Date: 9/13/2013

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

County of Monterey
 State of California
NEGATIVE DECLARATION



Project Title:	Gordon John Steuck & Sandra Lee TRS
File Number:	PLN130209
Owner:	Gordon John Steuck & Sandra Lee TRS
Project Location:	570 & 570-A Aguajito Road, Monterey
Primary APN:	103-061-015-000
Project Planner:	Valerie Negrete
Permit Type:	Lot Line Adjustment
Project Description:	Lot Line Adjustment between two legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Document No. 2004079684]), resulting in two newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B), respectively. The property is located at 570 Aguajito Road, Carmel (Assessor's Parcel Number 103-061-015-000), Greater Monterey Peninsula Area Plan.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body:	Monterey County RMA Planning Director
Responsible Agency:	County of Monterey
Review Period Begins:	September 17, 2013
Review Period Ends:	October 8, 2013

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2nd Floor, Salinas, CA 93901/(831) 755-5025

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 757-9516



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION MONTEREY COUNTY DIRECTOR OF PLANNING

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Negative Declaration, pursuant to the requirements of CEQA, for a Lot Line Adjustment (Steuck, File Number PLN130209) at 570 Aguajito Road, Carmel (APN 103-061-015-000) (see description below).

The Negative Declaration and Initial Study, is available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal Street, 2nd Floor, Salinas, California. The Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link: <http://www.co.monterey.ca.us/planning/docs/environmental/circulating.htm>.

The Director of Planning will consider this proposal on October 30, 2013 at 168 West Alisal Street, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from September 17, 2013 to October 8, 2013. Comments can also be made during the Director of Planning decision.

Project Description: Lot Line Adjustment between two legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - northerly Parcel [Document No. 2004079692]) and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - southerly parcel [Document No. 2004079684]), resulting in two newly configured lots of 4.6 acres (westerly parcel to be identified as Parcel A) and 4.3 acres (easterly parcel to be identified as Parcel B), respectively.

We welcome your comments during the **20-day** public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

For reviewing agencies: The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901

Re: Steuck; File Number PLN130209

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

- No Comments provided
- Comments noted below
- Comments provided in separate letter

COMMENTS: _____

DISTRIBUTION

1. State Clearinghouse (15 CD copies + 1 hard copy of the Executive Summary) – include the Notice of Completion
2. County Clerk's Office
3. CalTrans District 5 – San Luis Obispo office
4. California Coastal Commission
5. Association of Monterey Bay Area Governments
6. Monterey Bay Unified Air Pollution Control District
7. California Department of Fish & Wildlife, Marine Region, Attn: Eric Wilkins
8. Monterey Peninsula Water Management District
9. City of Monterey
10. Cypress Fire Protection District
11. Monterey County Agricultural Commissioner
12. Monterey County Water Resources Agency
13. Monterey County Public Works Department
14. Monterey County Parks Department
15. Monterey County Environmental Health Bureau
16. Monterey County Sheriff's Office, Donna Galletti
17. Gordon John Steuck & Sandra Lee TRS, Owner
18. Aaron Johnson, Agent
19. The Open Monterey Project
20. LandWatch
21. Property Owners within 300 feet (**Notice of Intent only**)

Distribution by e-mail only (Notice of Intent only):

22. U.S. Army Corps of Engineers (San Francisco District Office: Katerina Galacatos: galacatos@usace.army.mil and Paula Gill: paula.c.gill@usace.army.mil)
23. Emilio Hipolito (ehipolito@nccrc.org)
24. United Brotherhood of Carpenters & Joiners (nedv@nccrc.org)
25. Michael Stamp (Stamp@stamplaw.us)
26. Margaret Robbins (MM_Robbins@comcast.net)
27. Michael Weaver (michaelrweaver@mac.com)
28. Monterey/Santa Cruz Building & Construction (Office@mscbctc.com)
29. Tim Miller (Tim.Miller@amwater.com)

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: Steuck (Lot Line Adjustment)

File No.: PLN130209

Project Location: 570 & 570-A Aguajito Road, Monterey

Name of Property Owner: Steuck, Gordon John & Sandra Lee Trs

Name of Applicant: Johnson & Moncrief & Hart

Assessor's Parcel Number(s): 103-061-015-000

Acreage of Property: 4.6 & 4.3 Acres

General Plan Designation: Residential - Rural Density 5.1 AC/U

Zoning District: RDR/5.1-UR-D-S (Rural Density Residential, 5.1 acres per unit / Urban Reserve / Design Control District / Site Plan Review)

Lead Agency: Monterey County Resource Management Agency,
Planning Department

Prepared By: Monterey County Planning Department

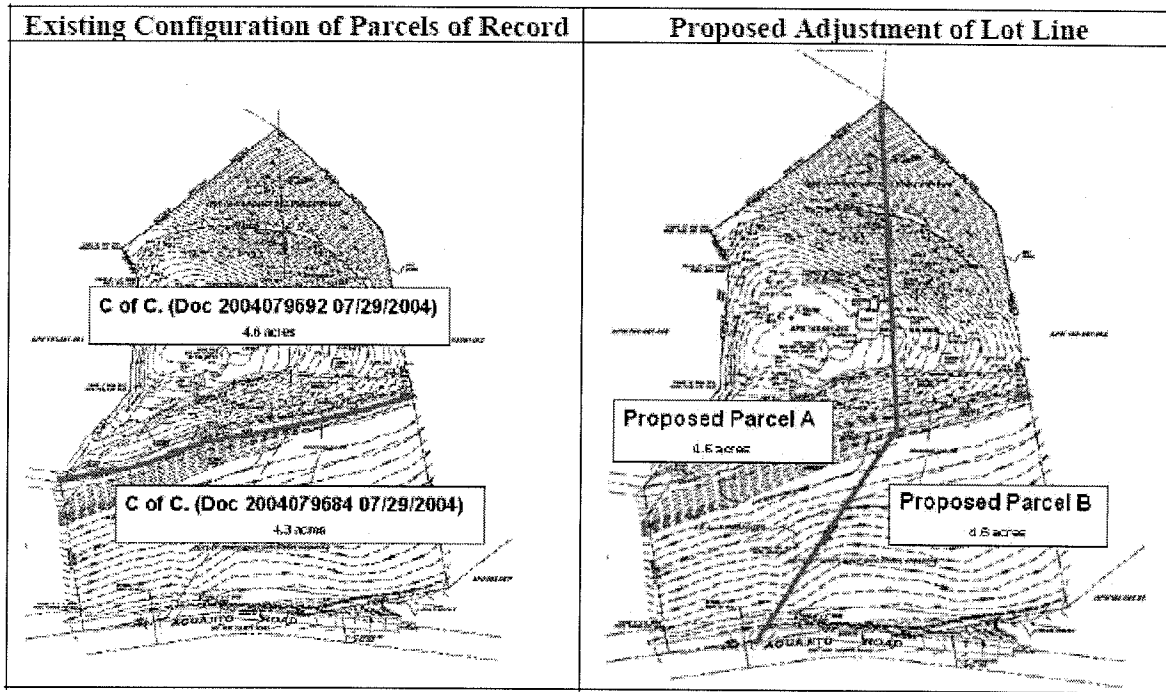
Date Prepared: September 13, 2013

Contact Person: Valerie Negrete

Phone Number: (831) 755-5227

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

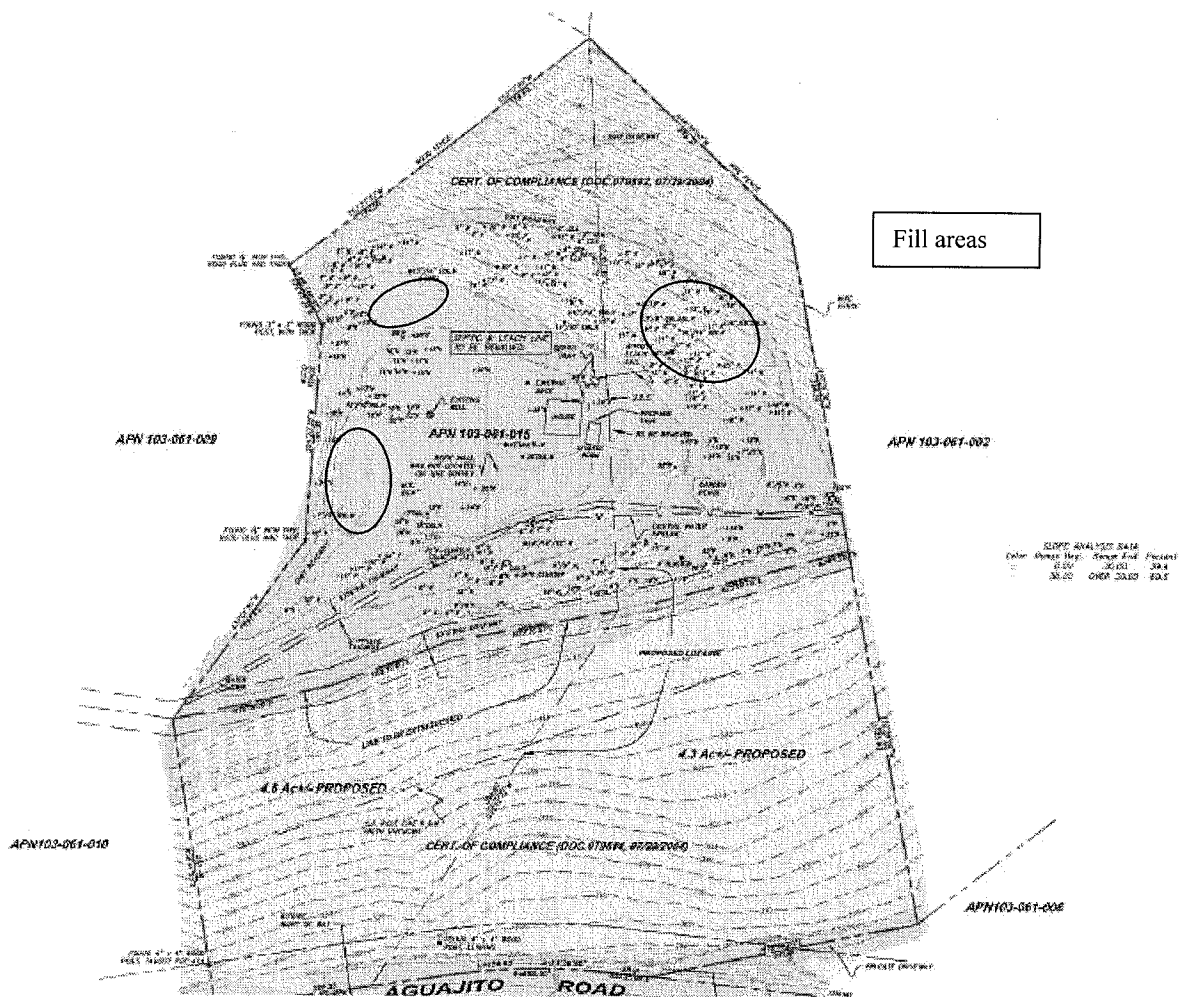
A. Description of Project: The project consists of a Lot Line Adjustment between two legal lots of record of approximately 4.6 acres and 4.3 acres (Certificate of Compliance Document No. 2004079692 {the northerly parcel} and Certificate of Compliance Document No. 20040795684 {the southerly parcel}), resulting in two newly reconfigured lots of 4.6 acres (westerly Parcel A) and 4.3 acres (easterly Parcel B). While the property maintains a single Assessors Parcel Number: 103-061-015-000, this Assessors Parcel was determined by the County in 2004 to include two legal lots of record. The County issued two unconditional Certificates of Compliance (CC) as described above. The purpose of the Lot Line Adjustment is to reconfigure the two properties in such a manner where impacts to protected slopes and trees could be avoided if in the future development is proposed. Typically minor lot line adjustments, such as this one, would be exempt from CEQA under Section 15305 if there is an average slope of less than 20%. In this case, half of the property is over 25% slope or greater and therefore is not exempt from CEQA.



Currently the property has an access and utility easement which transects the mid-point of the parcel, roughly along the east west property line dividing the two lots of record. The existing southerly property slopes down to Aguajito Road with all slopes exceeding 25% in steepness.

Fill Areas Restored

Prior to the subject Lot Line Adjustment there was fill placed on the property (as indicated below). The property owner was required to attain a grading permit, GP090013, in order to restore the areas that were disturbed. After working closely with the Monterey County Building Department the property owner restored the fill areas by removing fill and redistributing fill in other areas that were impacted. The figure below indicates the areas that were restored. There are no unresolved issues with the restoration completed.



B. Surrounding Land Uses and Environmental Setting: The project site is located at 570 Agujito Road within unincorporated Monterey County, near the cities of Carmel and Monterey. The parcels are located within the Los Ranchitos De Agujito Tract. The current zoning is Rural Density Residential, 5.1 acres per unit / Urban Reserve / Design Control District / Site Plan Review. The surrounding properties are rural residential in nature and range in size from 4.8 acres to 6.43 acres, each with a single family residence. Much of the area is tree covered and heavily sloped, with houses placed on the less steep areas.

The subject site is located on the northern flank of a knoll on the lower, northern portion of an east-west trending range of peaks and ridges. The slope inclinations in the proposed building areas range from about 10% near the top of the knoll to over 35% percent on the knoll flanks. A domestic water well is located on the top of the knoll and the site is vegetated with oak trees, weedy groundcover and grasses.

Presently the site contains an existing single family residence served water through a connection to Cal-Am. There is also domestic water well on the property that the owner intends to keep available for service to Parcel B.

C. Other public agencies whose approval is required: No other public agency approval is required.

III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input type="checkbox"/>

Monterey County 2010 General Plan

The project was reviewed for consistency with the Monterey County 2010 General Plan and the Greater Monterey Peninsula Area Plan (GMPAP). Section VI.9 (Land Use and Planning), below, discusses whether the project physically divides an established community, conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, or conflicts with any applicable habitat conservation plan or natural community conservation plan.

The project is consistent with the General Plan and Greater Monterey Peninsula Area Plan policies, as explained below in section IV.A. The Greater Monterey Peninsula Area Plan (GMPAP) designates the site as “RDR/5.1-UR-D-S” or Rural Density Residential, 5.1 acres per unit / Urban Reserve / Design Control District / Site Plan Review. The Rural Density Residential designation allows for residential development density of 5.1 acres per unit. The project is not within the Coastal Zone and therefore is not subject to a Local Coastal Program-LUP. **CONSISTENT**

Air Quality Management Plan (AQMP).

Consistency with the AQMP is an indication of a project’s cumulative adverse impact on regional air quality (ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District’s adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact. Consistency of a residential project is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is listed in the AQMP. If the population increase resulting from the project would not cause the estimated cumulative population to exceed the relevant forecast, the project would be consistent with the population forecasts in the AQMP. The project is consistent with the 2010 Monterey County General Plan and with the Association of Monterey Bay Area Governments (AMBAG) regional population and employment forecast. The proposed project will not increase the population of the area nor generate additional permanent vehicle trips. Therefore, the project will be consistent with the AQMP. **CONSISTENT**

Water Quality Control Plan. The Regional Water Quality Control Board (RWQCB) incorporates the County’s General Plan in its preparation of regional water quality plans. In addition, the project is consistent with the parameters required for a Regional Board Subsurface Disposal Exemption. Section VI. 8 (Hydrology and Water Quality) below discusses whether the proposed project does not violate any water quality standards or waste discharge requirements, substantially depletes groundwater supplies or interferes substantially with groundwater recharge, substantially alters the existing drainage pattern of the site or area or creates or contributes runoff water that would exceed the capacity of existing or planned stormwater drainage. **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE: Many of the above topics on the checklist do not apply. Less than significant or potentially significant impacts are identified for Aesthetics and Land Use/Planning. The project will have no quantifiable adverse environmental effect on the categories not checked above, as follows:

1. Aesthetics: The northern parcel is not visible from Aguajito Road but faces the Pacific Ocean and Monterey Bay. Neither parcel is within a designated scenic vista, has significant tree, rock outcropping or a historic building within a state scenic highway. The newly configured parcels would serve to protect the existing visual character of Aguajito Road and lessen the need for the removal of natural vegetation, which include groves of oak trees on the southern portions of the parcels facing Aguajito Road. Future development will need to be analyzed for citing and design to ensure impacts to scenic resources are not adversely affected. Under the current zoning regulations of Design Control and Site Plan overlays on the

property, the County will analyze the siting and design of any future development. Further County standards will require outdoor lighting to be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is minimized at the lighting source, and off-site glare is fully controlled. *Therefore, the project will have no impact on Aesthetic Resources.* (Source: 1, 2, 7)

2. Agriculture and Forest Resources: The project site is not zoned for agricultural use and is not under a Williamson Act Contract. The proposed project would not convert prime farmland, conflict with an existing or adjacent agricultural use, or result in the conversion of agricultural or forest resources. The site is not under a Williamson Act Contract whereas development adjacent to prime farmland shall be planned to be compatible with the continued agricultural use of the land. *Therefore the project will have no impact to Agriculture and Forest Resources.* (Source: 1, 2, 3, 4, 7, 8)

3. Air Quality: The Monterey Bay Unified Air Pollution Control District (MBUAPCD) prepared the Air Quality Management Plan (AQMP) for the Monterey Bay Region. The AQMP addresses the attainment and maintenance of State and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB). There is no development proposed at this time; therefore, there will be no increase in emissions from construction vehicles and dust generation. The CEQA Air Quality Guidelines outline a threshold for construction activities with potentially significant impacts for PM-10 to be 2.2 acres of disturbance a day. As less than 2.2 acres will be disturbed by this project it has been judged not to constitute a significant impact. Generally, in the long-term, the primary source of air emissions is vehicular traffic. The subject lot line adjustment will not affect AMBAG population projections. *Therefore, the proposed project will have no impact upon air quality.* (References IX 1, 2, 5, 6)

4. Biological Resources: The project is the adjustment of a property line between two existing lots of record. The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a sensitive or special status species and would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. While the site is vegetated with numerous oak trees and has weedy groundcover and grasses, no development or tree removal is proposed at this time. *Therefore, there will be no impact to Biological Resources.* (Source: 1, 2, 3, 7, 16)

5. Cultural Resources: The project is the adjustment of a property line between two existing lots of record and no development is proposed at this time. A historic review of the residential property was performed by a local historian who determined that the residential structures present on the property are not historically significant. Additionally, there was no evidence of prehistoric cultural resources as observed by a registered professional Archaeologist who investigated the site and available records. *Therefore, there will be no impact to Cultural Resources.* (Source: 1, 2, 3, 7, 8, 14, 15, 16)

6. Geology/Soils: While the property owner has had geological and geotechnical analyses prepared for the property in 1984 and 2008, the project is the adjustment of a property line between two existing lots of record. County GIS records indicate that the property is not within 660 feet of a known fault and has a low potential for liquefaction. Much of the property is steeply sloped though and has a high probability of landslide risk. Across the middle of the property are areas with less than 25% slopes. As there is no development proposed at this time, and no development potential beyond the two-parcel capacity of the present property, there will be no impact to Geology or Soil Resources. *Therefore, there will be no impact to Geology/Soils.* (Source: 1, 2, 3, 7, 8, 12, 13, 16)

7. Greenhouse Gas Emissions: As there is no development proposed and the project is the adjustment of a property line between two existing lots of record, there is no greater potential impact to Greenhouse Gas Emissions than presently exists. *Therefore, there will be no impact to Greenhouse Gas Emissions.* (Source: 1, 2, 6)

8. Hazards/Hazardous Materials: The proposal involves a lot line adjustment of two legal lots of record where there would be no use of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. The project, would not involve the transport, use, or disposal of any hazardous materials. There are no known hazards or hazardous materials associated with this project. The existing residence does not contain any stationary operations, create hazardous emissions or handle hazardous materials. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip (Source: IX. 1, 2, 5 & 9). *Therefore, the proposed project would have no impacts related to Hazards/Hazardous Materials.*

9. Hydrology/Water Quality: As there is no development proposed, there will be no greater potential impact to Hydrology and Water Quality Resources than presently exists. County GIS records indicate that the property is not within a mapped flood zone area. Two letters from the Environmental Health Bureau (EHB) address septic systems, hazardous materials, water well construction issues, and setbacks of water lines from septic systems. The project is not located near the ocean, lake or other water body; the project will not expose people to inundation by seiche, tsunami, or mudflow. *Therefore, there will no impact to Hydrology/ Water Quality.*

10. Land Use: The subject legal lots of record are nonconforming as to size. Properties created legally, yet found to be non-conforming to size are recognized by the 2010 General Plan and may be adjusted in a manner as to not increase their non-conformity. In this case, the resultant parcels will be 4.6 acres (westerly Parcel A) and 4.3 acres (easterly Parcel B) and not be more non-conforming than prior to the adjustment. *Therefore, there will be no impacts to land use.*

11. Mineral Resources: The proposed project is not located in one of the areas designated by the California Department of Conservation Division of Mines and Geology as regionally significant (MRZ-2) for construction aggregate. Furthermore, no development is proposed with the adjustment of the property line between the two existing lots of record. *Therefore, there will be no impact to Mineral Resources.*

12. Noise: The proposed project will not expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance nor will have a substantial permanent increase in ambient noise levels in the project vicinity. The project is not located within an airport land use plan or, within two miles of a public airport or public use airport or vicinity of a private airstrip. The lot line adjustment is within a residential area and no development is proposed. The project will not expose neighbors to noise levels that exceed standards and would not substantially increase ambient noise levels. *Therefore, there will be no impact to Noise.*

13. Population/Housing: The project is the realignment of an existing property line between two lots of record. Presently the subject property includes one single family residence. No subdivision or development proposal is being considered that would induce population growth in the area beyond the capacity of the two existing lots of record, displace existing housing or people, or change land use that restricts development or housing. *Therefore, there would be no impact to population or housing as a result of the lot line adjustment.*

14. Public Services: The project is the realignment of an existing property line between two lots of record. Presently the subject property includes one single family residence and one vacant property. Approval of the project would result in the same impact burden on Public Service Resources as the present configuration (Source: 1, 2). *Therefore, there would be no impact from this lot line adjustment causing*

the need for construction of additional government services for fire protection, police, schools or parks.

15. Recreation: The project is the realignment of an existing property line between two lots of record without a development proposal. Presently the subject property includes one single family residence and one vacant property. Approval of the project would result in the same impact burden on Recreational Resources as the present configuration (Source: 1, 2). *Therefore, approval of the project would not impact the use of existing neighborhood and regional parks or other recreational facilities.*

16. Transportation/Traffic: No development is proposed with the adjustment of the property line between two existing lots of record. Presently, both the northern and southerly parcels have access from the east west access road, and access from this easement would continue to serve the reconfigured parcels. *Therefore, there will be no impact to transportation and traffic.*

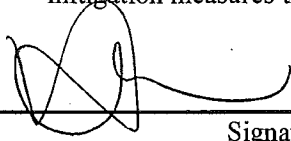
17. Utilities/Service Systems: No development is proposed with the adjustment of the property line between two existing lots of record and no new or expanded entitlements are needed for the project as two unconditional certificates have been previously issued for the two parcels, and only two parcels will remain after adjustment. Presently the site contains an existing single family residence served water through a connection to Cal-Am. There is a domestic water well on the property that the owner intends to keep available for service to Parcel B, should he wish to develop it in the future. Both reconfigured properties provide for onsite septic systems and do not connect to public utility or sanitation district systems. *Therefore, there will be no temporary or long-term impacts to wastewater treatment facilities, or the need for the construction of new storm water drainage facilities or expansion of existing facilities.* (Source: 1, 2, 7, 8)

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or

mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Valerie Negrete

9/13/2013

Date

Assistant Planner

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS

Would the project:	Potential Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potential Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

4. BIOLOGICAL RESOURCES	Potential y Significa nt Impact	Less Than Significant With Mitigation Incorporated	Less Than Significa nt Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

5. CULTURAL RESOURCES				
Would the project:	Potential y Significan t Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

6. GEOLOGY AND SOILS				
Would the project:	Potential y Significan t Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS				
Would the project:	Potential y Significa t Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

7. GREENHOUSE GAS EMISSIONS				
Would the project:	Potential y Significa nt Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potential y Significa nt Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potential y Significa nt Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 2, 7, 8, 9, 10, 11, 16, 17)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion or siltation</u> on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in <u>flooding</u> on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HYDROLOGY AND WATER QUALITY		Potentiall y Significa nt Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
Would the project:					
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion/Conclusion/Mitigation: See Section IV.					

10. LAND USE AND PLANNING		Potentiall y Significa nt Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
Would the project:					
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion/Conclusion/Mitigation: See Section IV.					

11. MINERAL RESOURCES				
Would the project:	Potential y Significan t Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significan t Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

12. NOISE				
Would the project result in:	Potential y Significan t Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significan t Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------	--------------------------------	--	------------------------------	-----------

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Discussion/Conclusion/Mitigation: See Section IV.

13. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
----------------------------	--------------------------------	--	------------------------------	-----------

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Discussion/Conclusion/Mitigation: See Section IV.

14. PUBLIC SERVICES		Potential y Significa nt Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
Would the project result in:					
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a)	Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion/Conclusion/Mitigation: See Section IV.					

15. RECREATION		Potential y Significa nt Impact	Less Than Significant With Mitigation Incorporate d	Less Than Significa nt Impact	No Impact
Would the project:					
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion/Conclusion/Mitigation: See Section IV.					

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

17. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at www.dfg.ca.gov.

Conclusion: The project will be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN130209 and the attached Initial Study / Proposed Negative Declaration.

IX. REFERENCES

1. Project Application/Plans - File Number PLN130209
2. Monterey County General Plan 2010
3. Greater Monterey Peninsula Area Plan
4. Title 21 of the Monterey County Code (Zoning Ordinance)
5. Title 19 of the Monterey County Code (Subdivision Ordinance)
6. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008.
7. Site Visit conducted by the project planner on March 28, 2013.
8. Interdepartmental Review Comments from Monterey County Land Use Agencies.
9. Geotechnical, Soils and Percolation Investigation for Allan Fox for Assessor’s Parcel Number 103-061-015-000, by Pacific Land Services, Inc., dated July 11, 1984.
10. Geotechnical Engineering Report Steuck Residences 596-A Aguajito Road, Carmel by Earth Systems Pacific, dated May 20, 2008.
11. Phase I Historic Review of the residential property located at 570 Aguajito Road, Monterey. Letter Report from Kent L. Seavey to Aaron Johnson, dated July 8, 2011.

12. Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 103-061-015-000 in an unincorporated area of Monterey County, California." Prepared by Susan Morley, dated May 2008.
13. Monterey County Geographical Information Systems (GIS) database.
14. Comprehensive Land Use Plan for Monterey Peninsula Airport, dated March 23, 1987.

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
DEBRA GEMGNANI TIPTON
DONNA L. ROVELLA

450 LINCOLN AVENUE, SUITE 101
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331



September 24, 2013

File No. 00143.003

Mr. Mike Novo
Monterey County Planning
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: **Steuck Initial Study and Negative Declaration; PLN130209**

Dear Mike:

This project is a re-do of the lot line adjustment ("LLA") proposed in PLN080209. There is a great deal of information from our office in that file that is not included in the Initial Study. That information is incorporated herein by reference.

The Initial Study contains many of the flaws and omissions of the last Initial Study, again circumvents the purpose of CEQA and compromises the ability of the public and the County's decision makers to make fully informed decisions. In *Sunnyvale West Neighborhood Association v. City of Sunnyvale City Council* (2010) 190 Cal.App.4th 1351, the Sixth District Court of Appeal recently confirmed that the "failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decision making and informed public participation." The omissions in the Initial Study are substantial and prejudicial. The Initial Study is inadequate for "informed decision making and informed public participation."

GENERAL COMMENTS

Project Description: The first omission is that of an accurate and complete project description. The Negative Declaration and Initial Study describe the project as "a lot line adjustment between two legal lots of record approximately 4.6 acres and 4.3 acres ... resulting in two newly reconfigured lots of 4.6 acres (westerly Parcel A) and 4.3 acres (easterly Parcel B)." The CEQA Guidelines defines "project" as "the whole of an action which has the potential for resulting in either a direct physical change in environment or reasonably perceive indirect physical change in the environment." It has clearly been documented both in writing and in prior hearings that this is not just a lot line adjustment. It is the next step in the Steuck's plans to build houses on each lot. This is not speculation. The Steucks have shown in their previous application materials submitted to both the Planning Department and the Environmental Health Department their intention to create a water system, install septic systems and to ultimately build houses. They have demolished a garage and clearly intend to demolish the house. They illegally graded to create a building pad. The Steucks clearly have a plan for the development of this property. They intend to build a house on each lot. The whole of the project must be fully described and analyzed.

Exhibit F

Reliance on Certificates of Compliance: The Initial Study continues to rely on certificates of compliance that are questionable at best. The County made its determination that the property was entitled to two certificates of compliance based on the property being described in two separate 1945 deeds. However, after 1945, both parcels were acquired by Mr. Carl Von Saltza. Mr. Von Saltza then sold the property (described by a metes and bounds description as a single parcel) to the Sweetmans in 1950. This is a clear indication that it was Mr. Von Saltza's intent to combine the parcels and transfer them as a single lot. One only has to look at the "lot" lying between Aguajito Road and Gentry Hill to understand why. Had he intended to transfer two lots, that intention would have been clear in the deed. Instead, he clearly demonstrated his intention to combine the properties by describing them as a single lot.

As we have noted before, there were eight subsequent sales of this property starting in 1957 (Sweetman to Garlick) through 1986 (Fox to Steuck). In each of these sales, the lot was described by metes and bounds as a single parcel without reference to the parcels that may have existed in 1945. The sellers' and buyers' intentions dating back to 1950 were clear. The property was combined by Mr. Von Saltza into a single lot and was sold as a single lot nine times.

History of Development on the Property: The Initial Study is essentially silent on the large body of history of illegal grading on the property. These facts are well documented and are fully disclosed in our previous correspondence to the County regarding this property. The history of the illegal grading and dumping of potentially toxic materials was fully documented, including photographs by CEO Faris Speirs in 2005. The County has this somewhere in its records. The Initial Study fails to acknowledge, disclose or discuss these issues or the specific effects of the significant grading that was done on the property in its environmental review.

SPECIFIC COMMENTS

- Page 2 In the paragraph "Fill Areas Restored", it states "There are no unresolved issues with restoration completed." While it may be true that the County has decided it has done all it is going to do and closed its file, it is not correct to say the property has been restored to its pre-violation condition. The current condition is an engineered building pad, not a restored site.
- Page 3 Regarding the well proposed on Parcel B, the Initial Study states that "... the owner intends to keep available for service to Parcel B." The owner had previously applied for a water system. Again, although the project description states the project is an LLA only, it is clear construction of homes is the intended use, is reasonably foreseeable and must be analyzed.
- Page 4 The Initial Study finds the LLA to be consistent with the 2010 General Plan.

Exhibit F

As will be discussed later, there is significant information that is not disclosed in the Initial Study that leads to a different conclusion.

Page 5

Aesthetics: This section finds no impact. This is based, apparently, on alleged visual impact to Aguajito Road being avoided if the portion of the property between Aguajito Road and Gentry Hill were developed. There is no evidence to support this assertion. To my knowledge, there has been no siting or staking of a potential house site upon which to base that conclusion.

There is no evidence that the potential sites for new homes have been evaluated for their visual impact. These would be highly constrained sites due to the location of the road, the existing well, potential sites for septic systems off 25% slopes, mature oaks and slopes in excess of 25%. It is reasonable to expect that subsequent proposals will be for multi-story structures. Nonetheless, there is no assessment of how that would impact the area's aesthetics. There have been no staking or story poles erected to assess potential visual impacts, nor are there mitigations such as building envelopes proposed in the Initial Study.

The County is relying on subsequent permit processes which are, in effect, deferred studies and mitigations to be a means of assessing the impacts that should be addressed in this Initial Study. A conclusion of no impact and no needed mitigation is incorrect and internally inconsistent.

Page 6

Biological Resources: The Initial Study again relies on the assertion that the LLA is all there is to the project and nothing else is reasonably foreseeable. It is clear that the owner's express intent is to build two houses and accessory structures, yet there is no evidence in the record or a discussion of how or where those houses could be sited where there is no impact to the oak habitat or to assess the potential impact of oak tree removal.

Page 6

Greenhouse Gas ("GHG"): The Initial Study should assess the impact of two new homes on GHG. While there may not be specific plans for those houses included in this application, they have been included in previous applications. They are also clearly foreseeable and as such should be evaluated for GHG.

Page 9

Hydrology/Water Quality: Again, the reasonably foreseeable impact of two houses and accessory uses must be analyzed.

The Initial Study (on page 3) states the existing small house on proposed Parcel A is served by Cal-Am. It can be reasonably foreseen that since that

Exhibit F

proposed Parcel is the larger and more usable of the proposed lots, it will be used for a substantially sized home. There is no discussion of the existing water use or fixture credits that can be generated by demolition of the house or how the increased water from a larger home would be addressed. The Initial Study (page 3) also states the existing well will be the water source for the other lot, but there is no assessment of that well as a water source.

The well was pump tested in September, 2010. At that time, the owners had applied for a three-connection water system. EHB found enough water to serve two connections so, again, the development of each of the proposed lots is clearly foreseeable and must be assessed.

This application was applied for in May, 2013. It is subject to the policies of the 2010 General Plan which requires proof of long term water (2010 General Plan Policies PS-3.1, 3.2, 3.3 and 3.34). There is no discussion in the Initial Study of any analysis of a sustainable long term supply. It is recognized that EHB's source capacity test is an indicator that the well will pump water at a particular rate; such tests have not been accepted as a determinant of a long term water supply.

The source capacity test was performed in September, 2010. The tests should be repeated to assess current well capacity and its impact on neighboring wells. It has been reported that local wells are showing diminished capacity. This is a further indicator of the need for a long term sustained water supply to be assured.

Page 7

Land Use: Policy LU-1.16 of the 2010 General Plan Update states that an LLA may be approved between nonconforming lots subject to certain criteria and if "... the resultant lots are consistent with all other General Plan policies ...". This overall finding of consistency cannot be made. Most of the property is over 25% slope. There is no evidence in the record that demonstrates consistency with Policy OS 3-5. The essence of that policy is that development on slopes over 25% is not allowed unless specific findings can be made. There is no evidence that shows the proposed lots can be developed including location of structures, septic and water facilities, access, grading and drainage improvements entirely on slopes under 25% or that the findings required in Policy OS-3.5a(1) and (2) can be made.

Unless that analysis is done first, approval of the LLA will result in the County subsequently being forced to approve exceptions for the lots they are creating.

Exhibit F

Mr. Mike Novo
Monterey County Planning
September 24, 2013
Page 5

There is also no evidence to show that Policy GMP 3-5, which discourages the removal of healthy oaks, can be met. Building areas (including grading and septic system areas) on the proposed lots are not identified, making it impossible to assess the impact of the foreseeable development on the property's oaks.

Page 8

Transportation/Traffic: The parcel(s) are served by a private road known as Gentry Hill. There is no evidence, as required by 2010 General Plan Policy C-3.6, that the owner has rights to use that private road for more than one house.

In 1950 when Mr. Von Saltza sold to the Sweetmans, the deed described the property by metes and bounds as a single parcel and the easement accompanying that deed, and every deed since, was for access to that single described parcel.

The "lot" lying between Gentry Hill and Aguajito Road has not proved it has legal access from either Gentry Hill or Aguajito Road.

The balance of the Initial Study is a checklist referring back to the section just discussed. No comment, then, is needed for the balance of the Initial Study.

CONCLUSION

In conclusion, this Initial Study fails to assess in any way the reasonably foreseeable impacts of building two new single family dwellings and accessory structures on the two lots despite clear indication from the owner of their intent. House plans have been submitted and are in the County's records. Applications for water systems have been submitted. Plans for new septic systems well beyond that which is required to serve the existing house have been submitted, approved and built. Clearly, the ultimate development of this property is reasonably foreseeable. The Initial Study needs to be rewritten accordingly and re-circulated.

Sincerely,



Dale Ellis
Director of Planning and Permit Services

DLE:ncs

cc: Dr. and Mrs. Eric Del Piero

Exhibit F

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
DEBRA GEMGNANI TIPTON
DONNA L. ROVELLA

450 LINCOLN AVENUE, SUITE 101
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

September 25, 2013

File No. 00143.003

Mr. Mike Novo
Monterey County Planning
168 W. Alisal Street, Second Floor
Salinas, CA 93901



Re: **Steuck; PLN130209**

Dear Mike:

We represent Dr. Eric and Teresa Del Piero.

We reviewed the proposed Lot Line Adjustment and its Initial Study/Negative Declaration. We commented on the Initial Study/Negative Declaration by separate letter. Our review of the Initial Study found that not only is the Initial Study inadequate, there are numerous significant issues with the proposed Lot Line Adjustment (General Plan consistency, slopes in excess of 25%, oak tree removal, water, access) that are best addressed in a public hearing.

Therefore, it is our request that this application be set for a public hearing. It is our understanding, based on recent ordinance changes, that this hearing will be in front of the Planning Commission and appealable to the Board of Supervisors.

Sincerely,

Dale Ellis
Director of Planning and Permit Services

DLE:ncs

cc: Dr. and Mrs. Eric Del Piero

Exhibit F

Page 6 of 118 Pages



Aguajito Property Owners Association

P.O. Box 1234 Carmel, California 93921



October 4, 2013

To: County on Monterey Resource Management Agency – Planning Department
Attention Mike Novo, Director of Planning
168 West Alisal St, Second Floor
Salinas, Ca 93901

Re: Steuck Lot Line Adjustment Negative Declaration File number PLN130209

The Aguajito Property Owners Association was originally formed in 1958. The primary goal of the association is to represent and protect the interests of property owners in the Rancho Aguajito area also referred to as “Los Ranchitos de Aguajito Tract” and generally designated as “Jack’s Peak”. Additionally the Association seeks to regulate and influence the orderly development of said area and to promote and retain the residential, esthetic, scenic and recreational features that are in the best interests of the property owners who live here.

The APOA represents a total of approximately sixty to seventy paid members. Many other Aguajito Property Owners attend our meetings and support the overall mission statement of the Association.

The AOPA reaffirms our letters that were previously submitted to your committee and is also submitting the enclosed letter dated October 4, 2013. The concerns of the APOA remain unchanged. The APOA trusts that you will review this correspondence and give it your utmost consideration.

Respectfully, The APOA Board

David Hughes

Corey Butler

Bjorn Nilson



Exhibit F

Page 7 of 118 Pages



Aguajito Property Owners Association

P.O. Box 1234 Carmel, California 93921



October 4, 2013

County of Monterey Resource Management Agency – Planning Department
Attention Mike Novo, Director of Planning
168 West Alisal St, Second Floor
Salinas, Ca 93901

Re Steuck File Number PLN130209, Steuck Lot Line Adjustment Negative Declaration

Dear Mr. Mike Novo,

We are again writing on behalf of the Aguajito Property Owners Association to voice the membership's strong opposition to the above referenced project. Please note that County staff has failed to include our prior written opposition, dated May 29, 2009, April 27, 2011, and October 28, 2011 in the comments section of this negative declaration. We have enclosed that correspondence with this letter. We hereby incorporate by reference each and every comment, request and mitigation in our attached prior correspondence.

This project was discussed in great detail at our annual meeting, held May 24, 2011. At the close of the discussion, the members present voted unanimously to oppose the subdivision project due to the lack of resolution to the issues we raised in our three earlier letters.

We hereby demand, a full and complete EIR to be prepared and circulated pursuant to CEQA Guidelines on the subject application prior to and before any action of any kind is taken by Monterey County on this matter. The project, the existing controversy and significant environmental impacts, and the current and previously unmitigated impacts and violations on the subject property must be fully disclosed in any CEQA document that is proposed to be used by decision makers.

We also hereby request that this application be set for a public hearing and that the Aguajito Property Owners Association be included in any and all notices regarding PLN080454.

Respectfully, APOA Board

David Hughes

David Hughes

Corey Butler

Corey Butler

Bjorn Nilson

Bjorn Nilson

Exhibit F

Page 8 of 118 Pages



Aguajito Property Owners Association
P.O. Box 1234 Carmel, California 93921



April 27, 2011

To: The Greater Monterey Peninsula Area Planning Advisory Committee
Michael Novo, Director of Planning
Monterey County Minor Subdivision Committee

From: The Aguajito Property Owners Association Board

Re: Opposition to Steuck Lot Line Adjustment due to Illegal Dumping of Contaminated and Uncompacted Fill (Gentry Hill Lane) and lack of Deeded Access (File Number: PLN080454, 570 & 570A Aguajito Rd)

Gentlepersons:

Our Homeowners Association strongly objects to the proposed Steuck Lot Line Adjustment because we believe:

1. Existing, contaminated waste has been dumped on and remains on the property, and neither the land owner nor the County has caused the contaminated and uncompacted waste materials to be excavated, tested, and removed as is required by Monterey County Codes and state law.
2. Lot line adjustments may not be approved if existing violations of state health and water quality protection regulations and county ordinances exist on a property, even if the county has failed to enforce its own codes and has failed to order the full excavation of the unpermitted and contaminated fill.
3. The creation of the new, buildable lot by the county will illegally burden the access easement across the Bliss property and Gentry Hill Lane, a private road. The smaller and currently unbuildable lot (all of it is in excess of 50% slope) is only allowed access from Aguajito Road. No access can be developed from Aguajito because the lot is almost vertical in slope. The proposed lot line adjustment would cause access to the proposed lot to come from Gentry Hill Lane, a private road that the County has no right to grant additional access or encroachment upon.
4. Visual inspection of the site will not disclose the thousands of yards of contaminated fill that has been dumped on the property because the owner has graded the top of the material to make it look like nothing is wrong.

Exhibit F

Page 9 of 118 Pages

5. The proposed lot line adjustment will create one non-conforming lot that is even more non-conforming than the current parcels. This proposal flies in the face of California law and the legislative intent governing such lot line adjustments. It violates both our zoning (5.0 acre minimum) and our deed restrictions and may lead to litigation if the County attempts to take actions beyond their authority or power. The motive for this lot line adjustment is purely for profit at the expense of our property owners.

Members of our homeowners association have known and objected for years to the illegal activities and illegal dumping of contaminated waste on the Steuck property. As has been documented by complaints since the mid-1980's, the dumping of waste and contaminated fill on that parcel, although repeatedly cited by county inspectors, remains an existing and present threat to our groundwater supplies.

We have reason to believe that, along with the broken asphalt, garbage, rebar, chunks of concrete, and pieces of broken metal that have been buried on the site, contaminated fill was deposited on the property. Our members have asked for this material to be fully excavated and tested in compliance with Monterey County Codes before any permit request is granted on the properties.

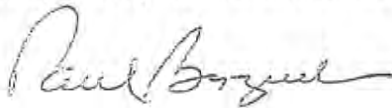
As you know, although there have been repeated assurances from multiple county employees over the years, the County of Monterey has failed to demand the full and complete excavation of this toxic waste material from the site. Further, the County has mysteriously released "Red Tags" that were placed on the property due to the illegal dumping without requiring any remediation of the contaminated waste or the full excavation and removal of the illegal contaminated fill as is required by state and local codes.

Additionally, the illegal fill has covered the bases of mature oak trees, threatening these protected species.

We strongly object to any processing or approval of any permit, and specifically we object to the lot line adjustment application, on the Steuck property until all of the illegal and contaminated fill has been excavated and removed, until the original natural grade of the property is restored, until all of the toxic contaminants that threaten our groundwater supplies are removed, and until the County has taken punitive action against the land owners for their wrongful past actions.

We ask that you deny any and all applications until each and all of the above violations and illegal acts have been resolved by the full removal of the illegal and contaminated fill from the property, and until access from Aguajito Road for the currently unbuildable lot is secured with a county encroachment permit, a county grading permit, a county variance, a General Plan amendment and a Scenic and Design permit approval.

Respectfully, the APOA Board



Paul Baszucki



Rick Zug



Taylor Fithian

Exhibit F



Aguajito Property Owners Association

P.O. Box 1234 Carmel, California 93921

May 29, 2009

To: The Greater Monterey Peninsula Area Planning Advisory Committee
Michael Novo, Director of Planning
Monterey County Minor Subdivision Committee

From: The Aguajito Property Owners Association Board

Re: Opposition to Steuck Lot Line Adjustment due to Illegal Dumping of Contaminated and Uncompacted Fill (Gentry Hill Lane) and lack of Deeded Access (File Number: PLN080454, 570 & 570A Aguajito Rd)

Gentlepersons:

Our Homeowners Association strongly objects to the proposed Steuck Lot Line Adjustment because we believe:

1. Existing, contaminated waste has been dumped on and remains on the property, and neither the land owner nor the County has caused the contaminated and uncompacted waste materials to be excavated, tested, and removed as is required by Monterey County Codes and state law.
2. Lot line adjustments may not be approved if existing violations of state health and water quality protection regulations and county ordinances exist on a property, even if the county has failed to enforce its own codes and has failed to order the full excavation of the unpermitted and contaminated fill.
3. The creation of the new, buildable lot by the county will illegally burden the access easement across the Bliss property and Gentry Hill Lane, a private road. The smaller and currently unbuildable lot (all of it is in excess of 50% slope) is only allowed access from Aguajito Road. No access can be developed from Aguajito because the lot is almost vertical in slope. The proposed lot line adjustment would cause access to the proposed lot to come from Gentry Hill Lane, a private road that the County has no right to grant additional access or encroachment upon.
4. Visual inspection of the site will not disclose the thousands of yards of contaminated fill that has been dumped on the property because the owner has graded the top of the material to make it look like nothing is wrong.
5. The proposed lot line adjustment will create one non-conforming lot that is even more non-conforming than the current parcels. This proposal flies in the face of California law and the legislative intent governing such lot line adjustments. It violates both our zoning (5.0 acre minimum) and our deed

Exhibit F

restrictions and may lead to litigation if the County attempts to take actions beyond their authority or power. The motive for this lot line adjustment is purely for profit at the expense of our property owners.

Members of our homeowners association have known and objected for years to the illegal activities and illegal dumping of contaminated waste on the Steuck property. As has been documented by complaints since the mid-1980's, the dumping of waste and contaminated fill on that parcel, although repeatedly cited by county inspectors, remains an existing and present threat to our groundwater supplies.

We have reason to believe that, along with the broken asphalt, garbage, rebar, chunks of concrete, and pieces of broken metal that have been buried on the site, contaminated fill was deposited on the property. Our members have asked for this material to be fully excavated and tested in compliance with Monterey County Codes before any permit request is granted on the properties.

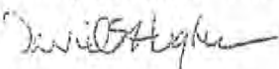
As you know, although there have been repeated assurances from multiple county employees over the years, the County of Monterey has failed to demand the full and complete excavation of this toxic waste material from the site. Further, the County has mysteriously released "Red Tags" that were placed on the property due to the illegal dumping without requiring any remediation of the contaminated waste or the full excavation and removal of the illegal contaminated fill as is required by state and local codes.

Additionally, the illegal fill has covered the bases of mature oak trees, threatening these protected species.

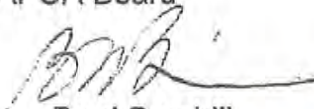
We strongly object to any processing or approval of any permit, and specifically we object to the lot line adjustment application, on the Steuck property until all of the illegal and contaminated fill has been excavated and removed, until the original natural grade of the property is restored, until all of the toxic contaminants that threaten our groundwater supplies are removed, and until the County has taken punitive action against the land owners for their wrongful past actions.

We ask that you deny any and all applications until each and all of the above violations and illegal acts have been resolved by the full removal of the illegal and contaminated fill from the property, and until access from Aquaiito Road for the currently unbuildable lot is secured with a county encroachment permit, a county grading permit, a county variance, a General Plan amendment, and a Scenic and Design permit approval.

Respectfully, The APOA Board



David Hughes



Brad Burchill



Katie Clare Mazzeo

Exhibit F



October 8, 2013

**e-mail: CEQAcomments@co.monterey.ca.us **

Mike Novo, Director of Planning
Monterey County Resource Management Agency
168 West Alisal, 2nd Floor
Salinas, CA 93901

**Subject: MPWMD Comments on Initial Study/Proposed Negative Declaration –
Steuck; File Number PLN130209**

Dear Mr. Novo:

The Monterey Peninsula Water Management District (MPWMD or District) appreciates this opportunity to review the above-referenced document. The MPWMD is responsible for integrated water resources management for the Monterey Peninsula, and its boundaries include the subject parcels. We offer the following comments:

Page 3, Para. C, Other Agency Approvals: Action by MPWMD is not needed to approve the lot line adjustment, but MPWMD Rules 20, 21 and 22 require a Water Distribution System (WDS) permit for the proposed project as it was described in a Pre-Application submitted to MPWMD in July 2010. A WDS Application form is yet to be received. It is noted that the 2010 Pre-Application indicated the intent for one well to serve two parcels (rather than one parcel as described in the Initial Study), but this has not been confirmed in 2013. MPWMD has asked the applicant to confirm the project description and system service area, which is affected by the proposed lot line adjustment. The District has asked for updated Assessor's Parcel Number(s) once they are available from the County.

Thank you for your consideration. I can be reached at 831/658-5621 or henri@mpwmd.net if you have questions.

Sincerely,

A handwritten signature in blue ink that reads "Henrietta Stern".

Henrietta Stern
Project Manager

U:\mpwmd\WDS_Permits\WDSApplications\103061015_Steuck\Steuck_NegDecLetter_20131001.docx
Prepared by H. Stern on 10/1/2013

Exhibit F

Page 13 of 118 Pages

Frank and Marie Chiorazzi
565 Aguajito Road
Carmel, CA 93923



October 8, 2013

TO: Monterey County Board of Supervisors
Mr. Michael Novo, Director of Planning

RE: Need for full Environmental Impact Report for Steuck housing project (PLN 130209 - Gentry Road, Mont. Pen. Plan. Area)

Gentlepersons:

By this letter I hereby request, pursuant to the requirements of the California Environmental Quality Act (CEQA) and its Guidelines and the California Resources Code, that a full and complete EIR be prepared, circulated, and certified before any action is taken on the pending application referred to above.

Significant controversies exist related to the great environmental impacts that will result from this project. Further, significant legal issues related to the land use application exist which preclude the county of Monterey from taking any action on the application until a full and comprehensive evaluation of those disputed facts are fully vetted in a certified EIR.

The proposed application assumes that it has the right of access across my property for a second house. IT DOES NOT HAVE THAT LEGAL RIGHT OF ACCESS TO MY EASEMENT OR TO GENTRY HILL ROAD AND AN EXAMINATION OF THE DEEDS WILL DEMONSTRATE THAT. Your staff has no right to recommend approval for a project that will permanently burden my property without clear and definitive proof that a right to use the access easement for a second house is presented and accepted into an EIR as mandated by CEQA. No such proof exists and approving the application without such proof will constitute a taking of my property rights by the County for the benefit of a private party. Already, the staff has shown an unlawful preference for the applicant because the staff has failed to fully investigate the disputed controversy that exists and has failed to memorialize that disputed controversy in the required EIR. The approval of the project will also pose a significant adverse health and safety access problem for fire trucks and ambulances (due to limited road width), that will remain unmitigated without the preparation of a completed and certified EIR.

Further, the fact that the proposed application is reliant upon a well that has been diminishing in its productivity is absent from your inadequate staff analysis. This decline in production is not addressed in spite of previous public warnings to all of the members of the Los Ranchitos water system that the well's production cannot sustain increased use and stress beyond its current consumptive uses without endangering the water supplies of the other home owners/users and their water application rates and uses on their properties. Failure to contact the water system representatives and to do the most basic review of public files related to the water system has resulted in the appearance that there is an abundant surplus supply to serve a second house. There is not, and the necessity of the preparation of a full and complete EIR to fully disclose and evaluate these significant adverse impacts before any approval is granted is apparent because this significant controversy over the adequacy of the proposed water system to serve this massive project, and the project's adverse impacts on the existing consumptive water supplies of numerous families, have not been fully evaluated as mandated by CEQA.

Additionally, the undocumented fill on the property has never been removed, in spite of the fact that no borings related to its character have ever proven that the toxic contamination, broken building materials and garbage has been removed. Tons of undocumented "dirty" fill remain on the property that pose

Exhibit F

Page 14 of 118 Pages

Page 2
October 8, 2013
Mr. Michael Novo, Director of Planning

significant potential long-term adverse impacts to our diminishing groundwater resources and to adjacent innocent property owners. This grave environmental controversy and dispute, and the significant adverse environmental impacts, are required to be and must be fully evaluated and mitigated in a full and comprehensive EIR. More importantly, all of the previous, comprehensive documentation of these

violations, the evidentiary materials, and the photographic records produced by the investigations of the Monterey County Environmental Health Inspector Faris Spears, and referred to the Monterey County District Attorney for prosecution, must be entirely incorporated into and fully evaluated, with necessary mitigations, as part of the full EIR.

Based on these facts, the disputed controversies, and significant adverse environmental impacts of the proposed project, a full EIR is mandated by CEQA. I hereby request that you direct the preparation of the mandated full and complete EIR prior to any further actions on the above referred to application.

Respectfully,


Frank Chiorazzi

Exhibit F

Page 15 of 118 Pages



Aguajito Property Owners Association

P.O. Box 1234 Carmel, California 93921



October 28, 2011

To: Supervisor David Potter
Michael Novo, Monterey County Director of Planning
Supervisor Simon Salinas
Supervisor Fernando Armenta
Supervisor Lou Calcagno
Supervisor Jane Parker, Chairperson
Ramon Montano, Project Planner

Re: File PLN080454, Steuck Lot Line Adjustment Negative Declaration

Dear Supervisors, Planners and Chairperson:

We are writing on behalf of the Aguajito Property Owners Association to voice the membership's strong opposition to the above referenced project. Please note that County staff has failed to include our prior written opposition, dated May 29, 2009 and April 27, 2011, in the comments section of this negative declaration. We have enclosed that correspondence with this letter. We hereby incorporate by reference each and every comment, request and mitigation in our prior correspondence which is attached.

This project was discussed in great detail at our annual meeting, held May 24, 2011. At the close of the discussion, the members present voted unanimously to oppose the subdivision project due to the lack of resolution to the issues we raised in our two earlier letters.

We hereby demand, a full and complete EIR to be prepared and circulated pursuant to CEQA Guidelines on the subject application prior to and before any action of any kind is taken by Monterey County on this matter. The project, the existing controversy and significant environmental impacts, and the current and previously unmitigated impacts and violations on the subject property must be fully disclosed in any CEQA document that is proposed to be used by decision makers.

Respectfully, The APOA Board

David Hughes

Dr. Richard Zug

Denver Dale

Taylor Fithian

Paul Baszucki

Exhibit F

PASO ROBLES OFFICE
744 PINE STREET
PASO ROBLES, CA 93446
PH: (805) 226-0170
*PLEASE SUBMIT ALL
CORRESPONDENCE & FAXES
TO THE SALINAS OFFICE

JOHNSON, MONCRIEF & HART

A PROFESSIONAL CORPORATION

SALINAS OFFICE
16 W. GABILAN STREET
SALINAS, CALIFORNIA 93901
PO BOX 1323
SALINAS, CA 93902-1323
PH: (831) 759-0900
FX: (831) 759-0902
www.JohnsonMoncrief.com
October 8, 2013

AARON P. JOHNSON
PAUL W. MONCRIEF
L. PAUL HART
DENNIS J. LEWIS
KOREN R. MCWILLIAMS
J. KENNETH GORMAN
DAVID W. BALCH

File No. 2251.000

VIA HAND DELIVERY & EMAIL

Mike Novo
County of Monterey RMA
Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Steuck (PLN 130209)

Dear Valerie:

We represent Gordon and Sandra Steuck concerning their application for a lot line adjustment (File Number PLN 130209.) We are in receipt of Dale Ellis' letter dated September 24, 2013, wherein he asks you to rewrite and re-circulate the Initial Study based on several claims that simply have no merit. This is to request that we proceed with the tentatively-scheduled October 30, 2013, hearing date before the Planning Commission and approve the lot line adjustment as proposed. This letter is also to respond to comments made by Mr. Ellis.

The purpose of this Initial Study is to analyze the potential impact of a lot line adjustment of two legal lots of record. Mr. Ellis repeats (wrongfully) that the Steucks will be imminently filing an application to develop the two parcels at issue in the lot line adjustment. Mr. Ellis then concludes that the County, to avoid piecemealing approvals, must analyze the potential impacts of the build-out of the lots.

Mr. Ellis is wrong. No specific application for building on the parcels is contemplated at this time. The County is being invited by Mr. Ellis to speculate on the type and scope of development that simply is not there. You are then invited, without the benefit of such a proposal, to express an opinion on the validity and proper conditions and resulting exactions. The County's administrative and political decision-makers should not be drawn into disputes which depend for their immediacy (projects that require conditions) on speculative future events. (*Selby Realty Co. v. City of San Buenaventura*) A Project by definition is "the whole of a project" and conditions, exactions and environmental review are limited to the proposal at hand. The whole of the Project here is the lot line adjustment. Anything else is speculative and the County is not required to evaluate plans that do not exist.

Exhibit F



The Steucks disagree with one conclusion reached by the County – that this project is not exempt from CEQA. (Initial Study, page 2.) The County’s review in this matter is limited by county code and state law:

- The appropriate decision making body shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment conform to County Zoning and Building ordinances. (MCC § 19.09.005)
- A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. (Cal. Gov. Code § 66412(d))

Because of these limitations, the decision to approve this LLA is a ministerial decision pursuant to Cal. Gov. Code § 66412(d) and MCC 19.09.005 (*Sierra Club v. Napa County Bd. of Supervisors* (2012) 205 Cal. App. 4th 162) and thus exempt from CEQA. Nonetheless, while we do not believe that CEQA applies, we understand the County’s wish to use caution in this respect and to prepare an Initial Study and Negative Declaration.

GENERAL COMMENTS
(Page 1-2 of Ellis letter)

A. Project Description (Page 1 of Ellis Letter)

The approval of this lot line adjustment application does not grant other entitlements or rights to build on the property, nor does it circumvent the requirement that future development will be subject to public review. It simply modifies the lines between two legal lots of record.

Plans submitted to the County years ago are not the subject of this lot line adjustment and were withdrawn at the request of Dr. Steuck. Additionally, many projects that were potentially feasible years ago are absolutely not feasible now given the change in the economy and many other factors. Alternative uses are being proposed in some areas while others lay fallow with no development contemplated. To say a certain project will happen here based on plans submitted, and withdrawn, years ago is pure speculation.

If and when Dr. Steuck applies to build on either legal lot, it will contain an element that avoids speculation: scope and definition of development that will assist in determining if impacts occur and whether conditions must be imposed. In the event future development is required, it will require a public hearing, wherein the County, people of Monterey County and Mr. Ellis’ clients will have the opportunity to analyze biological, visual and water conditions, if necessary – the items Mr. Ellis complains about in his letter.



B. Reliance on Certificates of Compliance (Page 2 of Ellis Letter)

Dale Ellis claims that the Unconditional Certificates of Compliance were issued in error. Ironically, it was Dale Ellis who reviewed and approved those certificates while he worked for the County of Monterey, before working for Mr. Lombardo. The properties here were given Unconditional Certificates of Compliance and were never merged. Mr. Ellis' claim now that he previously wrongfully issued the Certificates is not timely, not related to this lot line adjustment, nor is it a requirement to revisit the authenticity of such Certificates when approving a lot line adjustment.

Critically, to the extent that the project opponents contend that the County erred in issuing two Certificates of Compliance, they raised that claim in Monterey County Superior Court (Case Nos. M117451 and M119247) and the Court dismissed that claim with prejudice due to the statute of limitations. In other words, the project opponents are barred from re-litigating this claim. See Attachment AA.

C. History of Development on the Property (Page 2 of Ellis letter)

Mr. Ellis once again invites you go beyond the scope of review of a lot line adjustment. A lot line adjustment application cannot proceed if an open code enforcement case exists. The standard of review for whether a lot line adjustment can be approved in light of code enforcement violations is: Do any violations exist today? There are no open code enforcement cases here.

It is beyond the scope of a lot line adjustment to document two property owners' contentious history just as it is to speculate about future development on existing lots of record. Nonetheless, because Mr. Ellis' clients continue to raise these issues, we will address these issues at length.

Opponents of the lot line adjustment have made two allegations against the project: (i) that there exists undocumented fill on the Steucks' property dating back to the 1980's, and (ii) that the fill contains concrete and rubble originating from a gasoline station, thereby potentially containing contaminated hydrocarbons. The first contention has been remediated, and the second contention lacks any support and in fact has been contradicted by the soil experts retained by the Steucks.

Unpermitted Fill. The Building Department drafted for County Counsel a detailed chronology of the "Enforcement Case Review" concerning the Steucks' property, and I have attached that chronology as Exhibit A.

Briefly, the issue arose in the 1980s, when the Steucks allowed unpermitted fill to be placed on their property. The County of Monterey issued a notice of violation (Ex. B), and in



1992, Grading Permit No. 46619 was issued to correct these violations. (Ex. C.) The plans showed that the amount of existing fill to be removed were 1,410 cubic yards. (Ex. Q; November 2009 Violation Letter, page 2.) This grading permit expired without being finalized.

In 2008, as the Steucks were processing a lot line adjustment application, the neighboring landowners (Eric and Teresa Del Piero) complained to the County about the presence of undocumented fill. Eventually, the County issued violation notice CE 08-0413. The Steucks were issued grading permit GP09-0013 to clear the violation. (Exs. E-J.)

The grading permit application (and a previous 2008 geotechnical survey) apparently underestimated the amount of fill on the property, and in March 2009, CTI (a constructing testing company hired by the Steucks) informed the county that the “amount of uncontrolled fill was significantly larger than was detailed” by the previous experts. (Ex. M at 815.) That additional fill was removed and the grading permit was finalized on April 17, 2009. (Ex. N.)

After continued discussions with the neighbors, the County re-opened Case No. CE 08-0413. Specifically, the building department reviewed the older grading permit 46619, which had noted that 1,410 cubic yards of fill would be removed to return the property to its natural state. The building department brought this fact to the Steucks’ attention and noted that “the terms of the permit required the removal of all such fill materials without exception. You must have completed this task prior to obtaining final inspection approval.” (Ex. Q.)

The Steucks and the County reopened the grading permit, and H.D. Peters Co. issued a new grading plan. In April 2010, Richard Dante from H.D. Peters informed the County that “all of the fill has now been removed from that steeper slope” and that “in my opinion the grading restoration project is now properly completed.” (Ex. R.) The County finalized the permit and closed its file on the complaint. (Exs. S, V.)

One of the Del Pieros’ core complaints is that the grading was based on a 2005 topographic map, and as such, the grading was not back to its “natural state.” The contention is false. While it appears that the original 2009 grading plan underestimated the amount of undocumented fill, that issue was remedied. First, the Steucks’ consultant noted in March 2009 that additional fill was found and removed. Second, the County cross-checked the grading plan with the 1992 grading plan, which disclosed significant additional fill. The County required that *all* of the undocumented fill be removed. Because this grading plan incorporated the historical 1992 data, it clearly was not based on a 2005 topographic map. Third, the Building Department, in a detailed chronology sent to County Counsel, noted that it had a “site specific topographic map dated June 15, 1984.” (Ex. A at 3.)

All undocumented fill was removed, and any allegation to the contrary simply lacks evidentiary support and is contradicted by the record. ***Critically, to the extent that the project opponents contend that the County erred in finalizing the grading permit and clearing the violation, they raised those claims in Monterey County Superior Court (Case Nos. M117451***



and M119247) and the Court dismissed those claims with prejudice due to the statute of limitations. In other words, the project opponents are barred from re-litigating these claims. See Attachment AA.

Contaminated Fill. The second complaint from neighboring landowners is that the undocumented fill contains concrete and rubble originating from a gasoline station, thereby potentially containing contaminated hydrocarbons. This allegation is simply false – while the removed fill did contain concrete and rubble particles, there is simply no evidence that the concrete and rubble came from a gasoline station. In fact, the soil has been tested, and no evidence of hydrocarbon contamination was found.

Interestingly, the neighboring landowners had multiple correspondence with the County in 2008 and early 2009 concerning the tted fill, and not once did they mention the possibility of hydrocarbon contamination. Specifically, counsel for the Del Pieros wrote to the County on August 25, 2008 (Ex. E), September 11 (Ex. F), October 15 (Ex. G), March 4, 2009 (Ex. L), and June 3 (Ex. O.) None of these letters address potential hydrocarbon contamination. Similarly, the Aguajito Property Owners Association told the County on May 29, 2009, that “we have reason to believe that . . . contaminated fill was deposited on the property.” (Ex. P.) No specific reference to hydrocarbon contamination was included in this letter, however.

Finally, after the County had finalized the grading permit and denied the Del Pieros’ appeal, the Del Pieros made a specific (though factually devoid) allegation of hydrocarbon contamination. On December 27, 2010, the Del Pieros wrote to the Central Coast Regional Water Quality Control Board, claiming that the fill was “allegedly from gas tank/station excavations” and claiming that during heavy rainfall, yellow “mucus” oozes from the fill and flows onto neighboring property. (Ex. U.) It is telling that (i) these allegations were made for the first time *after* the Del Pieros appeal was denied, and (ii) the allegations lack factual or evidentiary support.

In any event, the issue was investigated by the Department of Environmental Health, which noted that

The documents do not provide any factual evidence that show the fill that was placed on the property was contaminated with hazardous materials or that the concrete rubble and building materials in the fill originated from a gas station. The documents accompanying the letter do provide factual evidence that illegal fill was brought onto the property; the illegal fill contained concrete rubble and other building rubble; the Planning and Building Department took code enforcement action; and your client did not concur with the final decision of the Building Department regarding the corrective action that was approved. *See* Ex. V, page 3-4.

Exhibit F

Page 21 of 118 Pages



This issue was also investigated by the Water Quality Control Board, which likewise concluded that there was no factual basis for the allegation. The Board noted that four soil experts had examined the soil (for structural integrity purposes), and that none of the reports disclosed “any signs of discolored fill material indicative of hazardous wastes from gas station underground tank excavations.” (Ex. Y at 1.)

As noted by the Water Quality Control Board, one of the soil experts – Earth Systems Pacific – specifically put three exploratory borings into the existing fill. Borings 1, 2, and 6 each encountered undocumented fill, and Earth Systems recommended that all such fill be removed. (Ex. C at 3-4.) Boring 1 found “fill” at a depth down to 2.5 feet; boring 2 found fill and “concrete rubble” at a depth down to 3.5 feet, and boring 6 found fill down to a depth of 4.5 feet. There is no evidence, however, of hydrocarbon contamination.

Finally, Richard Dante from Soil Surveys / H.D. Peters inspected the soil in 2009 and 2010, and the Steucks asked him to respond to the allegations of hydrocarbon contamination. He opined that, during his inspection of the soil, “at no time did I see or smell any soil contamination in that material. If I had seen or smelled any soil contamination, I would have immediately informed our clients, Doctor and Mrs. Gordon Steuck, of such suspected contamination.” (Ex. Z.)

SPECIFIC COMMENTS

Page 2 of the Initial Study (Page 2 of Ellis letter): The project has been restored to its pre-violation condition, as discussed at length above. Mr. Ellis’ clients raised this very same issue in Monterey County Superior Court, and their lawsuit was dismissed with prejudice.

Page 3 of the Initial Study (Page 2 of Ellis letter): This is an application for a lot line adjustment. Dr. Steuck is not proposing to build homes on his site, nor is he required to. Mr. Ellis’s tone is that development is a certainty. That is flatly not the case. The public’s ability to analyze particular impacts of a proposed project in the event one does occur is not hindered by the approval of this lot line adjustment. This issue will be addressed if and when an application is made for a specific building project.

Page 4 of the Initial Study Re: General Plan Consistency (Page 2 of the Ellis letter): Mr. Ellis disagrees that the current application is consistent with the 2010 General Plan. This issue is addressed below. This issue will be addressed if and when an application is made for a specific building project.

Page 5 of the Initial Study Re: Aesthetics (Page 3 of Ellis letter): No development is proposed at this time. See comments above regarding making an informed decision on speculation. Visual impacts will certainly be addressed when and if development is proposed. We acknowledge the sensitivity and beauty of the property in question, and the public’s ability to

Exhibit F



review and respond to a proposal to build on this site remain intact. This issue is addressed by staking a particular project that is actually proposed, not on speculation. Again, no development is proposed at this time.

Page 6 of the Initial Study Re: Biological Resources (Page 3 of Ellis letter): No development is proposed at this time. See comments above regarding making an informed decision on speculation. This issue will be addressed if and when an application is made for a specific building project.

Page 6 of the Initial Study Re: Greenhouse Gases (Page 3 of Ellis letter): No development is proposed at this time. See comments above regarding making an informed decision on speculation. This issue will be addressed if and when an application is made for a specific building project.

Page 7 of the Initial Study Re: Hydrology/Water Quality (Page 3-4 of Ellis letter): No development is proposed at this time. See comments above regarding making an informed decision on speculation. This issue will be addressed if and when an application is made for a specific building project.

Page 7 of the Initial Study Re: Land Use (Page 4-5 of Ellis letter): The current LLA application is consistent with the land use policies of the 2010 General Plan.

- L.U.-1.14: Lot lines adjustments are required to be between four or fewer existing adjoining parcels. The proposed LLA would be between two adjoining parcels.
- L.U.-1.15: Where LLA between two parcels can result in two conforming parcels, that configuration is required. Further, LLA's that compromise the location of wells, on-site wastewater systems, or envelopes should not be approved. In this case, it was not possible to configure both parcels to meet the minimum 5.1 acre/unit requirement. That being said, the proposed LLA would not compromise wells, on-site wastewater systems, or envelopes.
- L.U.-1.16: LLA for non-conforming parcels may be approved where the LLA complies with all other General Plan policies and Zoning and Building Ordinances and meets other conditions, such as (i) producing a superior parcel configuration, (ii) reducing the non-conformity of the existing legal lots of record, or (iii) better achieving the goals, policies, and objectives of the general plan. In this case, the non-conformity of the lots is not being increased, and County staff has previously determined that the LLA would produce a "superior parcel configuration." In this case, the proposed LLA would allow the second lot to be developed without violating the General Plan policies restricting development on slopes in excess of 25%, thereby rendering

Exhibit F



a superior lot configuration that better achieves the goals, policies, and objectives of the general plan.

- L.U.-1.18: If a legal lot of record is substandard in size (relative to the standards contained in the General Plan), any proposed intensification of use on the parcel shall not be prohibited due to its substandard size unless there are overriding public health concerns. In this case, County staff has already concluded that there were no such public health concerns, noting that the “proposed reconfiguration of the Steuck property at 4.3 and 4.6 acres is consistent with the general size of the lots within the surrounding area.”

Page 8 of the Initial Study Re: Transportation/Traffic (Page 5 of the Ellis letter): No development is proposed at this time. See comments above regarding making an informed decision on speculation. This issue will be addressed if and when an application is made for a specific building project.

* * * * *

Mr. Del Piero and his representatives are trying to raise issues that they have already lost in Monterey County Superior Court. And, to the extent they are complaining of “piecemealing,” it is critical to note that the only application before the County of Monterey is a lot line adjustment – and nothing more. The public remains protected in the event development were to occur in the future and the allegations regarding the history of this project and speculation of further development are simply red herrings that must be disregarded.

Very truly yours,

Johnson, Moncrief & Hart, PC

David W. Balch

Attach.

cc (w/o attach): Supervisor Dave Potter
Les Girard, Esq.
Dr. Lew Bauman
Valerie Negrete
Dr. Gordon Steuck

Exhibit F

EXHIBIT F
ATTACHMENT A –
INTEROFFICE
MEMORANDUM TO
LESLIE GIRARD
DATED MARCH 11,
2011

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



BUILDING SERVICES

Timothy P. McCormick P.E. & C.B.O.
Director of Building Services

Planning Department

Mike Novo
Director of Planning

168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
(831) 755-5027
Fax: (831) 757-9516
www.co.monterey.ca.us/rma

INTEROFFICE MEMORANDUM

Date: March 11, 2011

To: Leslie J. Girard, Assistant County Council

From: John Huntley, Management Specialist, Building Services Dept.

Re: Enforcement Case Review and Chronology / Gordon John & Sandra Lee Steuck / 570
Aguajito Rd., Monterey CA 93940 / Assessor's Parcel Number 103-061-015-000

May 1988 / Grading Violation

County records indicate that there was a grading enforcement action on this property in May of 1988. The property owner subsequently applied for a grading permit under file number G-46619 and had the permit issued on August 20, 1992. This permit was renewed several times. The permit covered restoration of previously placed landscape fill material. While undertaking research related to the October 28, 2008 complaint (noted below), the grading inspector found that this original grading permit had expired without final inspection approval.

August 2008 / Enforcement File CE080325

A compliant was received by Monterey County Planning and Building Inspection Department alleging illegal placement of fill material and grading activities on this property without the required grading permit. The complainants, Dr. and Mrs. Del Piero, alleged that imported fill material had been placed on the property without testing for toxicity, without proper compaction and had been placed on slopes greater than 30 percent.

Enforcement case CE080325 was opened and a site visit was conducted by grading inspector Randy Herrington September 9, 2008. Inspector Herrington walked the entire site with property owner Dr. Steuck, took several photographs and was unable to establish that a violation existed at that time. This enforcement case was subsequently closed September 10, 2008.

October 2008 / Enforcement File CE080413

Monterey County Planning and Building Inspection Department received an e-mail from Dale Ellis of Lombardo & Gilles LLP, representing complainants Dr. and Mrs. Del Piero. The e-

Exhibit F 1

mail indicated that Dr. Steuck had a truck, bulldozer and backhoe on site and it appeared earth material was being removed. Mr. Ellis requested attendance at the site by an enforcement officer and the posting of a stop work order should a violation be found. Enforcement file CE080413 was opened and a site visit was conducted by grading inspector Randy Herrington that same day.

Inspector Herrington met on site with Dr. Steuck and found that indeed there had been recent grading activity on the parcel. Dr. Steuck stated that the dump trucks were hauling away unwanted concrete rubble and the bulldozer was being used to knock down a stockpile of dirt on the property, spread it out to fill potholes and smooth the dump truck access roadway. There was a backhoe on the property that was being used to place the concrete rubble in the dump trucks. Inspector Herrington noted that the grading area was on the west side of the property and on a slope of 17%. He also noted that fill dirt measured less than one foot in depth over an area of approximately 50 feet in length. His report indicates that current quantities of material and degree of slope were far less than that which would require a grading permit. Notwithstanding the current grading activity, grading permit G-46619, which was issued back in August of 1992, was still in an expired status without final inspection approval.

On December 29, 2008, following discussions with various county staff members and the complaining party, and following review of a soils report submitted by Dr. Steuck in support of a lot line adjustment, inspector Herrington issued a notice of violation concerning casual grading and the placement of fill material exceeding 1 foot in depth and 100 cubic yards in volume. The submitted soils report identified the existence of previously unknown fill materials located on the eastern side of the property. Failure to obtain final inspection approval on the original 1992 grading permit was a factor related to issuance of the notice of violation. To resolve the violation the owners were required to obtain a grading restoration permit, remove all undocumented fill material placed on the site and restore the site to the pre-violation state.

The required grading restoration plan was submitted and grading permit GP090013 was issued February 11, 2009. This permit received final inspection approval April 2, 2009 and enforcement case CE080413 was closed April 16, 2009.

June 2009 / Enforcement File CE090292

June 9, 2009 Building Official Tim McCormick received a letter from Attorney Anthony Lombardo, who represents the complainants Dr. and Mrs. Del Piero. The letter indicated that final inspection approval for grading permit GP090013 should not have been granted in April of 2009 because the site was not returned to the original state and undocumented fill materials remained in place. A request was made to appeal the decision of the building official to grant final inspection approval on the grading permit. Following further investigation and site evaluation, Mr. McCormick sent Dr. and Mrs. Steuck a letter stating his intent to rescind the previously issued final inspection approval and revoke the permit due to failure to complete the required work as described in the permit and incorrect information supplied with the permit application materials. The incorrect information included the extent of existing fill as well as the location of original natural grade elevations. Code enforcement file CE090292 was opened to deal with this complaint.

Dr. and Mrs. Steuck were upset that final inspection approval would be withdrawn for the grading permit and arranged for a series of additional site evaluations and meetings with county staff to resolve the issue. Final inspection approval on grading permit GP090013 was rescinded and the Steucks submitted a revision to the grading plan prepared by H. D. Peters Co. and

Exhibit F

2

approved by Registered Professional Civil Engineer Richard Dante. This revised grading plan proposed removal of fill material on the east side of the property where slopes exceeded 30%; thereby returning that section of the site to the original contours and elevations as documented on a site specific topographic map dated June 15, 1984 (copy include in revised plan submission for grading permit GP090013). In addition, the revised plan provided for the excavation, replacement and compaction of some limited remaining fill material on the west side of the site adjacent to the Del Piero property, as well as construction of erosion control infrastructure along the entire western boundary to mitigate storm water runoff to the Del Piero property during the re-grading and re-vegetation phase of the project. Issues related to grading around trees were also addressed. Following appropriate review, these revisions were approved and included within the plan and specification set for grading permit GP090013. Commencement of corrective work was then authorized.

Inspections were undertaken during and following the corrective work. All fill material originally placed on the east side of the property (slopes exceeding 30%) prior to May of 1988 was removed and that section of the property was returned to the original elevations and contours, reseeded and prepared for final inspection approval. On the west side of the property adjacent to the Del Piero property, un-compacted fill material was excavated, stockpiled and replaced in compacted lifts in accordance with the approved revised grading plan. Re-vegetation was undertaken, storm water runoff infrastructure was installed and the site was prepared for final inspection approval in compliance with the revised grading plan. Inspections were undertaken and final inspection on grading permit GP090013 was granted July 1, 2010.

A letter confirming full compliance with requirements under grading permit GP090013 was sent to Dr. and Mrs. Steuck August 25, 2010. Enforcement case CE090292 was closed that same day.

EXHIBIT F
ATTACHMENT B –
LETTER TO
GORDON STEUCK
FROM ROBERT
SLIMMONS DATED
MAY 27, 1988

MONTEREY COUNTY

DEPARTMENT OF BUILDING INSPECTION

(408) 424-0348 - P.O. BOX 1208
SALINAS, CALIFORNIA 93902

(408) 373-0991 - 1200 AGUAJITO ROAD
MONTEREY, CALIFORNIA 93940



~~XXXXXXXXXXXX~~
~~DIRECTOR OF BUILDING INSPECTION~~
Robert Slimmon, Jr.
Director of Planning/Building

May 27, 1988

Gordon Steuck
1062 Cass Street
Monterey, Ca. 93940

FINAL NOTICE

Re: A.P.N. 103-061-15 - Landfill

Dear Mr. Steuck:

An inspection was made in your area and it was noted that there is some grading being done on your property.

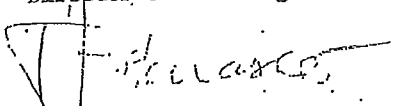
You are in violation of Monterey County Grading Ordinance #2535.

You must bring this letter and a set of contour plans and apply for a Grading Permit:

Please accept this letter as a "Stop Work" order and contact the Monterey County Building Inspection Department in Monterey within ten (10) days of receipt of this letter.

Very truly yours,

Robert Slimmons
Director of Planning/Building


Phil Carrasco
Erosion Technician

PC/PC

Exhibit F

EXHIBIT F
ATTACHMENT C –
GRADING PERMIT
46619 DATED
ISSUED ON
AUGUST 20, 1992

PC 05/03/91

PCM 91-628

PROPERTY LOCATION: Los Ranchito de Aguajito

DATE ISSUED: 8/20/92 PERMIT NO.: 619900 AREA: 2 000

STREET (ADDRESS): 569A Aguajito Road ASSESSOR'S PARCEL NO.: 103-061-15

SET BACKS (IN FEET): FRONT, SIDE, REAR

VALUATION: FEES: DUE 10.0 PLAN CHECK 35.0

NEAREST CROSS STREET: Monhollan Road POST OFFICE: Carmel

ZONE, BLDG. TYPE

RECEIPT NO: PC-86139 BP-93611 TOTAL \$

OWNER: Valerie Carlton Tr. PHONE: 373-2128

APPLICATION APPROVED BY: [Signature]

FOR BUILDING INSPECTOR

MAILING ADDRESS: 1062 Cass Street Monterey, CA 93940

ARCHITECT OR ENGINEER: Messner & Assoc., Inc. PHONE: 394-5936

RENEWED REMOVAL OF PENALTY 7/14/93 \$131000

CONTRACTOR: OIB CD REC'D 8/14/92 #38501 \$10000

USE OF STRUCTURE: Grading for restoration & landscaping fill

TYPE OF IMPROVEMENT: PLUMBING, ELEC, MECH, GRADING, BUILD, REMODEL, ADD TO, REPAIR, MOVE, CONVERT, DEMOLISH

SIZE: SQ. FT., NO. OF STORIES, NO. OF FAMILIES

Table with columns: OTHER PERMITS, PERMIT NUMBER, FEE

OFFICE RECORD OF INSPECTIONS

Table with columns: BUILDING, ELECTRICAL, PLUMBING, PLASTERING

HOLD FINCL - OAKS + 30%

Exhibit F Pend out

EXHIBIT F
ATTACHMENT D –
APPLICATION FOR
PERMIT DATED
MAY 3, 1991

APPLICATION FOR PERMIT MONTEREY COUNTY PLANNING AND BUILDING INSPECTION

Salinas Courthouse, 240 Church St.
P.O. Box 1208, Salinas, CA 93902 (408) 755-5027

1200 Aguajito

G 46619

Courthouse
B) 647-7621

Date of Application: 5/3/91		Plan Ck. #: 91-628		DATE ISSUED	P
PROPERTY LOCATION: LOS RAUCHOS DE AGUAJITO					
LOT	TRACT/SUBD.	ASSESSOR PARCEL NO.	VALUATION		
STREET (ADDRESS)			FRONT	SIDE	REAR
569A AGUAJITO		103-061-15	N/A	N/A	N/A
NEAREST CROSS STREET	POST OFFICE		FEES:		
MON HOLLAND RD. CARLTON TR. CARMEL			PLAN CHECK: 35.00		
OWNER: VALERIE STEUER	PHONE: 373-2128		RESIDENTIAL		
MAILING ADDRESS: 1062 CASS ST. MONTEREY 93940			COMMERCIAL		
ARCHITECT OR ENGINEER: 10			GRADING: RBL 340-200		
CONTRACTOR: 11			PLUMBING		
USE OF STRUCTURE: GRADING FOR RESTORATION			ELECTRICAL		
			MECHANICAL		
			STRONG MOTION FEE		
			PLAN MAINT. FEE: 2.00		
			TOTAL \$		

13 WATER: COMPANY _____ PRIVATE _____ PUBLIC _____

14 TOPOGRAPHY: LEVEL _____ SLOPING _____

15 NO. OF BEDROOMS _____ MAKING TOTAL OF _____

16 GARBAGE DISPOSAL _____

17 COMMERCIAL: TOILETS _____ LAVYS _____ URINALS _____ SHOWERS _____

SEWER DISTRICT: _____

FIRE DISTRICT CLEARANCE NEEDED: _____ WHICH ONE _____

The applicant agrees that work will be done in accordance with existing County Ordinances as applicable and constructed to designated grades and specification requirements. Applicant further agrees for relocation of all utilities, both above ground and below grade, that may be in conflict with the proposed work.

18 Applicant's signature: *[Signature]* Date: **5-3-91**

19 Applicant's Name (Please Print): **Gooden J. Steuer**

20 Address: **569 A AGUAJITO** Phone: **373-2128**

FOR STAFF USE ONLY	
REQUIRED FOR CLEARANCE	OK TO ISSUE
ZONING: ENV. RESIDENCE	OK
CONDITIONS: NO OAKS SHALL BE REMOVED OR DUG UP	8/9/92
DESIGN APPROVAL: NO EXCAVATION SHALL TAKE PLACE ON SLOPES OVER 30%	V
ASSRS: LOS RAUCHOS DE AGUAJITO LOT 1	
SUBS B-3 (C) OF LOT 11 B-20	
MINOR SUBDIVISION	
LEGAL LOT	
ENCROACHMENTS	
BUILDING INSPECTOR	

21 *Please Include with this application:

- 4 complete site plans (8 1/2" x 11") including contours, property dimensions, vegetation use of all existing & proposed structures, rights-of-way and easements.
- 4 complete sets of building plans and specifications.

Exhibit **F**

APPLICATION FOR PERMIT

MONTEREY COUNTY PLANNING AND BUILDING INSPECTION DEPARTMENT

72

Salinas Courthouse, 240 Church St.
P.O. Box 1208, Salinas, CA 93902 (408) 755-5027

Monterey Courthouse
1200 Aguajito Road, Monterey, CA 93940 (408) 647-762

Date of Application: <u>5/3/91</u> Plan Ck. #: <u>M. 91-628</u>		DATE ISSUED	PERMIT NO.	PLANNING AREA	CODE
PROPERTY LOCATION: <u>LOS RAUCHITO DE AGUAJITO</u>		SET BACKS PER SITE PLANS		VALUATION: <u>Due 10⁰⁰</u>	
LOT	TRACT/SUBD.	FRONT	SIDE	SIDE	REAR
STREET (ADDRESS): <u>1 569A AGUAJITO</u>	ASSESSOR PARCEL NO.: <u>2 103-061-15</u>	ZONING		COMMERCIAL BLDG. TYPE	
NEAREST CROSS STREET: <u>MONHOLLAND RD.</u>	POST OFFICE: <u>CARMEL</u>	RECEIPT NO.: <u>PC-86139</u>		FEES:	
OWNER: <u>VALERIE</u>	PHONE: <u>373-2128</u>	CATEGORICALLY EXEMPT <input type="checkbox"/>		PLAN CHECK \$ <u>35.00</u>	
MAILING ADDRESS: <u>1062 CASS ST.</u>	CITY/ZIP: <u>MONTEREY 93940</u>	ASSESSMENT REQ'D. <input type="checkbox"/>		RESIDENTIAL	
ARCHITECT OR ENGINEER: <u>10</u>	PHONE:	NEG. DEC. ADOPTED <input type="checkbox"/>		COMMERCIAL	
CONTRACTOR: <u>11</u>	PHONE:	CERTIFIED EIR <input type="checkbox"/>		GRADING <u>340.00</u>	
USE OF STRUCTURE: <u>GRADING FOR LANDSCAPING & RESTORATION & FILL</u>		SCHOOL DIST. _____		PLUMBING <u>400</u>	
TYPE OF IMPROVEMENT: <input type="checkbox"/> SOLAR		TRANSMITTED TO: <u>MPAT</u>		ELECTRICAL	
<input type="checkbox"/> PLUMBING <input type="checkbox"/> ELEC. <input type="checkbox"/> MECH. <input type="checkbox"/> GRADING <input type="checkbox"/> CU. YDS. <u>950/200</u>		DATE SENT: <u>5/3/91</u>		MECHANICAL	
<input type="checkbox"/> BUILD <input type="checkbox"/> REMODEL <input type="checkbox"/> ADD TO <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> CONVERT <input type="checkbox"/> DEMOLISH		TOTAL \$ <u>2.00</u>		STRONG MOTION FEE	
SIZE: _____ NO. OF STORIES: _____ NO. OF FAMILIES: _____		ZONING FEE: YES _____ NO _____ RECPT. # _____		PLAN MAINT. FEE	

PTIC TANK OR SEWER & WATER CLEARANCE

13 WATER: COMPANY _____ PRIVATE _____ PUBLIC _____

14 TOPOGRAPHY: LEVEL _____ SLOPING _____

15 NO. OF BEDROOMS _____ MAKING TOTAL OF _____

16 GARBAGE DISPOSAL _____

17 COMMERCIAL: TOILETS _____ LAVYS _____ URINALS _____ SHOWERS _____

SEWER DISTRICT: _____

FIRE DISTRICT CLEARANCE NEEDED: _____ WHICH ONE _____

The applicant agrees that work will be done in accordance with existing County Ordinances as applicable and constructed to designated grades and specification requirements. Applicant further agrees for relocation of all utilities, both above ground and below grade, that may be in conflict with the proposed work.

18 Applicant's signature: [Signature] Date: _____

19 Applicant's Name (Please Print): GOODWIN - 572069

20 Address: 569A AGUAJITO Phone: 373-2128

FOR STAFF USE ONLY	
REQUIRED FOR CLEARANCE	OK TO ISSUE
ZONING: <u>ENV. PEADPAC</u>	
FILED	
HOLD FINAL	
CONDITIONS	
DESIGN APPROVAL	
MINOR SUBDIVISION	
LEGAL LOT	
ENCROACHMENTS	
BUILDING INSPECTOR	

21 *Please include with this application:

- 1.) 4 complete site plans (8 1/2" x 11") including contours, property dimensions, vegetation, use of all existing & proposed structures, rights-of-way and easements.
- 2.) 4 complete sets of building plans and specifications.

APPLICATION FOR PERMIT

MONTEREY COUNTY PLANNING AND BUILDING INSPECTION DEPARTMENT

Salinas Courthouse, 240 Church St.
 O. P.O. Box 1208, Salinas, CA 93902 (408) 755-5027

78.

Monterey Courthouse
 1200 Aguajito Road, Monterey, CA 93940 (408) 647-7621

Date of Application 5/3/91		Plan Ck. # 91-626		DATE ISSUED	PERMIT NO.	PLANNING AREA	CODE
PROPERTY LOCATION: LOS RANCHITO DE AGUAJITO				SET BACKS PER SITE PLANS		VALUATION: Due 10.00	
LOT	TRACT/SUBD.	ASSESSOR PARCEL NO.		FRONT	SIDE	SIDE	REAR
STREET (ADDRESS) 1 569A AGUAJITO				ZONING		COMMERCIAL BLDG. TYPE	
NEAREST CROSS STREET 3 MON HOLLAND RD.				RECEIPT NO. PC-86139			
OWNER VALERIE				FEE: 45			
PHONE 373-2128				PLAN CHECK \$ 35.00			
MAILING ADDRESS 7 1062 CASS ST.				RESIDENTIAL			
CITY/ZIP MONTEREY 93940				COMMERCIAL			
ARCHITECT OR ENGINEER				GRADING 340.00			
CONTRACTOR				PLUMBING 400			
USE OF STRUCTURE GRADING FOR LANDSCAPING				ELECTRICAL			
TYPE OF IMPROVEMENT: <input type="checkbox"/> SOLAR				MECHANICAL			
<input type="checkbox"/> PLUMBING <input type="checkbox"/> ELEC. <input type="checkbox"/> MECH. <input checked="" type="checkbox"/> GRADING <input type="checkbox"/> CU. YDS. 55200				STRONG MOTION FEE			
<input type="checkbox"/> BUILD <input type="checkbox"/> REMODEL <input type="checkbox"/> ADD TO <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> CONVERT <input type="checkbox"/> DEMOLISH				PLAN MAINT. FEE 2.00			
SIZE SQ. FT.				TOTAL \$			
NO. OF STORES				ZONING FEE: YES _____ NO _____ RECPT. # _____			
NO. OF FAMILIES				SCHOOL DIST. _____			
13 WATER: COMPANY _____ PRIVATE _____ PUBLIC _____ 14 TOPOGRAPHY: LEVEL _____ SLOPING _____ 15 NO. OF BEDROOMS _____ MAKING TOTAL OF _____ 16 GARBAGE DISPOSAL _____ 17 COMMERCIAL: TOILETS _____ LAVYS _____ URINALS _____ SHOWERS _____ SEWER DISTRICT: _____ FIRE DISTRICT CLEARANCE NEEDED: _____ WHICH ONE _____ The applicant agrees that work will be done in accordance with existing County Ordinances as applicable and constructed to designated grades and specification requirements. Applicant further agrees for relocation of all utilities, both above ground and below grade, that may be in conflict with the proposed work.				FOR STAFF USE ONLY REQUIRED FOR CLEARANCE ZONING: DMU PERMITS FILED HOODS/INA RECONDITION DESIGN APPROVAL MINOR SUBDIVISION ENCROACHMENT RECORDING INSPECTION			
18 Applicant's signature _____ Date _____ 19 Applicant's Name (Please Print) Valerie 20 Address _____ Phone 373-2128							

21 *Please Include with this application:
 1.) 4 complete site plans (8 1/2" x 11") including contours, property dimensions, vegetation, use of all existing & proposed structures, rights-of-way and easements.
 2.) 4 complete sets of building plans and specifications.

Exhibit **F**

EXHIBIT F
ATTACHMENT E –
GEOTECHNICAL
ENGINEERING
REPORT DATED
MAY 20, 2008



Earth Systems Pacific

400 Park Center Drive, Suite 1
Hollister, California 95023

(831) 637-2133 • FAX (831) 637-0510
E-mail: esp@earthsys.com

File No. SH-10917-SA

May 20, 2008

Gordon and Sandra Steuck
1062 Cass Street
Monterey, CA 93940

PROJECT: STEUCK RESIDENCES
596-A AQUAJITO ROAD, CARMEL
MONTEREY COUNTY, CALIFORNIA

SUBJECT: Geotechnical Engineering Report

REFERENCE: Proposal for a Geotechnical Engineering Investigation, Steuck Residences, 596-A
Aguajito Road, Monterey, California, by Earth Systems Pacific, dated February 20,
2008

Dear Mr. and Mrs. Steuck:

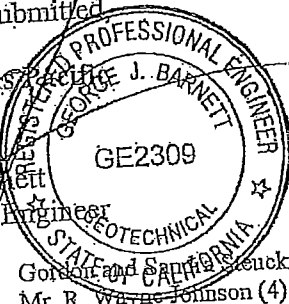
In accordance with your authorization of the above-referenced proposal, this geotechnical engineering report has been prepared for use in development of plans and specifications for your planned new residences at 596-A Aguajito Road in the Carmel area of Monterey County, California. Preliminary geotechnical recommendations for site preparation, grading, foundations, retaining walls, slabs-on-grade, exterior flatwork, utility trenches, site drainage, and finish improvements are presented herein. Two copies of this report are being furnished for your use, and four additional copies are being forwarded to Mr. R. Wayne Johnson.

We appreciate the opportunity to have provided services for this project and look forward to working with you again in the future. Please do not hesitate to contact this office if there are any questions concerning this report.

Respectfully submitted

Earth Systems Pacific

George J. Barnett
Geotechnical Engineer



Distribution:

Gordon and Sandra Steuck (2)
Mr. R. Wayne Johnson (4)

Document No.: 0805-538.SER

Exhibit F

GEOTECHNICAL ENGINEERING REPORT
STEUCK RESIDENCES
596-A AQUAJITO ROAD, CARMEL
MONTEREY COUNTY, CALIFORNIA

May 20, 2008

Prepared for:
Gordon and Sandra Steuck

Prepared by
Earth Systems Pacific
400 Park Center Drive, Suite 1
Hollister, CA 95023

Exhibit F

Page 33 of 118 Pages

Copyright © 2008



TABLE OF CONTENTS

	<i>Page</i>
1.0 INTRODUCTION.....	1
2.0 SCOPE OF SERVICES	1
3.0 SITE SETTING.....	2
4.0 FIELD INVESTIGATION AND LABORATORY TESTING	2
5.0 GENERAL SUBSURFACE PROFILE.....	3
6.0 CONCLUSIONS.....	3
7.0 RECOMMENDATIONS.....	5
Site Preparation and Grading.....	5
Foundations.....	6
Retaining Walls.....	7
Slabs-on-Grade and Exterior Flatwork.....	8
Utility Trenches.....	10
Site Drainage and Finish Improvements.....	10
8.0 OBSERVATION AND TESTING.....	11
9.0 CLOSURE	12

APPENDIX

APPENDIX A

 Exploratory Boring Location Map

 Boring Logs

APPENDIX B

 Laboratory Test Results

Exhibit F



1.0 INTRODUCTION

Construction of two new residences is planned on the Steuck property, located at 596-A Aguajito Road in the Carmel area of Monterey County, California (APN 103-061-015). As shown on the plans by Mr. R. Wayne Johnson, the property will be divided into eastern and western parcels. The western 5.05-acre parcel will have a 9,914 square foot two-story house with a covered parking area. The eastern 3.85-acre parcel will have an 8,464 square foot two-story home with 1,576 square feet of deck space and two covered parking structures separated by a paved motor court off of the private access road (Gentry Hill Road). A new paved driveway extending from Gentry Hill Road will provide access to the house on the western parcel. The existing house and garage at the site will be removed. We understand that the residences and covered parking structures will be conventional light frame structures. Use of raised wood floors for the residences and concrete slabs for the covered parking areas were assumed. We understand that maximum cuts will be on the order of 10 feet and maximum fills will be on the order of 5 feet. The residences will be served by a common private water supply, and effluent will be disposed via on-site septic systems.

2.0 SCOPE OF SERVICES

The scope of work for the geotechnical engineering investigation included a general site reconnaissance, subsurface exploration, laboratory testing of soil samples, engineering evaluation of the data collected, and preparation of this report. The analysis and subsequent recommendations were based on the project plans and other information provided by Mr. R. Wayne Johnson, Architect/Civil Engineer.

The report and recommendations are intended to comply with the considerations of Section 1802 of the California Building Code (CBC), 2007 Edition, and common geotechnical engineering practice in this area at this time. The tests were performed in general conformance with the standards noted, as modified by common geotechnical practice in this area at this time.

Preliminary geotechnical recommendations for site preparation, grading, foundations, retaining walls, slabs-on-grade, exterior flatwork, utility trenches, site drainage, finish improvements, and geotechnical observation and testing are presented to guide the development of project plans and specifications. It is our intent that this report be used by the client to form the geotechnical basis of the design of the project as described herein, and in the preparation of plans and specifications.

Exhibit F



Evaluation of the site geology, and analyses of the soil for mold or other microbial content, percolation rates, corrosive potential, radioisotopes, hydrocarbons, or other chemical properties are beyond the scope of this report. This report does not address issues in the domain of contractors such as, but not limited to, site safety, loss of volume due to stripping of the site, shrinkage of fill soils during compaction, excavatability, shoring, temporary slope angles, and construction means and methods. Ancillary structures such as swimming pools, temporary access roads, fences, light poles, and nonstructural fills are not within our scope and are also not addressed.

To verify that pertinent issues have been addressed and to aid in conformance with the intent of this report, it is requested that final grading and foundation plans be submitted to this office for review. In the event that there are any changes in the nature, design, or locations of improvements, or if any assumptions used in the preparation of this report prove to be incorrect, the conclusions and recommendations contained herein shall not be considered valid unless the changes are reviewed and the conclusions of this report are verified or modified in writing by the geotechnical engineer. The criteria presented in this report are considered preliminary until such time as they are verified or modified in writing by the geotechnical engineer in the field during construction.

3.0 SITE SETTING

The site of the proposed two residences, APN 103-061-015, is located at 596-A Aguajito Road (Gentry Hill Road) in the Carmel area of Monterey County, California. The surrounding properties are rural residential and open space. The subject site is located on the northern flank of a knoll on the lower, northern portion of an east-west trending range of peaks and ridges. The slope inclinations in the proposed building areas range from about 10 percent near the top of the knoll to over 35 percent on the knoll flanks. At the time of the investigation, a single family residence and a detached garage were present between and to the south of the proposed new building sites. The residence was accessed by a paved driveway originating at Gentry Hill Road. A water well was present at the top of the knoll. The site was vegetated with numerous oak trees with a ground cover of weeds and grass.

4.0 FIELD INVESTIGATION AND LABORATORY TESTING

The subsurface exploration consisted of six borings drilled on March 14, 2008. The borings were drilled utilizing a Concord rig, Model 9201, equipped with a 4-inch diameter, continuous flight, solid stem auger. The approximate locations of the borings are shown on the Exploratory Boring Location Map in Appendix Exhibit F



Soils encountered in the borings were categorized and logged in general accordance with the Unified Soil Classification System, and the rock was characterized with regard to hardness, degree of weathering, and amount of fracturing. Copies of the boring logs are included in Appendix A. As the borings were drilled, soil samples were obtained using a ring-lined barrel sampler (ASTM D 3550-01 (2007) with shoe similar to D 2937-04), standard penetration tests were performed at selected intervals (ASTM D 1586-99), and bulk samples were obtained from the auger cuttings.

Ring samples were tested for moisture and density (ASTM D 2937-04, modified for ring liners). A ring sample and a bulk soil sample were tested for grain size distribution (ASTM D 422-63 (2007) and D 1140-06). A bulk sample was also tested for expansion index (ASTM D 4829-07). Copies of the laboratory test results are included in Appendix B.

5.0 GENERAL SUBSURFACE PROFILE

Previously-placed fill was present at the locations of the borings drilled at the site of the planned western residence (Borings 1, 2 and 6). The fill was classified as loose silty sand (SM) and contained concrete rubble in Boring 2. A 3-foot thick layer of native loose clayey sand (SC) was present at the location of Boring 5, drilled in the area of the planned eastern residence. Beneath these soils, and exposed at the surface at the other boring locations were medium dense to dense clayey gravels with sand (GC) and clayey sands with gravel (SC) resulting from weathering of the underlying Monterey Formation shale rock. The rock was generally soft to moderately soft (in terms of rock consistency), closely fractured to crushed, and moderately to severely weathered. The soils and rock were generally very moist at the time of the exploration. Free subsurface water was not encountered within the maximum 14-foot depths of the borings.

6.0 CONCLUSIONS

Site Suitability: Based on the results of the field investigation and the laboratory testing program, in our opinion, the site is geotechnically suitable for the proposed Steuck residences and related improvements provided that the recommendations contained herein are implemented in the design and construction. The primary geotechnical concern is the presence of previously placed undocumented fill at the sites of the western residence and covered parking area. The fill should be entirely removed to expose firm native material and replaced as properly engineered fill, as discussed below.

Exhibit F



Soil Expansion Potential: The soils and the rock at the site are essentially non-plastic and therefore should have a low expansion potential. An expansion index test of a sample of the upper clayey sand resulted in an expansion index of 13, also indicating that the soil has a low expansion potential. Thus, measures other than moistening and compacting the soil are not considered necessary to mitigate soil expansion.

Site Grading: The previously placed undocumented fill at the sites of the western residence and covered parking area should be entirely removed and replaced as properly engineered and compacted fill. The fill depths in the borings on the western parcel (Borings 1, 2 and 6) ranged from 1 to 5 feet. However, the fill depth may be greater at other locations on the site. The depth and extent of the fill should be identified by the geotechnical engineer at the time of grading. Where fill is to be placed on the existing hill sides, the slopes should be keyed and benched in accordance with common hillside grading techniques. The previously removed undocumented fill can be re-used as fill provided that it is cleared of excessive quantities of potentially deleterious materials.

Foundations: Conventional spread footings bearing entirely on weathered rock will be suitable for support of the structures. The footings should be deepened as necessary to penetrate through the fill and/or the upper native soil layers to be fully embedded in the rock.

Seismic Setting: The site is located within a seismically active region of California but outside Alquist-Priolo Earthquake Fault Zones. According to the Maps of Known Active Fault Near Source Zones in California and Adjacent Portions of Nevada (International Conference of Building Officials, February 1998), the site is within 2 km northeast of the Type B Monterey Bay-Tularcitos Fault. No type A faults are mapped within 20 km of the site. Strong ground shaking should be expected during the design life of the planned residences. At a minimum, the planned improvements should be designed to resist seismic shaking in accordance with current California Building Code requirements. Seismic parameters based on Section 1613 of the California Building Code (2007 Edition) are presented later in this report.

Liquefaction Potential: The term liquefaction refers to the liquefied condition and subsequent softening that can occur in soils when they are subjected to cyclic strains, such as those generated during a seismic event. Studies of areas where liquefaction has occurred have led to the conclusion that saturated soil conditions, low soil density, grain sizes within a certain range, and a sufficiently strong earthquake, in combination, create a potential for liquefaction. Based on the Monterey County Relative Liquefaction Susceptibility map (L. I. Rosenberg, December 18, 2001) the site is in an area

Exhibit F



having a low liquefaction potential, and potentially liquefiable soils were not encountered in our borings. Thus, measures to mitigate potential soil liquefaction are not considered necessary.

7.0 RECOMMENDATIONS

Site Preparation and Grading

1. The ground surface should be prepared for grading by removing the existing trees and other vegetation and other potentially deleterious materials from areas to receive improvements. The tree root systems should also be removed so that no roots larger than 1 inch in diameter or 3 feet in length remain. Other buried subsurface objects encountered or voids created during site preparation should be called to the attention of the geotechnical engineer.
2. The existing fill in areas to receive improvements on the western parcel should be entirely removed to expose firm native soil. The maximum depth of fill encountered in our borings was on the order of 5 feet. However, the fill depth may be greater at other locations. The actual depth and lateral extent of the fill removal should be identified by the geotechnical engineer based on conditions observed at the time of grading. The site preparation, fill removal, and overexcavation operations should be observed by the geotechnical engineer prior to continuing grading.
3. Where fill is to be placed on slopes of 20 percent or steeper, one or more keyways should be placed at the toe of the proposed fill. The actual keyway locations should be established by the geotechnical engineer at the time of grading. The keyways should be a minimum of 6 feet wide and should penetrate a minimum of 2 feet into undisturbed firm soil or rock, on the downhill side of the keyway.
4. Slopes above the keyways, as well as any slopes steeper than 10 percent that are to receive fill, should be cut to benches. The benches should be a minimum of 5 feet wide and should be bottomed into undisturbed firm soil or rock.
5. The bottoms of keyways and benches should be angled 2 to 3 percent back into the slope. Where soil is exposed on the bottoms of keyways and benches, the soil surface should be scarified to an approximate depth of 8 inches, moisture conditioned to a level above optimum, and recompacted to a minimum of 90 percent of maximum dry density. Scarification and recompaction of rock exposed in the keyways and benches is not considered necessary. The keyways and benches should be observed by the geotechnical engineer during grading.

Exhibit F



6. Where soil is present on other surfaces to receive fill, the soil should be scarified to an approximate depth of 8 inches, moisture conditioned to a level above optimum moisture content, and recompacted to a minimum of 90 percent of maximum dry density. Scarification and recompaction of undisturbed rock to receive fill is not considered necessary.
7. Fill should be placed in level lifts not exceeding 8 inches in thickness, moisture conditioned to a level above optimum, and compacted to a minimum of 90 percent of maximum dry density. The previously removed fill should be suitable for re-use at the site provided that it is cleared of excessive quantities of potentially deleterious materials. When the fill contains rocks, the rocks should be placed in a sufficient soil matrix to ensure that voids do not occur and that the material can be properly compacted.
8. In private driveway areas to receive pavement, the upper 8 inches of subgrade soil and the aggregate base courses should be compacted to a minimum of 95 percent of maximum dry density. Firm rock exposed in the subgrade should not require compaction. The subgrade and base should be firm and unyielding when proofrolled with heavy, rubber-tired equipment prior to continuing construction.
9. Fill slopes should not be steeper than 2:1, measured horizontally to vertically. Cut slopes in rock should generally not be steeper than 1.5:1, unless they are evaluated on a case-by-case basis by the geotechnical engineer.
10. The areas of the proposed residences are underlain by rock. Use of heavy equipment, equipped with rippers, will probably be necessary where rock will be encountered in cuts or keyways.

Foundations

1. The residences and covered garages should be supported by conventional spread footings penetrating a minimum 12 inches into firm undisturbed rock. Minimum overall footing depths should be in accordance with California Building Code requirements. The footing excavations should be observed by the geotechnical engineer prior to placement of formwork or reinforcing steel. All footings should be reinforced as directed by the architect/engineer.
2. Footings should be designed using a maximum allowable bearing capacity of 3,000 psf dead plus live load. This value may be increased by one-third when transient loads such as wind or seismicity are included. Using these criteria, total and differential foundation settlements are expected to be less than 1/2 inch.

Exhibit F



3. The seismic design parameters for the site per Chapter 16 of the California Building Code (2007 Edition) are as follows. The values were determined utilizing the USGS Earthquake Hazards Program Earthquake Ground Motion Parameter Java Application and the NEHRP Recommended Provisions for Seismic Regulations for New Buildings and Other Structures.

Site Class = C

Short Term Spectral Response Parameter, $S_s = 1.44g$

1 Second Spectral Response Parameter, $S_1 = 0.60g$

Site Coefficient, $F_a = 1.0$

Site Coefficient, $F_v = 1.3$

4. Resistance to lateral loads should be calculated based on a passive equivalent fluid pressure of 350 pcf and a friction factor of 0.35. Passive and frictional resistance can be combined in the calculations without reductions. These values are based on the assumption that backfill adjacent to foundations is adequately compacted.
5. The footing excavations should be moistened to close any desiccation cracks prior to placement of concrete.

Retaining Walls

1. Retaining wall footings should be designed in accordance with the criteria provided above. Design of retaining walls should be based on the following parameters:

Active equivalent fluid pressure	35 pcf
At-rest equivalent fluid pressure	50 pcf

2. If seismic forces are to be considered in the retaining wall design, the seismic increment of earth pressure should be $17H^2$ psf, where H is the height of the retained soil. The resultant seismic force should be applied at a height of 0.6H above the bottom of the retained soil.
3. No surcharges are taken into consideration in the above values. The equivalent fluid pressures are ultimate values, which will require application of appropriate factors of safety by the architect/engineer.

Exhibit F



4. Retaining walls should be drained with either free draining gravel or with manufactured synthetic drains. If a gravel drain is to be used, a perforated pipe should be placed, perforations downward, near the bottom of the gravel. The gravel zone should have a width of approximately 1 foot and should extend upward to within 1 foot of the top of the wall backfill. The upper 1 foot of backfill should consist of native soils to reduce the flow of surface drainage into the wall drain system. To minimize infiltration of the native soil into the gravel, a permeable synthetic fabric (conforming to Caltrans Section 88-1.03 for edge drains) should be placed between the two. Manufactured synthetic drains such as Miradrain or Enkadrain are acceptable alternatives to the use of gravel provided they are installed in accordance with the manufacturer's recommendations. Retaining walls facing habitable areas should be waterproofed in accordance with the specification of the project architect/engineer.
5. The walls may be backfilled with either native soil or clean imported granular material. The backfill material should be placed in thin, moisture conditioned lifts, compacted to a minimum of 90 percent of maximum dry density.
6. Long-term settlement of properly compacted sand or gravel retaining wall backfill should be assumed to be about ¼ percent of the depth of the backfill. Long-term settlement of properly compacted clayey retaining wall backfill should be assumed to be about ½ to 1 percent of the depth of the backfill. Improvements constructed near the tops of retaining walls should be designed to accommodate the estimated settlement.
7. The architect/engineer should bear in mind that retaining walls by their nature are flexible structures, and this flexibility can result in cracking of surface coatings. Where walls are to be plastered or will otherwise have a finish surface applied, this flexibility should be considered in determining the suitability of the surfacing material, spacing of horizontal and vertical joints, connections to structures, etc.

Slabs-on-Grade and Exterior Flatwork

1. Interior slabs-on-grade and exterior flatwork should have minimum thicknesses of 4 full inches and should be reinforced as directed by the architect/engineer.
2. Interior slabs and footings should be doweled together as required by the architect/engineer. The garage slab may be designed by be "free-floating" as directed by the architect/engineer. However, the garage slab should be doweled into foundations at the garage entrances.

Exhibit F



3. In areas where moisture transmitted from the subgrade would be undesirable, a vapor retarder should be utilized beneath the floor slabs. The vapor retarder should comply with ASTM Standard Specification E 1745-97 (Reapproved 2004) and the latest recommendations of ACI Committee 302. The vapor retarder should be installed in accordance with ASTM Standard Practice E 1643-98 (2005). Care should be taken to properly lap and seal the vapor retarder, particularly around utilities, and to protect it from damage during construction.
4. If sand, gravel or other permeable material is to be placed over the vapor retarder, the material over the vapor retarder should be only lightly moistened and not saturated prior to casting the slab concrete. Excess water above the vapor retarder would increase the potential for moisture damage to floor coverings and could increase the potential for mold growth or other microbial contamination.
5. Due to the low expansion potential of the soil, exterior flatwork not subject to vehicular traffic could be cast directly on the properly compacted soil. A minimum 4 inches of compacted aggregate base should be provided beneath exterior flatwork subject to vehicular traffic, such as concrete driveways. Prior to placement of the concrete or aggregate base, the soil surface should be at or above optimum moisture content, and no desiccation cracks should be present.
6. Assuming that movement (i.e., 1/4-inch or more) of exterior flatwork beyond the structure is acceptable, the flatwork should be designed to be independent of the building foundations. The flatwork should not be doweled to foundations, and a separator should be placed between the two. If differential movement of flatwork is considered undesirable, the flatwork should be designed and constructed in roughly the same manner as the structure slabs, and reinforced footings should be provided around the perimeter of the flatwork.
7. Prior to placement of the concrete or vapor retarder, the soil surface should be at or above optimum moisture content, and no desiccation cracks should be present. To reduce shrinkage cracks in concrete, the concrete aggregates should be of appropriate size and proportion, the water/cement ratio should be low, the concrete should be properly placed and finished, contraction joints should be installed, and the concrete should be properly cured. Concrete materials, placement and curing specifications should be at the direction of the architect/engineer.

Exhibit FPage 44 of 118 Pages



Utility Trenches

1. A select, noncorrosive, granular, easily compacted material should be used as bedding and shading immediately around utility pipes. The site soils may be used for trench backfill above the select material. If obtaining compaction is difficult with the site soils, use of a more easily compacted sand may be desirable. The upper foot of backfill in landscaped or other open areas should consist of native material to reduce the potential for seepage of water into the backfill.
2. Trench backfill in the upper 12 inches of subgrade beneath the driveway should be compacted to a minimum of 95 percent of maximum dry density. Trench backfill in other areas should be compacted to a minimum of 90 percent of maximum dry density. Jetting of utility trench backfill may be allowed.
3. Where utility trenches extend under perimeter foundations, the trenches should be backfilled entirely with native soil compacted to a minimum of 90 percent of maximum dry density. The zone of native soil should extend to a minimum distance of 2 feet on both sides of the foundation. If utility pipes pass through sleeves cast into the perimeter foundations, the annulus between the pipes and sleeves should be completely sealed.

Site Drainage and Finish Improvements

1. Unpaved ground surfaces should be finish graded to direct surface runoff away from site improvements at a minimum 2 percent grade for a minimum distance of 5 feet. If this is not practicable due to the terrain or other site features, swales with improved surfaces should be provided to divert drainage away from improvements. The landscaping must be planned and installed to maintain proper surface drainage conditions.
2. Runoff from driveways, roof gutters, downspouts, planter drains and other improvements should discharge in a non-erosive manner away from foundations, pavement, and other improvements in accordance with the requirements of the governing jurisdiction.
3. Stabilization of surface soils, particularly those disturbed during construction, by vegetation or other means is essential to protect the site from erosion damage. Care should be taken to establish and maintain the vegetation. Irrigation systems should be controlled to the minimum levels that will sustain the vegetation without saturating the soil.
4. Raised planter beds adjacent to foundations should be provided with sealed sides and bottoms so that irrigation water is not allowed to penetrate the subsurface beneath foundations. Outlets



should be provided in the planters to direct accumulated irrigation water away from foundations.

8.0 OBSERVATION AND TESTING

1. It must be recognized that the recommendations contained in this report are based on a limited subsurface investigation and rely on continuity of the subsurface conditions encountered. It is assumed that this firm will be retained to provide consultation during the design phase, to review final plans once they are available, to interpret this report during construction, and to provide construction monitoring in the form of testing and observation.
2. The standard tests used to define maximum dry density and field density should be ASTM D 1557-07 and ASTM D 6938-07b, respectively, or other methods acceptable to the geotechnical engineer and jurisdiction.
3. At a minimum, the following items should be reviewed, tested, or observed by this firm:
 - Final grading and foundation plans
 - Stripping and clearing of vegetation, roots and deleterious materials
 - Scarification and recompaction
 - Fill placement and compaction
 - Foundation excavations
 - Retaining wall backfill compaction
 - Utility trench backfill compaction
 - Driveway subgrade and aggregate base compaction
4. It will be necessary to develop a program of quality control prior to beginning grading. It is the responsibility of the owner, contractor, or project manager to determine any additional inspection items required by other design professionals or the governing jurisdiction. A preconstruction conference between a representative of the owner, this firm, the architect/engineer and contractors is recommended to discuss planned construction procedures and quality control requirements. This firm should be notified at least 48 hours prior to beginning grading operations.
5. If Earth Systems Pacific is not retained to provide construction observation and testing services, it shall not be responsible for the interpretation of the information by others or any consequences arising therefrom.

Exhibit F



9.0 CLOSURE

This report is valid for conditions as they exist at this time for the type of development described herein. Our intent was to perform the investigation in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the locality of this project under similar conditions. No representation, warranty, or guarantee is either expressed or implied. This report is intended for the exclusive use by the client as discussed in the Scope of Services section. Application beyond the stated intent is strictly at the user's risk.

If changes with respect to development type or location become necessary, if items not addressed in this report are incorporated into plans, or if any of the assumptions stated herein are not correct, this firm shall be notified for modifications to this report. Any items not specifically addressed in this report shall comply with the current edition of the California Building Code and the requirements of the governing jurisdiction.

The preliminary recommendations of this report are based upon the geotechnical conditions encountered during the investigation, and may be augmented by additional requirements of the architect/engineer, or by additional recommendations provided by this firm based on conditions exposed at the time of construction.

This document, the data, conclusions, and recommendations contained herein are the property of Earth Systems Pacific. This report shall be used in its entirety, with no individual sections reproduced or used out of context. Copies may be made only by Earth Systems Pacific, the client, and his authorized agents for use exclusively on the subject project. Any other use is subject to federal copyright laws and the written approval of Earth Systems Pacific.

Thank you for this opportunity to have been of service. Please feel free to contact this office at your convenience if you have any questions concerning this report.

End of Text

Exhibit F

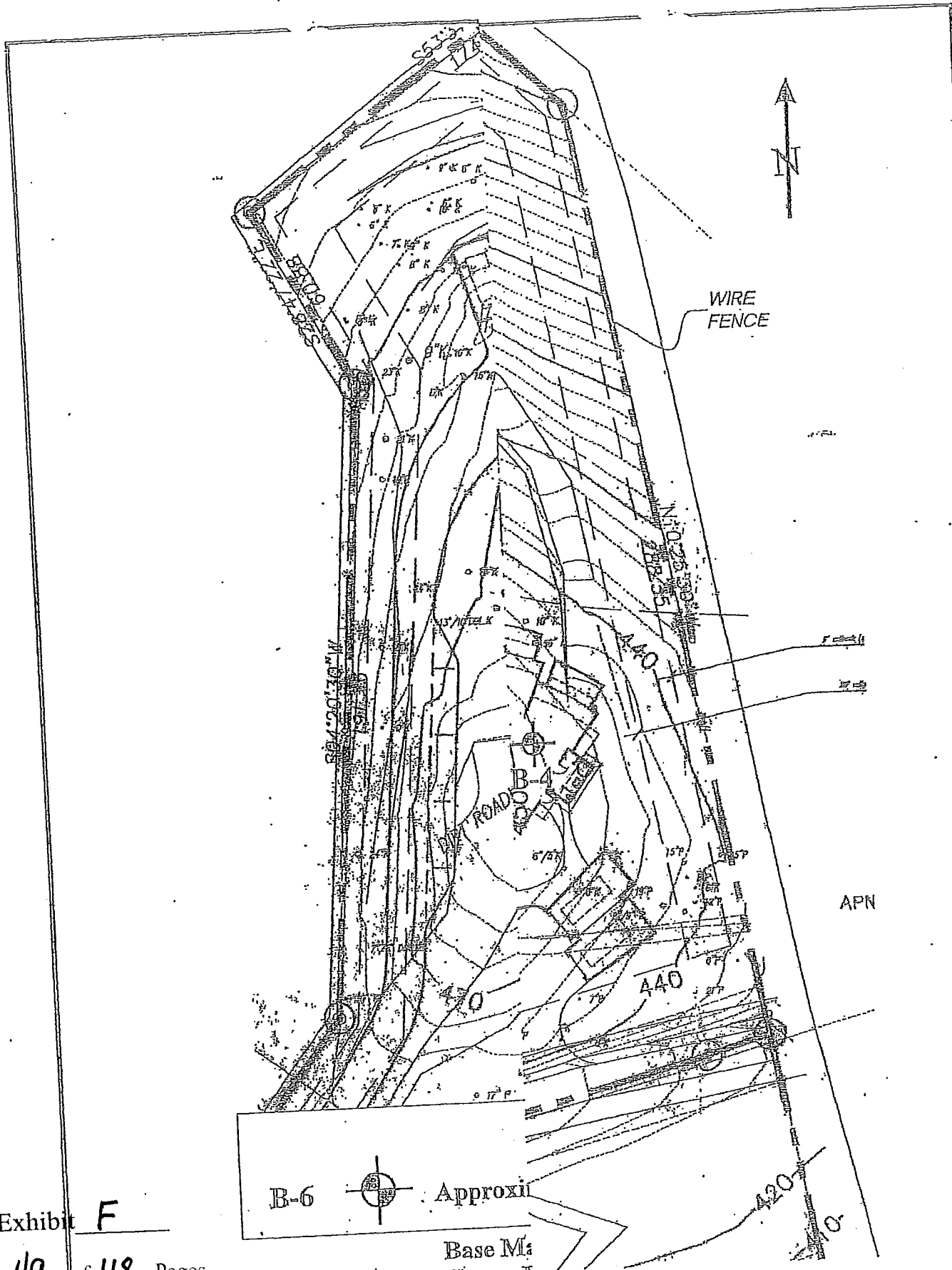
Page 47 of 118 Pages

APPENDIX A

.....Exploratory Boring Location Map
Boring Logs

Exhibit F

Page 48 of 118 Pages .



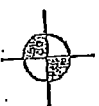
B-6  Approximate
 Base Map
 prepared by R. Wayne J

Exhibit **F**
 Page **49** of **118** Pages

Location Map



Earth Systems Pacific

SH-10017-SA



LOGGED BY: B. Faust
 DRILL RIG: Concord 9201
 AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USCS CLASS	SYMBOL	SAMPLE DATA					
			INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.	
STEUCK RESIDENCES 596-A Aguajito Road Carmel Area, Monterey County, California								
SOIL DESCRIPTION								
0 - 1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10 - 11 - 12 - 13 - 14 - 15 - 16 - 17 - 18 - 19 - 20 - 21 - 22 - 23 - 24 - 25 - 26	SM		Dark yellow brown SILTY SAND, very moist, loose, mostly medium sand; Fill	2.0-2.5				8
	GC		Dark yellow brown CLAYEY GRAVEL with sand, very moist, medium dense, weathered Monterey Formation shale	4.5-5.0		56.5	58.4	29
	TM		Yellow brown Monterey Formation SHALE, soft, closely fractured to crushed, severely weathered	8.5-9.5				50/5"
			-hard in shoe					
			End of Boring @ 9.5' No subsurface water encountered					

Exhibit F
 Page 50 of 118 Pages



Earth Systems Pacific

Boring No. 2

PAGE 1 OF 1

JOB NO.: SH-10917-SA

DATE: 03/14/08

LOGGED BY: B. Faust
 DRILL RIG: Concord 9201
 AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USCS CLASS	SYMBOL	SAMPLE DATA							
			INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.			
<p align="center">STEUCK RESIDENCES 595-A Aguajito Road Carmel Area, Monterey County, California</p> <p align="center">SOIL DESCRIPTION</p>										
0	SM	[Symbol: Dotted pattern]	Yellow brown SILTY SAND, moist, loose, medium to coarse sand; Fill -concrete rubble	1.0-1.5	[Symbol: Baggie]			50/5"		
1				2.0-3.5	[Symbol: Grab Sample]	no recovery		9		
2										
3										
4			-locally clayey -porcenalitic							
5	TM	[Symbol: Stippled pattern]	Yellow to tan Monterey Formation SHALE, moderately soft, closely fractured, moderately weathered +/- 90° bedding	5.0-5.5	[Symbol: Ring Sample]	56.2	46.3	29		
6										
7										
8					-severely weathered; bedding -strikes NE (?)	8.5-10.0	[Symbol: Grab Sample]			51
9										
10										
11										
12										
13				13.5-14.0	[Symbol: Grab Sample]			50/5.5"		
14			End of Boring @ 14.0' No subsurface water encountered							
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										
26										

Exhibit F

Page 51 of 118 Pages

LEGEND: [Symbol] Ring Sample [Symbol] Grab Sample [Symbol] Shelby Tube Sample [Symbol] SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling.
 Subsurface conditions may differ at other locations and times.



Earth Systems Pacific

Boring No. 3

PAGE 1 OF 1

JOB NO.: SH-10917-SA

DATE: 03/14/08

LOGGED BY: B. Faust
 DRILL RIG: Concord 9201
 AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USCS CLASS	SYMBOL	SAMPLE DATA					
			INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.	
<p align="center">STEUCK RESIDENCES 596-A Aguajito Road Carmel Area, Monterey County, California</p>								
<p align="center">SOIL DESCRIPTION</p>								
0	GC							
1	TM		Dark yellow brown, CLAYEY GRAVEL with sand, very moist, medium dense, severely weathered Monterey Formation Shale					
2			2.0-2.5		59.3	52.8	50/5"	
3			3.5-4.0				50/6"	
4			5.0-5.5		no recovery		50/2.5"	
5			End of Boring @ 5.5' No subsurface water encountered					
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								

Exhibit F

Page 52 of 118 Pages

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies to the location and time of drilling.
 Conditions may differ at other locations and times.



Earth Systems Pacific

Boring No. 4

PAGE 1 OF 1

JOB NO.: SH-10917-SA

DATE: 03/14/08

LOGGED BY: B. Faust
 DRILL RIG: Concord 9201
 AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USCS CLASS	SYMBOL	SAMPLE DATA					
			INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.	
STEUCK RESIDENCES 596-A Aguajito Road Carmel Area, Monterey County, California								
SOIL DESCRIPTION								
0	GC							
1								
2	TM		2.0-2.5		50.1	57.1	57	
3			3.5-4.0				50/3"	
4								
5								
6								
7								
8			8.0-8.5				50/4"	
9			End of Boring @ 8.5'					
10			No subsurface water encountered					
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								

Exhibit F

Page 53 of 118 Pages

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



Earth Systems Pacific

Boring No. 5

PAGE 1 OF 1

JOB NO.: SH-10917-SA

DATE: 03/14/08

LOGGED BY: B. Faust
 DRILL RIG: Concord 9201
 AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USCS CLASS	SYMBOL	SAMPLE DATA					
			INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.	
STEUCK RESIDENCES 596-A Aguajito Road Carmel Area, Monterey County, California								
SOIL DESCRIPTION								
0 - 1	SC							
1 - 2								
2 - 3			2.5-3.0		46.8	49.1		11
3 - 4								
4 - 5	GC		3.5-5.0					65
5 - 6								
6 - 7	TM							
7 - 8								
8 - 9			8.0-9.0					50/4.5"
9 - 10								
10 - 11								
11 - 12								
12 - 13								
13 - 14								
14 - 15								
15 - 16								
16 - 17								
17 - 18								
18 - 19								
19 - 20								
20 - 21								
21 - 22								
22 - 23								
23 - 24								
24 - 25								
25 - 26								

STEUCK RESIDENCES
 596-A Aguajito Road
 Carmel Area, Monterey County, California

SOIL DESCRIPTION

Dark yellow brown CLAYEY SAND, very moist, loose, fine to medium sand; Qc

Dark yellow brown CLAYEY GRAVEL with sand, very moist, very dense, decomposed shale

Yellow brown to tan Monterey Formation SHALE, soft, closely fractured to crushed, moderately weathered
 -clay filled fractures, horizontal bedding

End of Boring @ 9.0'
 No subsurface water encountered

Exhibit F

Page 54 of 118 Pages

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



LOGGED BY: B. Faust
 DRILL RIG: Concord 9201
 AUGER TYPE: 4" Solid Stem

DEPTH (feet)	USCS CLASS	SYMBOL	SAMPLE DATA					
			INTERVAL (feet)	SAMPLE TYPE	DRY DENSITY (pcf)	MOISTURE (%)	BLOWS PER 12 IN.	
STEUCK RESIDENCES 596-A Aguajito Road Carmel Area, Monterey County, California								
SOIL DESCRIPTION								
0	SM		Gray brown SILTY SAND, very moist, loose; Fill	1.0-4.5	○			
1	SC		Dark yellow brown CLAYEY SAND with trace gravel, very moist, medium dense, mostly medium sand, fine gravel, decomposed shale; Native -dense	2.0-2.5				18
2				4.5-5.0				58
3	TM		Yellow Monterey Formation SHALE, soft, closely fractured, moderately weathered, minor clay filled fractures -moderately soft	8.0-8.5				50/5"
4								
5								
6								
7								
8								
9			End of Boring @ 8.5'					
10			No subsurface water encountered					
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								

Exhibit F
 Page 55 of 118 Pages

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Conditions may differ at other locations and times.

APPENDIX B
Laboratory Test Results

Exhibit F

Page 56 of 118 Pages



Steuck Residences

SH-10917-SA

BULK DENSITY TEST RESULTS

ASTM D 2216-05 & D 2937-04 (modified for ring liners)

April, 2008

<u>BORING NO.</u>	<u>DEPTH feet</u>	<u>MOISTURE CONTENT, %</u>	<u>WET DENSITY, pcf</u>	<u>DRY DENSITY, pcf</u>
B-1	4.5 - 5.0	58.4	89.5	56.5
B-2	5.0 - 5.5	46.3	82.2	56.2
B-3	2.0 - 2.5	52.8	90.6	59.3
B-4	2.0 - 2.5	57.1	78.7	50.1
B-5	2.5 - 3.0	49.1	69.8	46.8

EXPANSION INDEX TEST RESULTS

ASTM D 4829-07

<u>BORING NO.</u>	<u>DEPTH feet</u>	<u>EXPANSION INDEX</u>
B-6, Bag A	1.0 - 4.5	13

Exhibit F



Steuck Residences

SH-10917-SA

PARTICLE SIZE ANALYSIS

ASTM D 422-02; D 1140-02

April, 2008

Boring #5 @ 2.5 - 3.0'

Dark yellow brown Clayey Sand with gravel (SC)

Sieve size	% Retained	% Passing
3" (75-mm)	0	100
2" (50-mm)	0	100
1.5" (37.5-mm)	0	100
1" (25-mm)	7	93
3/4" (19-mm)	20	80
1/2" (12.5-mm)	25	75
3/8" (9.5-mm)	33	67
#4 (4.75-mm)	40	60
#8 (2.36-mm)	52	48
#16 (1.18-mm)	61	39
#30 (600- μ m)	70	30
#50 (300- μ m)	77	23
#100 (150- μ m)	84	16
#200 (75- μ m)		

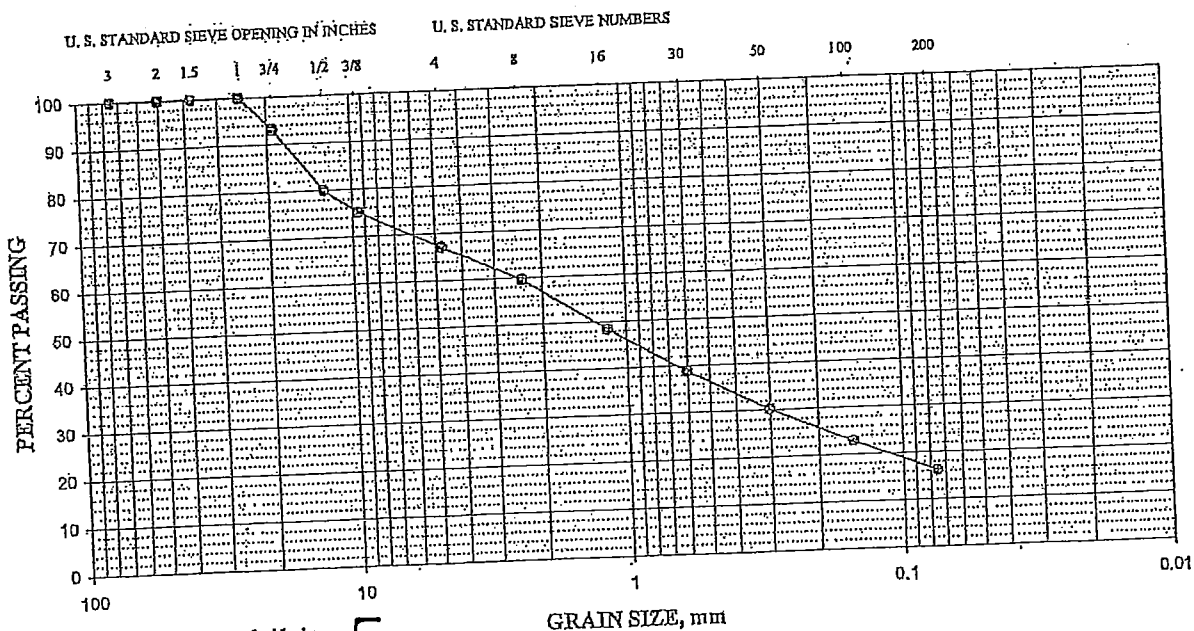


Exhibit F



Steuck Residences

SH-10917-SA

PARTICLE SIZE ANALYSIS

ASTM D 422-02; D 1140-02

April, 2008

Boring #6, Bag A @ 1.0 - 4.5'

Dark yellow brown Clayey Sand (SC)

Sieve size	% Retained	% Passing
3" (75-mm)	0	100
2" (50-mm)	0	100
1.5" (37.5-mm)	0	100
1" (25-mm)	0	100
3/4" (19-mm)	0	100
1/2" (12.5-mm)	0	100
3/8" (9.5-mm)	1	99
#4 (4.75-mm)	6	94
#8 (2.36-mm)	13	87
#16 (1.18-mm)	24	76
#30 (600-µm)	36	64
#50 (300-µm)	54	46
#100 (150-µm)	69	31
#200 (75-µm)	80	20

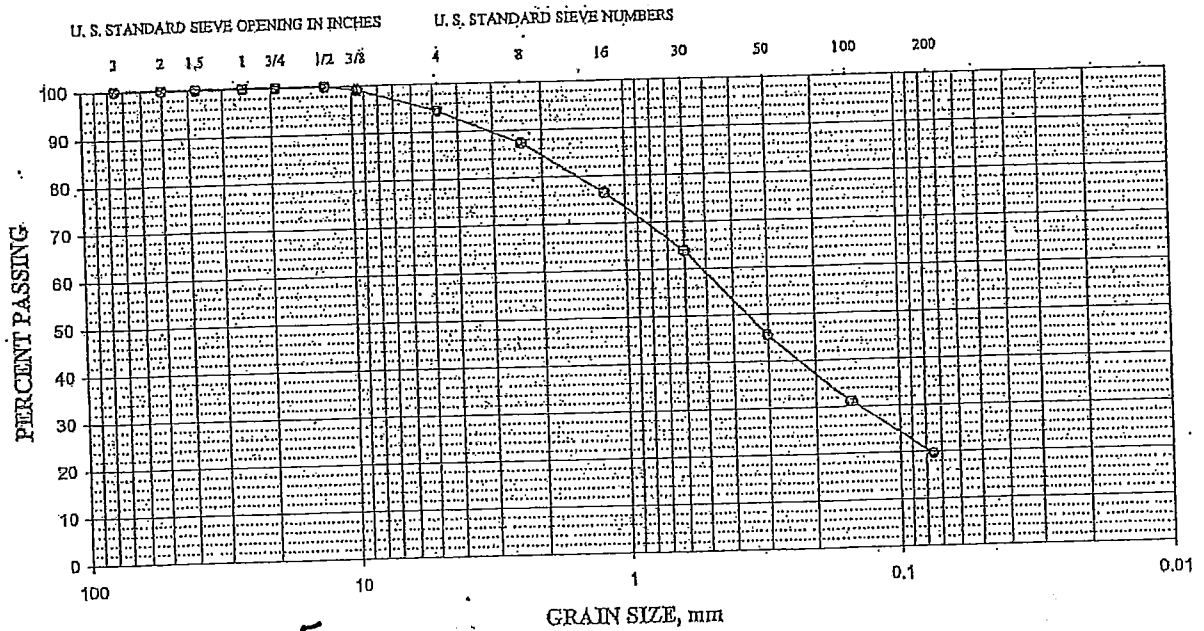


Exhibit F

Montano, Ramon x5169

From: Tony Lombardo [tony@lomgil.com]
Sent: Monday, August 25, 2008 5:37 PM
To: Montano, Ramon x5169
Subject: RE: STEUCK; APN 103-061-015

Ramon:

Thanks. I'm concerned there was a lot of material dumped on the site over the last few years. Was there a grading permit issued for this fill?

My client was previously informed that there had been red tags placed on the property.

Please let me know.

PRIVILEGED & CONFIDENTIAL -- ATTORNEY CLIENT PRIVILEGE -- ATTORNEY WORK PRODUCT

The information contained in this electronic transmission is legally privileged and confidential, and it is intended for the sole use of the individual or entity to whom it is addressed. If you are not the intended recipient, please take notice that any form of dissemination, distribution or photocopying of this electronic transmission is strictly prohibited. If you have received this electronic transmission in error, please immediately contact Anthony L. Lombardo at (831) 754-2444 x 333 or tony@lomgil.com and immediately delete the electronic transmission. Thank you.

Anthony L. Lombardo
LOMBARDO & GILLES, LLP
318 Cayuga Street
Salinas, CA 93901
Phone: (831) 754-2444 x 333
Fax: (831) 754-2011
Email: tony@lomgil.com

From: Montano, Ramon x5169 [mailto:montanor@co.monterey.ca.us]
Sent: Friday, August 22, 2008 11:55 AM
To: Tony Lombardo
Subject: RE: STEUCK; APN 103-061-015

I confirmed with Permits Plus that there are no current open violations on that property and that the current application remains incomplete. I have not had contact with the applicant or his agent for some time and I am not aware any current development activities on the subject property. If there is work currently being done on the property it will have to be confirmed by code enforcement. I will contact grading code enforcement to confirm your information, when we have conformation of the alleged development activities I will notify you of our course of action.

Respectfully,



Exhibit F

Page 60 of 118 Pages

10/24/2008

0915

Ramon A. Montano, Assistant Planner
Monterey County Planning & Building Inspection Department
168 West Alisal St., second floor, Salinas, CA 93901
montanor@co.monterey.ca.us
VMX 831-755-5169
FAX 831-755-7599

CONFIDENTIALITY NOTICE: This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressees. PLEASE DO NOT FORWARD THIS MESSAGE. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. If you have received this communication in error, please contact our office by telephone at (831) 755-5169 and destroy all copies.

Exhibit F

10/24/2008

Page 61 of 118 Pages

0916

EXHIBIT F

ATTACHMENT F –

CORRESPONDENCE DATED

SEPTEMBER 3, 2008

ADDRESSED TO

MIKE NOVO AND

TIM MCCORMICK

FROM DALE ELLIS

OF LOMBARDO & GILLES LLP

Anthony L. Lombardo
Jeffery R. Gilles

Dennis C. Beougher
Patrick S.M. Casey
Sheri L. Damon
Diaz
John Gorman
Robert R. McWilliams
Paul Ravella
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Virginia A. Hines
Of Counsel

Amy Purchase Reid
Of Counsel



318 Cayuga Street
P. O. Box 2119
Salinas, CA 93902-2119
831-754-2444 (SALINAS)
888-757-2444 (TOLL FREE)
831-754-2011 (FAX)
www.lomgll.com

225 Sixth Street
Hollister, CA 95023
831-630-9444

File No. 00143.003

September 3, 2008

VIA FACSIMILE

Mr. Mike Novo
Monterey County Planning
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Mr. Tim McCormick
Monterey County Building
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: Steuck CE080325 and PLN050209

Dear Mike and Tim:

We have been asked to review the current status of applications on the Steuck property. Based on our review, it appears that the prior code enforcement actions related to grading and development on slopes in excess of 30% were closed. However, we have been unable to find out what action Mr. Steuck took to resolve those violations. We have also found that a new code enforcement case (CE080325) has been recently opened regarding grading, import of materials and work on slopes in excess of 30%. Can you tell us the basis upon which the prior code enforcement actions were closed and the current status of the new case?

We have also found that in 2005, Mr. Steuck applied for a lot line adjustment (PLN050209) to effect a boundary adjustment between two lots of record that the County has recognized by certificate of compliance. We ask two things. First, we wish to be assured that the County will not, in accord with its own ordinance, approve the lot line adjustment until the code violations are fully resolved on Mr. Steuck's property. Second, we ask that you provide us notice of all hearings and pending actions on the lot line adjustment application.

Thank you for your attention to this matter. If you have any questions, please feel free to call me.

Sincerely,

Lombardo & Gilles, LLP

Dale Ellis, AICP
Director of Planning and Permit Services
DE:ncs

Exhibit F

Page 62 of 118 Pages

0912

EXHIBIT F

ATTACHMENT G –

EMAIL DATED SEPTEMBER

11, 2008

TO RAMON MONTANO

AND ANTHONY LOMBARDO

OF LOMBARDO & GILLES LLP

Montano, Ramon x5169

From: Tony Lombardo [tony@lomgil.com]
Sent: Thursday, September 11, 2008 4:59 PM
To: Montano, Ramon x5169
Cc: Kinison Brown, Taven M. x5173; Herrington, Randy A. x5307; Dale Ellis; ejdpmd@redshift.com
Subject: RE: Steuck CE080325

Ramon:

Hundreds, if not thousands, of yards of dirt was dumped on the site without a permit based on the information my client received from the prior code enforcement officials. What do you mean, "no evidence was found"? Did the code enforcement officer review the prior violation files that were "closed" without having been corrected?

My client will probably want to appeal the refusal to act on this violation. Is that done through the normal process of appealing a staff determination? Is your e-mail that determination?

Please provide that information as soon as possible.

Thank you.

PRIVILEGED & CONFIDENTIAL -- ATTORNEY CLIENT PRIVILEGE -- ATTORNEY WORK PRODUCT

The information contained in this electronic transmission is legally privileged and confidential, and it is intended for the sole use of the individual or entity to whom it is addressed. If you are not the intended recipient, please take notice that any form of dissemination, distribution or photocopying of this electronic transmission is strictly prohibited. If you have received this electronic transmission in error, please immediately contact Anthony L. Lombardo at (831) 754-2444 x 333 or tony@lomgil.com and immediately delete the electronic transmission. Thank you.

Anthony L. Lombardo
LOMBARDO & GILLES, LLP
318 Cayuga Street
Salinas, CA 93901
Phone: (831) 754-2444 x 333
Fax: (831) 754-2011
Email: tony@lomgil.com

From: Montano, Ramon x5169 [mailto:montanor@co.monterey.ca.us]
Sent: Wednesday, September 10, 2008 3:08 PM
To: Tony Lombardo; Dale Ellis
Cc: Kinison Brown, Taven M. x5173; Herrington, Randy A. x5307
Subject: Steuck CE080325

Dear Mr. Lombardo & Mr. Ellis,

I unfortunately was not able to schedule a meeting with you, your client and the Code Enforcement (CE) Officer investigating the Steuck property prior to his completing a site visit. The CE investigation on the Steuck property was closed today because the investigator found no evidence of any past or present grading violations or construction activities occurring without permits. In light of this no actions are currently being taken against the property owner. I continue to work with the property owner on the application which is currently incomplete. If there is anything further on this matter that I can assist you with please feel free

Exhibit F

10/24/2008

Page 63 of 118 Pages

0906

to contact me.

Sincerely,



Ramon A. Montano, Assistant Planner
Monterey County Planning & Building Inspection Department
168 West Alisal St., second floor, Salinas, CA 93901
montanor@co.monterey.ca.us
VMX 831-755-5169
FAX 831-755-7599

CONFIDENTIALITY NOTICE: This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressees. PLEASE DO NOT FORWARD THIS MESSAGE. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. If you have received this communication in error, please contact our office by telephone at (831) 755-5169 and destroy all copies.

10/24/2008

Exhibit F

Page 64 of 118 Pages

0907

EXHIBIT F

ATTACHMENT H –

CORRESPONDENCE DATED

OCTOBER 15, 2008

ADDRESSED TO

MIKE NOVO AND

TIM MCCORMICK

FROM DALE ELLIS

OF LOMBARDO & GILLES LLP

Anthony L. Lombardo
Jeffery R. Gilles

Dennis C. Beougher
Patrick S.M. Casey
Shel L. Damon
Ron Diaz
John Gorman
Robert R. McWilliams
Paul Rovella
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Virginia A. Hines
Of Counsel

Amy Purchase Reid
Of Counsel

Lombardo
& Gilles
LIMITED LIABILITY PARTNERSHIP

318 Cayuga Street
P. O. Box 2119
Salinas, CA 93902-2119
831-754-2444 (SALINAS)
888-757-2444 (TOLL FREE)
831-754-2011 (FAX)
www.lombgll.com

225 Sixth Street
Hollister, CA 95023
831-630-9444

COPY

File No. 00143.003

October 15, 2008

Mr. Mike Novo, Director
Monterey County Planning
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Mr. Tim McCormick, Director
Monterey County Building
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: Steuck (APN103-061-015-000/PLN050209 & PLN080454)

Dear Mike and Tim:

This is a follow-up to my letter of October 8, 2008 regarding grading violations on the Steuck property. We have recently reviewed a number of the County's files on this property and have found some things that we wish to bring to your attention. They are attached for your information.

- Letter dated November 3, 1987 from Phil Carrasco to Gordon Steuck noting that grading violations were found on the property.
- Letter dated May 27, 1988 from Phil Carrasco, noted as a Final Notice, again stating that grading violations were found on the property.
- Letter dated March 14, 1990 from Phil Carrasco noting on going violations and that the matter had been referred to the District Attorney's office.
- Grading permit application 91-G28 dated May 3, 1991 for 1200 cubic yards of grading for "restoration and landscaping."
- Letter dated June 14, 1994 from David Messmer of Messmer and Associates stating that "...import fill will be required to complete the grading ...because of the high percentage of rubble and unusable soil in the in the existing fill."

What were not found were any records that show a grading permit(s) ever being issued on the property. So, unless there is information that was inadvertently not disclosed, we have to conclude these long standing violations still exist and are unresolved.

We again ask that the County take the following actions:

1. Review and reopen all Code Enforcement cases on this property.

Exhibit F

Mr. Mike Novo
Mr. Tim McCormick
Monterey County Planning
October 15, 2008
Page 2

2. Review with the District Attorney's Office the status of all enforcement actions on this property that have been referred to them.
3. Take no further action on the pending applications until the violations are resolved. In this case we believe that the most appropriate means of resolution is a full restoration of the property to its pre-violation state.
4. Notify Mr. Del Piero and this office of any change in status of the pending applications and provide full public notice to us of any scheduled hearings.

We would still like to meet with you to discuss all of these issues. Please contact Nancy Stafford or Jennifer Riso of this office to schedule the meeting at a mutually convenient time for you, Dr. Del Piero and me. Should you have any questions in the meantime, please do not hesitate to call.

Sincerely,

Lombardo & Gilles, LLP



Dale Ellis, AICP
Director of Planning and Permit Services

DE:jlh

cc: Dr. Eric Del Piero
Ramon Montano

Exhibit F

Page 66 of 118 Pages

0896

EXHIBIT F
ATTACHMENT I –
VIOLATION NOTICE
DATED DECEMBER 29,
2008
(CERTIFIED MAIL)

CERTIFIED MAIL
VIOLATION NOTICE

December 29, 2008

Owner of Record:
John Gordon & Sandra Lee Steuck TRS
570 Aguajito Road
Monterey, CA 93940

A.P.N: 103-061-015-000
File #: CE080413
Zoning: RDR/5.1-UR-D-S

Dear Property Owner:

On December 10, 2008, the County of Monterey Building Services Department noted violations on your property at 570 Aguajito Road, Monterey, for casual grading of excavation less than 3 feet and /or fill which exceeds 1 foot in depth and exceeds 100 cubic yards of accumulated fill. These violations, the corrections necessary, and the date by which these corrections should be completed are listed on Attachment A. No permits, licenses, or other entitlements may be issued by any County department until these violations have been cleared.

This letter also serves as notice that the Building Services Department intends to invoke certain administrative procedures should these violations continue to exist after the date stated. Should the County of Monterey find it necessary to invoke any of the following administrative procedures or any judicial procedure in order to compel you to correct these violations, you will be required to pay for all of the costs expended by the County of Monterey in enforcing its code sections.

Exhibit F

Page 67 of 118 Pages

0891

These possible procedures include, but are not limited to, the following:

1. The Recording of a Notice of Monterey County Code Violation on your property with the County Recorder (See attachment B.)
2. The issuance of a citation
3. Formal enforcement action
4. Administrative fees associated with the investigation and processing of these violations

In order to abate the violations, you must obtain a permit and have it finalized or take appropriate actions to clear these violations and pay the associated fees.

Sincerely,

Randy Herrington
Code Enforcement Officer

RH/dv

Enclosures: Attachments A and B

cc: Les Girard, Assistant County Counsel
Office Link
File

Exhibit F

ATTACHMENT A

CASE#:CE080413

APN: 103-061-015-000

VIOLATION(S)

CODE SECTION		DESCRIPTION OF VIOLATION(S)
1.	16.08.040 M.C.C.	Casual grading of excavation less than 3 feet and /or fill which exceeds 1 foot in depth and exceeds 100 cubic yards of accumulated fill. Contrary to Monterey County Code 16.08.040 (b)(f)

ACTIONS NECESSARY TO ABATE VIOLATION(S)

- 1. You must first contact Land Use Technician Dawn Vest at (831) 759-6716 to discuss the actions necessary to abate the violation(s). LUT Dawn Vest may assist you without an appointment at the Building Counter in the Salinas Permit Center.**
2. Apply for a grading restoration permit to remove all undocumented fill placed on property to restore site to pre-violation state (additional soils testing and borings may be required to determine the full extent of the undocumented fill).
3. Diligently pursue the application to ensure issuance of the permit and completion of the project to include a final inspection sign-off. Notify code enforcement officer when permits have final sign off for compliance inspection and closure of code enforcement case.

TIME OF COMPLIANCE

1. January 30, 2009

To avoid formal enforcement action, maintain contact with the Land Use Technician/Code Enforcement Officer to ensure that they are aware of any corrective progress you are making.

Exhibit F

Page 69 of 118 Pages

**ATTACHMENT B
NOTICE OF INTENT TO RECORD A
NOTICE OF VIOLATION**

Notice is hereby given pursuant to Monterey County Code:

- | | |
|---|---|
| <input type="checkbox"/> Section 1.20.020 et seq (General Code Violation) | <input type="checkbox"/> Section 18.52.100 (Buildings & Construction) |
| <input checked="" type="checkbox"/> Section 16.08.450 (Grading) | <input type="checkbox"/> Section 20.90.100 (Zoning /Coastal Zone) |
| <input type="checkbox"/> Section 16.12.180 (Erosion) | <input type="checkbox"/> Section 21.84.100 (Zoning) |
| <input type="checkbox"/> Section _____ | <input type="checkbox"/> Section _____ |

that Monterey County has knowledge of facts indicating that the real property situated in the County of Monterey, State of California, known as Assessor's Parcel 103-061-015-000, and more commonly known as 570 Aguajiti Road, Monterey is in violation of the Code. The nature of these violations, the actions necessary to abate these violations, and the date by which these violations must be corrected are fully set forth in Attachment A and are incorporated by this reference.

If you wish to present evidence that the zoning violation cited in Attachment A **does not** exist or for some other reason the Notice of Monterey County Code Violation should not be recorded, you may do so on January, at **8:00 a.m.** at the Monterey County Building Services Department, 168 West Alisal Street 2nd Floor, Salinas, with a Code Enforcement Officer. **Please call Dawn Vest at (831) 759-6716 to confirm your intent to attend this meeting at least 3 business days prior to the proposed meeting date.**

Your failure to demonstrate that the Code violations do not exist, to correct the violations by the date of compliance, or to have the Code Enforcement Officer extend the date of compliance will result in the Notice of Monterey County Code Violation being recorded against your property on or after that date.

The recorded notice will not be released until such time as all violations are abated and all administrative fees and recording fees have been paid.

Exhibit F

Page 70 of 118 Pages

0894

EXHIBIT F
ATTACHMENT J –
GRADING PERMIT
DATED FEBRUARY 11,
2009



GRADING PERMIT

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY
BUILDING SERVICES DEPARTMENT
(831) 755-5025 (SALINAS) (831) 883-7500 (MARINA)

PERMIT NO.
GP090013

PERMITS BECOME NULL AND VOID IF WORK IS NOT COMMENCED WITHIN 180 DAYS FROM DATE OF ISSUANCE, IF WORK IS SUSPENDED AT ANY TIME FOR MORE THAN 180 DAYS, OR IF WORK IS DONE IN VIOLATION OF ANY COUNTY OR STATE LAWS.

LICENSED CONTRACTORS DECLARATION
I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.
License Class: A License Number: 905238
Date: 2/11/2009

Issue Date: 02/11/2009

OWNER-BUILDER DECLARATION
I hereby affirm under penalty of perjury that I am exempt from the Contractor's State License Law for the following reason(s) indicated below by the checkmark(s) I have placed next to the applicable item(s) (Sec. 7031.6, Business and Professions Code). Any city or county that requires a permit to construct, alter, improve, demolish, or repair any structure prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractor's State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt from licensure and the basis for the alleged exemption. Any violation of Section 7031.6 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500):

I, as owner of the property, or my employees with wages as their sole compensation, will do all of or portions of the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code). The Contractor's State License Law does not apply to an owner who, through employees or personal effort, builds or improves the property, provided that the improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the Owner-Builder will have the burden of proving that it was not built or improved for the purpose of sale.

I, as owner of the property, am exclusively contracting with licensed Contractors to construct the project (Sec. 7044, Business and Professions Code). The Contractor's State License Law does not apply to an owner of property who builds or improves thereon, and who contracts for the projects with a licensed Contractor pursuant to the Contractor's State License Law.

I am exempt from licensure under the Contractor's State License Law for the following reason:
By my signature below I acknowledge that, except for my personal residence in which I must have resided for at least one year prior to completion of the improvements covered by this permit, I cannot legally sell a structure that I have built as an owner-builder if it has not been constructed in its entirety by licensed contractors. I understand that a copy of the applicable law, Section 7044 of the Business and Professions Code, is available upon request when this application is submitted or at the following Web site: <http://www.leginfo.ca.gov/calaw.html>.

DATE: _____
SIGNATURE (Property Owner or Authorized Agent): _____

APN: 103-061-015-000
Site Address: 570 AGUAJITO ROAD CARMEL
Inspection Area: MARINA
Total Fees Paid: \$456.54
Description: TO CLEAR CE080413; REMOVE EXISTING FILL AND RESTORE SITE BACK TO ORIGINAL GRADES
CROSS STREET: VIEJO
Owner: STEUCK GORDON JOHN & SANDRA LEE TRS
570 AGUAJITO RD
MONTEREY CA 93940
93923
Applicant: TRINITY DEVELOPMENT LLC
14 SPRECKELS LANE #210
SALINAS CA 93908
831-455-8785 831-455-8757
Contractor: MUDSLINGER ENGINEERING & EXCAVATION
18873 PESANTE RD
SALINAS CA 93907
(831) 905-0978
License # B05238
Architect:
Engineer:

WORKERS' COMPENSATION DECLARATION
WARNING: FAILURE TO SECURE WORKER'S COMPENSATION COVERAGE IS UNLAWFUL AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.
I hereby affirm under penalty of perjury one of the following declarations:
 I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
POLICY #: _____
 I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
CARRIER: STATE FUND POLICY #: 1098315

EXP. DATE: 7/09 NAME OF AGENT: _____
 I certify that, in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that, if I should become subject to the workers' compensation laws of California, I shall comply with these provisions forthwith and comply with these provisions.
DATE: 2/11/09

DECLARATION REGARDING CONSTRUCTION LENDING AGENCY
I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work which this permit is issued (Section 3087, Civil Code).
Lender's Name: NA
Lender's Address: _____

I agree that any hazardous materials that may originate from this project, including asbestos containing material, will be managed in accordance with state regulations, and that no hazardous materials will be disposed with solid waste or recyclable material and hereby certify that the use of this facility shall comply with Sections 25509, 25533, and 25534 of the California Health and Safety Code, which regulate the storage, handling and use of hazardous materials.
By my signature below, I certify to each of the following: I am the property owner or authorized agent to act on the property owner's behalf; I have read this application and the information I have provided is correct; I agree to comply with all applicable county ordinances and state laws relating to building construction; I authorize representatives of the County of Monterey to enter the above-identified property for inspection purposes.
Signature: [Signature] Date: 02/11/2009

ASBESTOS NOTIFICATION (check one)
 Notification in accordance with Section 19827.6 of California Health & Safety Code is not applicable to the scheduled demolition of this project.
 Attached are copies of the required EPA notification forms.
Date: 02/11/2009

Exhibit F

Page 71 of 118 Pages

[Handwritten Signature]



Office #: (831) 755-5025 (Salinas) Inspection #: (831) 755-5027

Visit our website at: www.co.monterey.ca.us/pbi

ALL PLAN REVISIONS MUST BE APPROVED BY THE COUNTY BEFORE PROCEEDING WITH THE CHANGE
 PERMIT EXPIRES 180 DAYS AFTER LAST INSPECTION



MUST BE POSTED ON JOB SITE
 THE INSPECTION CARD/APPROVED PLANS MUST BE
 AVAILABLE FOR EACH INSPECTION OR THE INSPECTION
 WILL NOT BE MADE

A) Pre-Construction Inspection: When the applicant is ready to begin work, but not less than two days before any grading or brushing is started.
 B) Toe Inspection: After the natural ground or bedrock is exposed and prepared to receive fill; but before fill is placed.
 C) Excavation Inspection: After the excavation is started, but before the vertical depth of the excavation exceeds ten feet.
 D) Fill Inspection: After the fill placement is started, but before the vertical height of the fill exceeds ten feet.
 E) Drainage Device Inspection: After forming of terrace drains, downspouts or after placement of pipe in subdrains, but before any concrete is placed or filter material.
 F) Final: When all work, including installation of all drainage structures and other protective devices has been completed and the as-graded plan, professional certifications and the required reports have been submitted.

Inspection Item	Insp.	Date
Development		
Hazardous Situation		
Develop on Slope > 30%		
Develop on Slope > 25% (N.C. 261)		
Planting on Slope > 25%		
Accelerated Erosion		
Grading W/O Permit		
Clearing > 2.5 Acres W/O Permit		
As-Graded Drawings		
Public Works		
Health Dept		
Fire Dept		
Planning		
Other		

Inspection Item	Insp.	Date
Support/Winter Grading Permit		
Runoff Retention		
Infiltration Basins		
Percolation Pits		
Trenches		
Runoff Detention/Dispersion		
Nonerodible Conduits		
Energy Dissipators		
Hydromulching		
Hydroseeding/Vegetation		
Jobs Netting		
Vegetated Filter Strips		
Berms/Check Dams/Ditches		
Sand Bags/Plastic Covering		
Straw Bales/Wattles		
Silt Fences/Dust Control		
Foundation Excavation		
Foundation Soil Preparation		
Base Leveling Pad		
Geogrid Soil Reinforcement		
Backfill Sub-Drain System		
Backfill Placement/Compaction		
Rip-Rap Scour Protection		
Vapor Barrier		
Sub-Grade Preparation		
Approach Grades/Wells		
Vertical Clearance		
Turning Radius/T Interlocks		
Structural Section		
Portland Cement Concrete		
Asphalt Cement Concrete		
Asphalt/Treated Surface		
Grushed Rock/Gravel		
Other Unpaved		
Road Drainage		
Other		

Inspection Item	Insp.	Date
Site Work Demolition		
Soil Stripping/Clearing		
Dry Weather Earthwork		
Wet Weather Earthwork		
Stockpiles		
Blocked/Shorted Excavation		
Flat Slopes 2:1 or Flatter		
Footing Excavation		
Conventional TYP		
Piers and Caisson		
Preparation of Ground		
Approved Fill Material		
Fill Slopes 2:1 or Flatter		
Benchmarks		
Compaction of Ground		
Other		
Property Line Distances		
To Top of Slope		
To Toe of Slope		
Footing Distances		
To Top of Slope		
To Toe of Slope		
Ground Disposal System		
Foundation Sub-Drain		
Positive Drainage from Bldg		
Gutters/Downspouts		
Culverts/Catch Basins		
Drainage for Curbs/Slopes		
Terraces/Swales		
Subsurface Drainage		
Interceptor Drains		
Other		

Permit Filled by: *John Busby* Date: 4/2/09

EXHIBIT F
ATTACHMENT K –
CONSTRUCTION
PERMIT
APPLICATION DATED
FEBRUARY 2, 2009



MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY
BUILDING SERVICES DEPARTMENT

PERMIT NO.
6209.0013

BUILDING ELECTRICAL PLUMBING MECHANICAL GRADING

CONSTRUCTION PERMIT APPLICATION

Form containing project details: PROJECT ADDRESS (570 Aguajito Rd.), CITY (Carmel), ZIP (93923), ASSESSOR'S PARCEL NUMBER (103-061-015), TRACT/LOT #, NEAREST CROSS STREET (Viejo), OWNER NAME (Steuck Family Trust), PHONE (831-521-4008), E-MAIL (docendo@comcast.net), APPLICANT NAME (Gordon J. Steuck), CONTRACTOR NAME (Trinity Development LLC), COMPANY NAME (H.D. Peters Co.), ARCHITECT/ENGINEER NAME (H.D. Peters Co.), LICENSE NUMBER, and STREET ADDRESS (119 Central Ave P.O. Box 512).

DESCRIPTION OF WORK TO CLEAR CE08-0413
Remove existing fill in order to restore site back to original grades

Table with columns: EXISTING USE (Owners Residence), PROPOSED USE (same), ZONING (RDR/5.1-UR-D-S), OFFICE USE ONLY (SHEET, EVALUATION), SQ. FT. EXISTING (1000 +/-), SQ. FT. REMODEL (N/A), SQ. FT. DEMO (N/A), SQ. FT. ADDED (N/A), TOTAL SQ. FT. (N/A), # DWELLING UNITS (1), NAME OF SEWER DISTRICT/SEPTIC, NAME OF WATER SYSTEM, ESTIMATED CUT/FILL (CUT 254 cy), AREA OF DISTURBANCE (SF), PLANNING APPL #, WELL ON PARCEL (X YES), SCHOOL DISTRICT NAME, CODE ENFOR. CASE # (CE080413), APPLICATION RECEIVED BY (ASD).

By my signature below, I certify to each of the following: I am the property owner or authorized agent to act on the property owner's behalf. I have read this application and the information I have provided is correct. I have read the Description of Work and verify it is accurate. I agree to comply with all applicable county ordinances and state laws relating to building construction. I authorize representative of the County of Monterey to enter the above-identified property for inspection purposes.
Signature of Applicant/Agent: [Signature] Date: 02/02/09

OFFICE USE ONLY - ROUTING SLIP. Grid for routing with checkboxes for various departments: BUILDING PLAN REVIEW, PLANNING/REVIEW, GRADING PLAN CHECK, ENVIRONMENTAL HEALTH, PUBLIC WORKS/ENFORCEMENT, PUBLIC WORKS/ENFORCEMENT SERVICES, FIRE DEPARTMENT, SAN MATEO COUNTY, GARDEN HIGHLANDS, YUBA, GARDENA ALLEY, GONZALES, GREENFIELD, MISSION/SOLID AD, NORTH COUNTY, PEPPERIDGE CSD, SALINAS RURAL, FIRE/ROUGH/DRAW, FIRE/STINKERS, FIRE/LAM, UNDERGROUND, CLEARANCE/PLANNED VEGET, SIGN CLASS, SIGN, NUMBERS POSTED, ATTACH CONDITIONS TO PLANS.

ENFORCEMENT
R. HERRINGSTON Exhibit F

EXHIBIT F

ATTACHMENT L –

CORRESPONDENCE FROM

H.D. PETERS COMPANY TO

RANDY HERRINGTON

REGARDING SLOPE

RESTORATION PLAN DATED

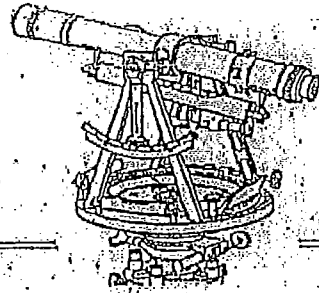
FEBRUARY 12, 2009

H.D. Peters Co., Inc. and Associates

Engineering - Surveying - Planning

119 Central Avenue Salinas, California 93901

Tel. (831) 424-3961 Fax. (831) 424-2748



February 12, 2009

Mr. Randy Herrington, Grading Inspector
Department of Planning and Building Inspection
Monterey County Courthouse
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

Re: Slope Restoration Plan at 570 Aguajito Road, APN 103-061-015, within the Barstad Property near Monterey, California

Dear Mr. Herrington:

Reference is made to my letter of February 4, 2009, regarding the subject slope restoration plan. At your recommendation, I field checked an additional slope area which is located near the westerly property line approximately 90 feet north of the driveway in order to verify whether a prior fill is located in that area. I did find an uncontrolled fill in that area of approximately 30 feet by 45 feet; the depth of fill ranges from zero to four feet maximum, and the fill slope ranges from 2:1 to 2.5:1. We are amending the Plan to include that fill within the area to be restored.

It appears that the fill was probably placed to provide a parking and turn-around area, and in my opinion that use is appropriate for the location if the fill is properly reconstructed. Therefore I recommend that the existing loose fill soil be removed to native soil, and the removed fill soil should be keyed in to the natural slope and replaced in 8 inch loose lifts compacted to a minimum of 90% relative compaction; the fill slope should be 2:1 or flatter. The fill construction should also be inspected and tested by a Geotechnical Engineering agency.

If you have any questions regarding my verification of this prior fill or my letter, please contact me.

Very truly yours,

H.D. Peters Company, Inc. and Associates

Richard E. Dante, P.E.
R.C.E. 20251

RED/red

cc. Eric Barstad
Ramon Montero, Planner, Monterey County

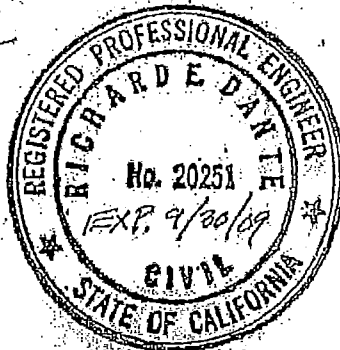


Exhibit F

EXHIBIT F

ATTACHMENT M –

CORRESPONDENCE FROM

LOMBARDO & GILLES TO

TIM MCCORMICK DATED

MARCH 4, 2009

Anthony L. Lombardo
Jeffery R. Gilles



318 Cayuga Street
P. O. Box 2119
Salinas, CA 93902-2119
831-754-2444 (SALINAS)
888-767-2444 (TOLL FREE)
831-754-2011 (FAX)
www.lomgli.com

Debbie C. Beougher
M. Casey
S. Jamon
E. Soren Diaz
J. Kenneth Gorman
Koren R. McWilliams
Amy Purchase Reid
Paul Rovella
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

530 San Benito St., Suite 202
Hollister, CA 95023
831-630-9444

File No. 00143.003

Virginia A. Hines
Of Counsel

March 4, 2009

103-Del-015
UR Reserve
memo

Mr. Tim McCormick, Director
Director of Building Inspection
Monterey County Building Department
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: **Steuck Grading Permit (GP090013)**

Dear Tim:

It came to our attention that a grading permit has been issued to Mr. Steuck "to clear CE08413: remove existing fill and restore site back to original grade." This was brought to our attention by Dr. Del Piero when two backhoes and a dump truck arrived at Mr. Steuck's property February 26, 2009. While we appreciate the County's efforts to pursue the long-standing violations on the Steuck property, the scope of the grading permit and the plans upon which that permit is based do not fully address the long-term grading violations on the property.

We wrote to you several times last fall and met on November 10, 2008. During the course of those meetings and in our correspondence, we discussed the lengthy history of grading violations on the property, the problems those violations caused for Dr. Del Piero and our concerns about the long-term use of the property. Following our November 10th meeting, I sent you an email confirming the agreements we reached at that meeting. Part of that agreement included the County requiring Mr. Steuck to retain a registered civil engineer to "prepare a plan for the removal of all undocumented fill on the property and the additional soils testing and borings may be required to determine the extent of the undocumented fill." We had previously provided copies of records that we obtained from the County's records documenting grading violations that were unresolved dating back to 1987.

We reviewed the grading plans prepared by H.D. Peters Company. It appears though from those plans that the removal plan for the undocumented fill is being based on topographic surveys that were taken in 2005 in relation to the current conditions. Simply put reliance on 2005 topography when it is clearly shown by the County's own records that illegal grading work was done as early as 1987 is inadequate. There is no evidence in the County's file for this grading permit that any soils testing or borings were required to determine the extent of the undocumented fill. There is no correlation between the grading work approved by GP090013 and the previous findings of undocumented fill in the geotechnical reports for the various Planning Department applications.

Exhibit F

Mr. Tim McCormick
Monterey County Planning
March 4, 2009
Page 2

The scope of the work authorized by GP090013 should be to remove all of the illegal fill. Before final approval is given for the grading work, there must be a determination made by an independent registered civil engineer, soils engineer, geologist or similarly qualified person to confirm that all of the undocumented fill previously identified both in the County's records and the geotechnical report has been removed from the site.

Should you have any questions, please do not hesitate to call.

Sincerely,

Lombardo & Gilles, LLP



Dale Ellis, AICP
Director of Planning and Permit Services

DE:ncs

cc: Dr. Eric Del Piero
Mr. Mike Novo
Mr. Ramon Montano
Mr. Albert Salvador
Mr. Taven Kinison Brown

Exhibit F

Page 75 of 118 Pages

0890

EXHIBIT F
ATTACHMENT N –
RESTORATION
GRADING REPORT
FROM
CONSTRUCTION
TESTING AND
INSPECTION
SERVICES DATED
MARCH 17, 2009

CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.

Salinas, CA 93901

Tel: 831-757-0735

Fax: 831-422-1896

March 17, 2009
File No. 1765

Mr. Albert Salvador
Department of Planning and Building Inspection
168 West Alisal Street, 2nd Floor
Salinas, Ca 93901

Project: Steuck Residence
570 Aguajito Road
Monterey, CA
A.P.N. 103-061-015

Subject: Restoration Grading Report

Dear Mr. Salvador:

We were contacted to provide grading observation and field density testing at the above mentioned project site on February 25th 2009. Our representative was involved in a preconstruction meeting prior to the commencement of the grading restoration of previously filled areas of the site. The restoration plan and accompanying letter prepared by Richard Dante of H.D. Peters Co., Inc. were discussed at this meeting.

The initial grading operations were performed as detailed in the recommendation letter and consisted of removing the previously placed fill soils to firm native Monterey Shale in the area referred to as the westerly fill. A keyway was established at that time around the perimeter of the fill. The excavated fill soils were moisture conditioned and stockpiled. Large pieces of concrete and miscellaneous building rubble were removed from the fill and stockpiled to be hauled from the site.

During the excavation of the loose material it was noted that the amount of uncontrolled fill was significantly larger than that detailed by H.D. Peters Co., Inc or Earth Systems Inc., who prepared a Geotechnical Report for this site. At the deepest area approximately 6 feet of loose fill was discovered which extended easterly approximately 40 feet, gradually tapering to original grade. These soils were also excavated moisture conditioned and placed as engineered fill. Density tests were taken and were meeting or exceeding the required specifications.

Exhibit F

Page 76 of 118 Pages

0815

March 17, 2009
File No. 1765
Page 2

The slopes of the recompacted fill were trimmed to 2:1 and in some areas flatter. At this point the westerly fill was approximately 3 to 4 feet below the finished subgrade as detailed in the restoration plan. As seasonal storms were forecasted the exposed soils were tracked with a bull dozer to aid in erosion control. The forecasted rains occurred and work was halted for one week.

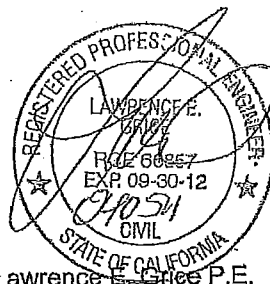
Grading work commenced on March 9th after the rain had past and the site was more accessible. The loose fill soils at the northerly location were stripped to firm original grade. Once again large amounts of debris was encountered. The debris was removed from the fill and exported from the project site. The soils removed from the northerly fill were placed at the westerly fill as that location was still several feet below finish subgrade as detailed on the restoration plan. To this point all density tests taken were passing the required specifications.

The project site was shaped to blend with the surrounding environment, as the finish grade as detailed in the restoration plan would have appeared to have been a building pad or parking area, with sharp slopes and a relatively flat pad at finished subgrade.

It is our opinion that the stripping and excavation of loose fill soils, moisture conditioning and compaction of the newly placed fill soils were completed in general accordance with the project plans and specifications.

Thank you for your time. Should you have any questions regarding this letter please feel free to contact our office.

Very truly yours,
CONSTRUCTION TESTING and INSPECTION SERVICES



Lawrence E. Grice P.E.
R.C.E. 66857

LEG/jjo

Exhibit F

Page 77 of 118 Pages

0816

CTI CONSTRUCTION TESTING & INSPECTION SERVICES

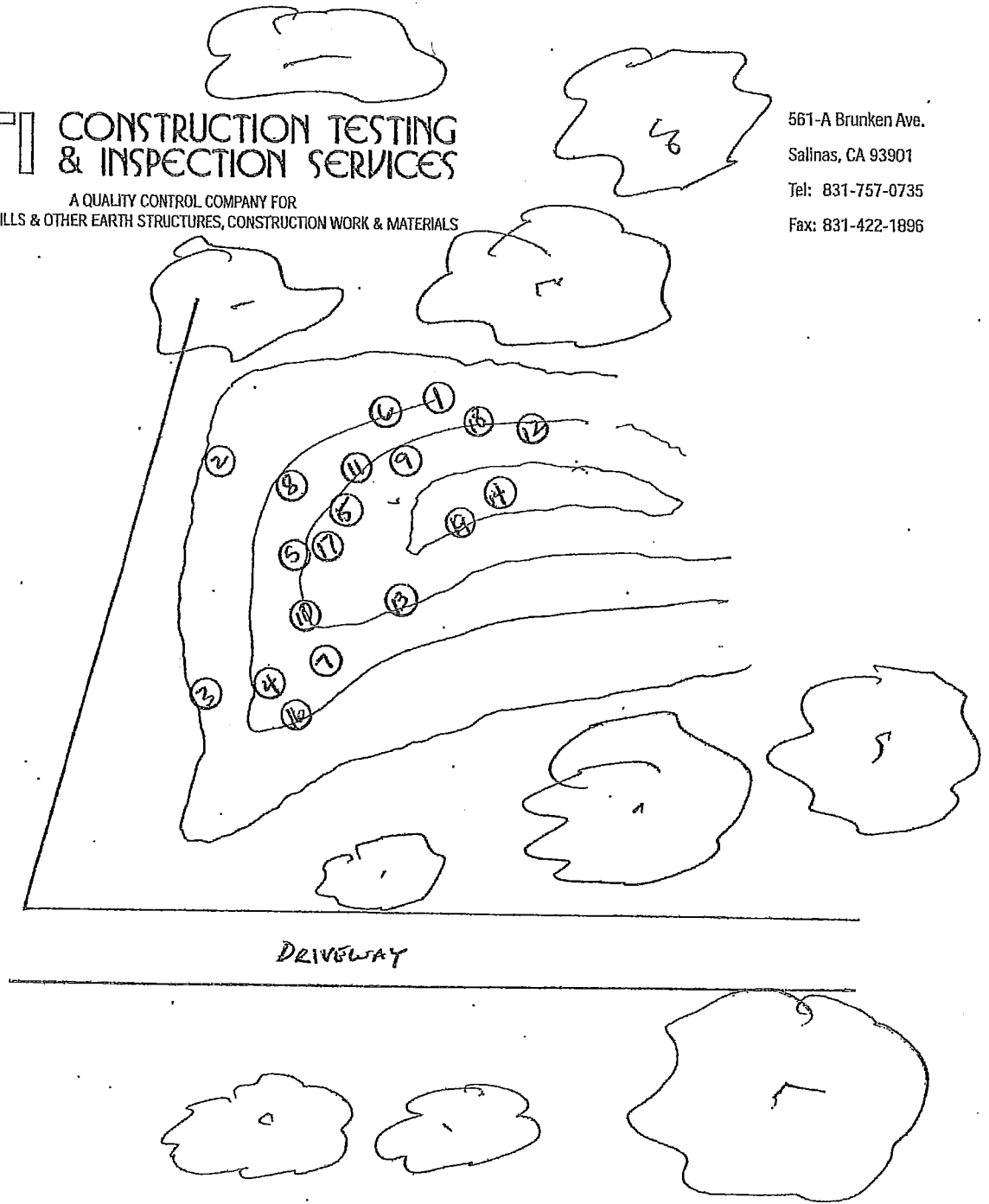
A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.

Salinas, CA 93901

Tel: 831-757-0735

Fax: 831-422-1896



W.D. 1765
O=TEST LOC.
NO SCALE

Exhibit F

Page 79 of 118 Pages

CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.

Salinas, CA 93901

Tel: 831-757-0735

Fax: 831-422-1896

TO: GORDON STEUCK	DATE: 2/26/09	WORK ORDER: 1765
	PROJECT: 570 (569A) ALVILITO	
	LOCATION: MONTEREY, CA	
	CONTRACTOR: MUDSLINGER	
	WEATHER: DRIZZLE	TEMP:
	PRESENT AT SITE: DEAN & ECK	
THE FOLLOWING WAS NOTED:	MUDSLINGER	
<p>MUDSLINGER HAS EXCAVATED A KEYWAY @ THE FILLED AREA NORTH OF THE ENTRY DRIVEWAY.</p> <p>THE KEYWAY WAS EXCAVATED TO REPLACE UNCOMPACTED FILL IN THIS AREA. THE KEY EXTENDS INTO FIRM NATIVE MONTEREY SHALE. THE KEY IS OF ADEQUATE WIDTH AND DEPTH. THE KEYWAY IS ACCEPTABLE TO PLACE SOILS.</p>		
FIELD REPORT	SIGNED:	

Exhibit F

CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.
Salinas, CA 93901
Tel: 831-757-0735
Fax: 831-422-1896

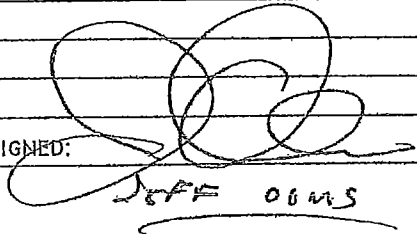
TO: <u>GORDON STEUCK</u>	DATE: <u>2/28/09</u>	WORK ORDER: <u>1765</u>
	PROJECT: <u>STEUCK RESIDENCE</u>	
	LOCATION: <u>570 AGUAJITO RD</u>	
	CONTRACTOR: <u>MUSLINGER</u>	
	WEATHER: <u>OVERCAST</u>	TEMP:
	PRESENT AT SITE: <u>DEAN BUCK</u>	
THE FOLLOWING WAS NOTED:		
<p>- DENSITY TESTING HAS BEEN PERFORMED ON THE FILL PLACED IN THE AREA NORTH OF THE DRIVE TO THE PROPERTY.</p>		
<p>TO DATE ALL TESTS TAKEN MET THE MINIMUM 90% RELATIVE DENSITY. THE SOIL MOISTURE CONTENT WAS SUFFICIENT TO ADEQUATELY COMPACT THE MATERIAL. THE PREVIOUSLY PLACED, UNCOMPACTED FILL HAS BEEN STRIPPED TO FIRM NATIVE MONTGOMERY SHALE PRIOR TO FILL PLACEMENT. THE TOTAL DEPTH OF FILL PLACED AT THE TIME OF THIS REPORT IS APPROX. 7' IN THE THICKEST AREA.</p>		
FIELD REPORT	SIGNED:  <u>JEFF OWENS</u>	

Exhibit F

CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.

Salinas, CA 93901

Tel: 831-757-0735

Fax: 831-422-1896

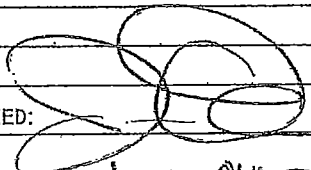
TO: DR. GORDON STEUCK	DATE: 3/9/09	WORK ORDER: 1765
	PROJECT: STEUCK RES.	
	LOCATION: 570 AGUAYTO RD	
	CONTRACTOR: MOOSWERN	
	WEATHER: CLEAR	TEMP:
	PRESENT AT SITE: DEAN D ECK	
	ERIC BAUSTAD	
THE FOLLOWING WAS NOTED:		
<p>WORK HAS RESUMED SINCE RAIN DELAYED CONST. ALL OF LAST WEEK. THE SOUTH WESTERN FILL IS BEING EXCAVATED AND PLACED @ THE SOUTH EASTERN LOCATION.</p>		
<p>APPOX 12' OF MATERIAL WAS PLACED TODAY. DENSITY TESTS TAKEN WERE BOTH @ 93% REL DENSITY. H₂O IS @ 15.8% AND IS IN ACCORDANCE WITH THE SPECIFICATIONS.</p>		
<p>NOTE: WHEN COMPLETED THE SE FILL WILL BE SHAPED TO BLEND WITH THE NATIVE SURROUNDINGS.</p>		
<p>I WILL RETURN TOMORROW 3/10/09.</p>		
FIELD REPORT	 SIGNED: Jeff Olms	

Exhibit F

CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.
Salinas, CA 93901
Tel: 831-757-0735
Fax: 831-422-1896

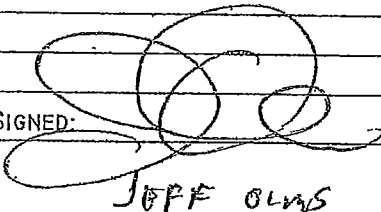
TO: <u>Dr. Gordon STEUCK</u>		DATE: <u>3/10/09</u>	WORK ORDER: <u>1765</u>
		PROJECT: <u>STEUCK RES</u>	
		LOCATION: <u>570 AGONITO DR</u>	
		CONTRACTOR: <u>MUDSINKER</u>	
		WEATHER: <u>Clear</u>	TEMP:
		PRESENT AT SITE: <u>DEAN & ECK</u>	
THE FOLLOWING WAS NOTED :			
<p>~ MUDSINKER HAS PLACED AN ADDITIONAL 1' ON THE SE FILL. DENSITY TESTS ARE READING 90% OR BETTER, H₂O IS LOOSE @ 15.5-17.0.</p>			
<p>~ ALL OF THE WESTERN FILLS WERE REMOVED. ALL UNDOCUMENTED FILLS WERE REMOVED FROM THE SITE.</p>			
<p>- LESS THAN 1' OF FILL IS YET TO BE PLACED. FOLLOWING THE FINAL LIFT, THE FILL WILL BE SHAPED TO BLEND.</p>			
FIELD REPORT		SIGNED: 	

Exhibit F

EXHIBIT F
ATTACHMENT O –
CORRESPONDENCE
TO GORDON STEUCK
DATED APRIL 17, 2009

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY



BUILDING SERVICES DEPARTMENT, Tim McCormick, P.E., C.B.O., Director
Mailing: 168 W. ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PERMIT CENTER LOCATIONS:

- SALINAS OFFICE: 168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901; FAX: (831) 757-9516; PHONE: (831) 755-5027
- COASTAL OFFICE: 2620 FIRST AVE., MARINA, CA 93933; FAX: (831) 384-3261; PHONE: (831) 883-7500
- KING CITY OFFICE: 522-NORTH SECOND ST., KING CITY, CA 93930; FAX: (831) 385-8387; PHONE: (831) 385-8315

<http://www.co.monterey.ca.us/pbi/>

April 17, 2009

Gordon Steuck
570 Aguajito Road
Monterey, CA 93940

SUBJECT: Case Number CE080413/APN103-061-015-000
570 Aguajito Road, Carmel

Dear Property Owner:

The Monterey County Building Services Department appreciates your efforts to bring your property into compliance.

Please be advised that case number CE080413 was closed as a result of your concerted efforts to abate the violation(s) on your property.

Thank you for your time and attention to this matter.

Sincerely,

Dawn Vest
Land Use Technician

Cc: Leslie J. Girard, Assistant County Counsel
Office Link
File

Exhibit F

Page 84 of 118 Pages

0888

EXHIBIT F
ATTACHMENT P –
CORRESPONDENCE
TO GREATER
MONTEREY
PENINSULA LUAC
FROM LOMBARDO &
GILLES
DATED JUNE 3, 2009

Anthony L. Lombardo
Jeffery R. Gilles

Dennis C. Beougher
S.M. Cooney
J. Diaz

Wendy Gorman
Karen R. McWilliams
Amy Purchase Reid
Jason Reffler
Paul Rovella
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Of Counsel
Sheri L. Damon
Virginia A. Hines



318 Cayuga Street
P. O. Box 2119
Salinas, CA 93902-2119
831-754-2444 (SALINAS)
888-757-2444 (TOLL FREE)
831-754-2011 (FAX)
www.lomgll.com

530 San Benito St., Suite 202
Hollister, CA 95023
831-630-9444

File No. 00143.003

June 3, 2009

Ms. Philomene Smith
Chair, and Members of the
Greater Monterey Peninsula
Land Use Advisory Committee
168 W. Alisal Street, Second Floor
Salinas, CA 93901

Re: **Steuck Lot Line Adjustment; PLN080454**

Dear Chair Smith and Members of the Committee:

We are writing on behalf of Dr. and Mrs. Eric Del Piero. The Del Pieros are the property owners immediately west of the Steuck property. The Del Pieros share a common driveway access with the Steuck property and have over the years been significantly impacted by illegal grading activities on the Steuck property. The Del Pieros have significant concerns and objections to the proposed development of the Steuck property and the manner in which this application has been brought before the Advisory Committee. The reasons for the Del Pieros' concerns are detailed below:

PIECEMEAL DEVELOPMENT

The matter before the Advisory Committee is noticed as consideration of a lot line adjustment between two lots of record. However, that is not the project before the County. It appears that it is the applicant's intention to pursue the lot line adjustment and then return with the plans for the houses. That approach is inappropriate and flies fully in the face of the legal requirements under CEQA to evaluate the entire project. This project because of its scale, development on slopes over 30% and oak tree removal will require a full environmental review. The full scope of the project and its potential impacts should be before the Advisory Committee.

In a letter to Ramon Montano dated May 6, 2009, Eric Barstad withdrew PLN050209. However, PLN080454 remains active. In that same letter Mr. Barstad also stated that "... on 4/16/09 they submitted a new application for a lot line adjustment only" However, the revised application form also dated April 16, 2009 clearly states that the application is a "lot line adjustment and two new SFDs on slopes in excess of 30%." The application form also states the project will include 1,211 cubic yards of cut and fill, the removal of 28 oak and three Monterey pine trees and includes 10 covered parking spaces. The project plans show two houses with detached garages.

Exhibit F

Ms. Philomene Smith
Chair, and Members of the
Greater Monterey Peninsula
Land Use Advisory Committee
June 3, 2009
Page 2

The house on the proposed western lot is 10,950 ft.² with an additional 1,116 ft.² of deck and includes six covered and three uncovered parking spaces. The house on the proposed eastern lot is 9,723 ft.² with 1,576 ft.² of decks and provides four covered parking spaces. The entire project should be fully presented for the Committee's review and consideration, fully evaluated under CEQA and taken forward to the Planning Commission for public hearing.

EFFECT OF THE LOT LINE ADJUSTMENT

Dr. Steuck obtained two Certificates of Compliance for this property. Certificates of Compliance are a determination by the County that based on the provisions of the Subdivision Map Act and local ordinances that there are two legal lots of record. Certificates of Compliance are not a determination that the lots are suitable for development nor are they a guarantee of a subsequent project approval. In this case, one of the lots is used for the existing residence. The second lot is a hillside that is not buildable. Approval of the lot line adjustment could result, arguably, in two buildable lots of record where there is now only one.

Under the Subdivision Map Act, the County must limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan and zoning and building ordinances. The County General Plan, Greater Monterey Peninsula Area Plan and zoning require 5-acre minimum parcels. In this case, the existing lots are not 5 acres in size and there is no way to reconfigure the lots to result in 5-acre lots. We recognize it is the County's practice and policy in cases like this to allow lot line adjustments as long as the parcels are compatible with the objectives and policies of zoning and the applicable plans. In this application, however, Dr. Steuck proposes to take two lots that are approximately equal in size (4.6 and 4.3 acres) and realign them to result in two lots of substantially different size (5.05 and 3.85 acres) rather than maintaining the current sizes or equalizing the lot sizes. Further, the resulting lot configuration will, contrary to Plan policy and County ordinance, establish building areas that are on slopes in excess of 30% and will require removal of oak trees. Those issues do not appear to be addressed in the review of the lot line adjustment.

The lots are served by a private easement that may not provide legal access to two residences on the Steuck property. There is no evidence by way of a title report or other analysis that clearly shows that Dr. Steuck has the right to use the easement for more than one house. This question should be fully researched addressed and resolved prior to any approval of the lot line adjustment or overall project.

Exhibit F

Ms. Philomene Smith
Chair, and Members of the
Greater Monterey Peninsula
Land Use Advisory Committee
June 3, 2009
Page 3

UNRESOLVED GRADING VIOLATIONS

There is a long and significant history of grading violations on the Steuck property that continue to be unresolved. The Del Pieros have worked diligently with the County in an effort to resolve these issues. However, the illegal grading remains.

The grading violations documented by the County date back to at least 1987 and involve the deposit of hundreds, if not thousands, of cubic yards of undocumented and unsuitable fill material on steep slopes. Numerous letters were written to Dr. Steuck by the County between 1987 and 1990 in effort to obtain compliance. The violations were ultimately referred to the District Attorney's office for prosecution. Unfortunately no further action was taken by the County.

Dr. Steuck made an application to the County in 2005 for a lot line adjustment and two large homes on the property. Part of the application materials included a geotechnical engineering report prepared by Earth Systems Pacific. That report identified the large areas of undocumented fill. That report made recommendations for further exploration to identify the full extent of the undocumented fill and that undocumented fill material to be removed from the property. When the content of that report was found, we met with Tim McCormick the Director of Building Services and Mike Novo the Director of Planning for Monterey County. The result of that meeting was an agreement that, among other things, Dr. Steuck would be required to retain a registered civil engineer to determine the full extent of undocumented fill and prepare a plan for the removal of that undocumented fill. The County issued a grading permit to Dr. Steuck earlier this year. That scope of work for that permit was to "clear CE08413: remove the existing fill and restore site back to original grade." However, the work that was ultimately approved by the County was not removal of the undocumented fill but instead approval of engineered fills. Much of that engineered fill is on slopes over 30%. It is that engineered fill that is now proposed to be building sites on the realigned lots.

The Del Pieros believe that the County's actions to correct the long-standing, extensive grading violations are inadequate and inappropriate. The Del Pieros believe there are still grading violations and possible violations related to protection of the oak trees on the property. They are currently evaluating their alternatives for further action on this issue.

SUMMARY

The Del Piero's do not object to the construction of a new home on the Steuck property. In fact, they would welcome construction of a home that would be compatible and consistent with the area. They do, however, object to the project as currently planned. They believe that:

Exhibit F

Ms. Philomene Smith
Chair, and Members of the
Greater Monterey Peninsula
Land-Use Advisory Committee
June 2, 2009
Page 4

1. The lot line adjustment is inappropriate and inconsistent with the historic zoning, the General Plan and Area Plan.
2. The two homes proposed are inappropriate in their scale, would be inconsistent with County's policies and regulations pertaining to development on slopes over 30% and oak tree removal.
3. No action should be taken until such time as questions regarding the long-standing grading violations are fully resolved.

The Del Pieros request that the Advisory Committee either recommend the lot line adjustment be denied outright or that the application be tabled until such time as the entirety of the project is brought before them.

Thank you for your consideration.

Sincerely,

Lombardo & Gilles, LLP



Dale Ellis, AICP
Director of Planning and Permit Services

DE:ncs

cc: Dr. and Mrs. Eric Del Piero

Exhibit F

EXHIBIT F

ATTACHMENT Q –

CORRESPONDENCE TO

GREATER MONTEREY

PENINSULA LUAC, MIKE

NOVO AND THE MONTEREY

COUNTY MINOR

SUBDIVISION COMMITTEE

FROM AGUAJITO PROPERTY

OWNERS ASSOCIATION

DATED MAY 29, 2009



Aguajito Property Owners Association

P.O. Box 1234 Carmel, California 93921

May 29, 2009

To: The Greater Monterey Peninsula Area Planning Advisory Committee
Michael Novo, Director of Planning
Monterey County Minor Subdivision Committee

From: The Aguajito Property Owners Association Board

Re: **Opposition to Steuck Lot Line Adjustment due to Illegal Dumping of Contaminated and Uncompacted Fill (Gentry Hill Lane) and lack of Deeded Access (File Number: PLN080454, 570 & 570A Aguajito Rd)**

Gentlepersons:

Our Homeowners Association strongly objects to the proposed Steuck Lot Line Adjustment because we believe:

1. Existing, contaminated waste has been dumped on and remains on the property, and neither the land owner nor the County has caused the contaminated and uncompacted waste materials to be excavated, tested, and removed as is required by Monterey County Codes and state law.
2. Lot line adjustments may not be approved if existing violations of state health and water quality protection regulations and county ordinances exist on a property, even if the county has failed to enforce its own codes and has failed to order the full excavation of the unpermitted and contaminated fill.
3. The creation of the new, buildable lot by the county will illegally burden the access easement across the Bliss property and Gentry Hill Lane, a private road. The smaller and currently unbuildable lot (all of it is in excess of 50% slope) is only allowed access from Aguajito Road. No access can be developed from Aguajito because the lot is almost vertical in slope. The proposed lot line adjustment would cause access to the proposed lot to come from Gentry Hill Lane, a private road that the County has no right to grant additional access or encroachment upon.
4. Visual inspection of the site will not disclose the thousands of yards of contaminated fill that has been dumped on the property because the owner has graded the top of the material to make it look like nothing is wrong.
5. The proposed lot line adjustment will create one non-conforming lot that is even more non-conforming than the current parcels. This proposal flies in the face of California law and the legislative intent governing such lot line adjustments. It violates both our zoning (5.0 acre minimum) and our deed

Exhibit F

restrictions and may lead to litigation if the County attempts to take actions beyond their authority or power. The motive for this lot line adjustment is purely for profit at the expense of our property owners.

Members of our homeowners association have known and objected for years to the illegal activities and illegal dumping of contaminated waste on the Steuck property. As has been documented by complaints since the mid-1980's, the dumping of waste and contaminated fill on that parcel, although repeatedly cited by county inspectors, remains an existing and present threat to our groundwater supplies.

We have reason to believe that, along with the broken asphalt, garbage, rebar, chunks of concrete, and pieces of broken metal that have been buried on the site, contaminated fill was deposited on the property. Our members have asked for this material to be fully excavated and tested in compliance with Monterey County Codes before any permit request is granted on the properties.

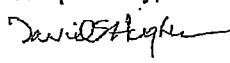
As you know, although there have been repeated assurances from multiple county employees over the years, the County of Monterey has failed to demand the full and complete excavation of this toxic waste material from the site. Further, the County has mysteriously released "Red Tags" that were placed on the property due to the illegal dumping without requiring any remediation of the contaminated waste or the full excavation and removal of the illegal contaminated fill as is required by state and local codes.

Additionally, the illegal fill has covered the bases of mature oak trees, threatening these protected species.

We strongly object to any processing or approval of any permit, and specifically we object to the lot line adjustment application, on the Steuck property until all of the illegal and contaminated fill has been excavated and removed, until the original natural grade of the property is restored, until all of the toxic contaminants that threaten our groundwater supplies are removed, and until the County has taken punitive action against the land owners for their wrongful past actions.

We ask that you deny any and all applications until each and all of the above violations and illegal acts have been resolved by the full removal of the illegal and contaminated fill from the property, and until access from Aguajito Road for the currently unbuildable lot is secured with a county encroachment permit, a county grading permit, a county variance, a General Plan amendment, and a Scenic and Design permit approval.

Respectfully, The APOA Board


David Hughes


Brad Burchill


Katie Clare Mazzeo

Exhibit F

EXHIBIT F

ATTACHMENT R –

CORRESPONDENCE TO

GORDON STEUCK FROM TIM

MCCORMICK REGARDING

RESCINDING FINAL

INSPECTION APPROVAL AND

PERMIT

DATED NOVEMBER 18, 2009

143.3A

RECEIVED

NOV 19 2009

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



168 West Alisal Street, 2nd Floor
Salinas, CA 93901
(831) 755-5027
Fax: (831) 757-9516
www.co.monterey.ca.us/rma

BUILDING SERVICES
Timothy P. McCormick P.E. & C.B.O.
Director of Building Services

BY REGULAR MAIL AND PERSONAL SERVICE

November 18, 2009

Gordon John & Sandra Lee Steuck Trs
570 Aguajito Road
Monterey Ca 93940

Re: Action on Appeal of Final Inspection Approval for Grading Permit No. GP090013
Notice of Intent to Rescind Final Inspection Approval and Permit

Summary and Decision

As we previously discussed, an appeal was filed on June 9, 2009 contesting the granting of final inspection approval on April 2, 2009 for the above permit. On July 13, 2009, we met with you and your representative to conduct an inspection of your property related to this appeal. Since then we have conducted an investigation of available records and information provided by you, the appellants and our own County records for your property.

Based on this investigation, we have concluded that the work required under Grading Permit No. GP090013 has not been completed. As such, we intend to rescind the previously issued final inspection approval and revoke your permit on December 18, 2009 because you have failed to complete the required work as described in your permit and the permit was based on incorrect information supplied. This incorrect information included the extent of existing fill and the location of existing natural grade elevations. Prior to December 18, 2009, you may provide any additional information as to why you believe this decision should not be made final on that date.

Basis of Decision

On February 11, 2009, your contractor obtained grading permit number GP090013 with an approved description of work "to clear CE080413: remove existing fill and restore site back to original grades." This permit was issued and approved based on plans dated "Jan, 2009" that were prepared by Richard Dante, a licensed civil engineer. These plans showed that 369 cubic yards of new slope fill were to be removed to restore the site to their original grade elevations.

Exhibit F

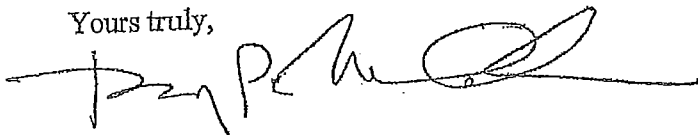
Re: Action on Appeal of Final Inspection Approval for Grading Permit No. GP090013
Notice of Intent to Rescind Final Inspection Approval and Permit

However, during the course of construction, considerable additional fill was encountered and placed as engineered fill (as referenced in the Construction Testing and Inspection Services letter dated March 17, 2009, attached). The terms of the permit required the removal of all such fill materials without exception. You must have completed this task prior to obtaining final inspection approval.

Our review of County records also showed that Grading Permit No. 46619 was issued on August 20, 1992 to correct these same violations but work did not commence (see attachment). On April 20, 1998, this permit was renewed but work did not commence. Plans approved for this permit are dated 04/24/1991 and were prepared by David J. Messmer, a licensed civil engineer. These plans showed the amounts of existing fill to be removed were 1,410 cubic yards. They also show that some fill was placed on slopes that exceed 30 per cent.

Our review also included observation of existing slopes on adjacent properties that have maintained or substantially maintained their natural grade elevations at adjoining property lines to your parcel. This review and comparison supports the finding that considerable fill continues to exist on the site, that some of this fill is located on slopes exceeding 30 percent slopes and that placement of this fill has altered the natural drainage patterns at adjoining property lines contrary to County regulations. We also have remaining concerns about the placement of fill near protected oak trees.

Yours truly,



Timothy P. McCormick, P.E. & C.B.O.
Director of Building Services

Attachments: Construction Testing and Inspection Services letter dated March 17, 2009
Grading Permit No. G-46619

cc: Randy Herrington, Lou Fiori, Beth Shrik, Les Girard, Dale Ellis, Anthony Lombardo,
James Rummonds, Mudslinger Engineering & Excavation

Exhibit F

Page 93 of 118 Pages

EXHIBIT F

ATTACHMENT S –

CORRESPONDENCE TO

GORDON STEUCK FROM H.D.

PETERS COMPANY

REGARDING RESTORATION

OF SLOPE-REMOVAL OF

REMAINING FILL

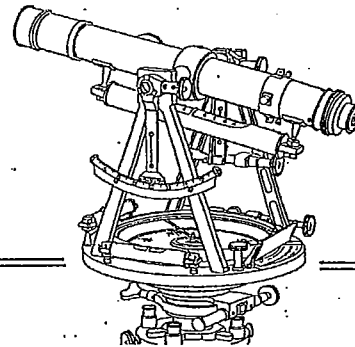
DATED APRIL 12, 2010

H.D. Peters Co., Inc. and Associates

Engineering - Surveying - Planning

119 Central Avenue Salinas, California 93901

Tel. (831) 424-3961 Fax. (831) 424-2746



April 12, 2010

Dr. And Mrs. Gordon Steuck
570 Aguajito Road
Carmel, CA 93923

Re.: Job # 3828- Restoration of Slope-Removal of Remaining Fill from Natural 30% Slope at 570 Aguajito Road per Minimal Fill Removal Plan, dated January 2010.

Dear Dr. And Mrs. Steuck:

I inspected the grading restoration on the natural slope of 30% or steeper on April 9, 2010, and in my opinion, all of the fill has now been removed from that steeper slope per our Minimal Fill Removal Plan. The remaining rubble taken off the slope was hauled off the property, and the removed soil was placed on the gently sloping ridge area indicated on the Plan. I inspected the erosion control planting on April 10, 2010, and found that the disturbed soil on the slopes has been seeded for grass and mulched with straw in advance of the expected rainstorm of April 11. Grass has germinated and is growing on previously seeded restoration areas.

A silt fence has been installed along the westerly edge of the property as shown on the Plan, and fiber rolls have been installed at the base of the fence rather than straw bales. The fiber rolls are an acceptable alternative to the straw bales and are visually less intrusive.

In my opinion the grading restoration project is now properly completed.

If you have any questions regarding my final site inspections, or this letter of proper completion of the restoration work, please contact me.

Sincerely,

H.D. Peters Co., Inc.

Richard E. Dante, P.E.

RED/red



c.c. Aaron Johnson, Esquire

✓ Alan Searson, H.D. Peters Co., inc.

Tim McCormick, P.E., C.B.O., Monterey County Building Department

Dean Boyster, Mudslinger

Exhibit F

EXHIBIT F

ATTACHMENT T –

COMPLIANCE REPORT AND

CORRESPONDENCE TO

GORDON STEUCK AND

LOMBARDO & GILLES

DATED AUGUST 25, 2010

AND SEPTEMBER 14, 2010

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



BUILDING SERVICES

Timothy P. McCormick P.E. & C.B.O.
Director of Building Services

168 West Alisal Street, 2nd Floor
Salinas, CA 93901
(831) 755-8027
Fax: (831) 757-9516
www.co.monterey.ca.us/rma

August 25, 2010

Gordon John & Sandra Lee Steuck
570 Aguajito Rd.
Carmel, CA. 93940

Inspector: Randy Herrington

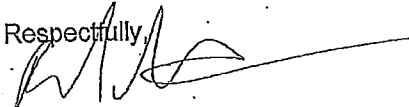
Contact: (831) 755-5307

COMPLIANCE REPORT

Violation Location: 570 Aguajito Rd., Carmel, CA. 93940
APN: 103-061-015-000
Zoning: RDR/5.1-UR-D-S
Case Number: CE090292
Review Date: July 1, 2010

On the above date, a compliance review of the referenced parcel(s) was completed related to the outstanding notice of violation issued on CE090292. This review revealed that the violations have been corrected and full compliance achieved including the payment of any administrative fines, administrative penalties, and administrative costs imposed as required.

Respectfully,


Randy Herrington
Building Grading Inspector

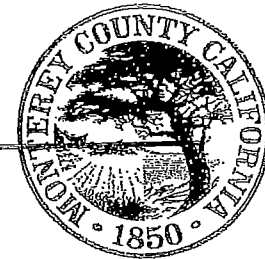
CC: File
Accela Automation Documents

Exhibit F

Page 95 of 118 Pages

01160

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



BUILDING SERVICES

Timothy P. McCormick P.E. & C.B.O.
Director of Building Services

168 West Alisal Street, 2nd Floor
Salinas, CA 93901
(831) 755-5027
Fax: (831) 757-9516
www.co.monterey.ca.us/rma

September 14, 2010

Anthony L. Lombardo
Lombardo and Gilles
318 Cayuga Street
Salinas, CA 93902-2119

Re: Request for Final Decision on Appeal Filed June 9, 2009

Dear Mr. Lombardo:

On November 18, 2009, we sent you a copy of our letter to the permit holder for GP090013, John and Sandra Lee Steuck, Trs (hereafter Steuck). This letter notified them of our intent to rescind the final inspection approval. In response to our letter, Steuck agreed to revise the scope of work shown their permit to fully conform to Monterey County requirements. As such we rescinded the final inspection approval and required the submittal of corrected plans and performance of additional work. We consider these actions to constitute a granting of your appeal.

Subsequently, Steuck's engineer submitted revised plans that showed the removal of all fill placed on slopes exceeding thirty percent, removal and recompaction (addition) of new fill on locations not exceeding thirty percent slope and revised drainage devices to divert surface runoff from the adjacent property (of your client). These plans were approved and the work was performed. We also sent a licensed arborist (Erin Nickerson) to the site to verify the maintenance and health of the protected oak trees. She found no violations related to removal or damage to the protected oak trees. We gave final inspection of the corrected work on July 1, 2010.

As a result of the above actions, we believe that no further violations of the Monterey County Code continue to exist at this site related to the grading work done previously done without a permit. If you have any remaining concerns, please advise us at your earliest convenience.

Yours truly,

Timothy P. McCormick, P.E. & C.B.O.
Director of Building Services

Exhibit F

Page 96 of 118 Pages

cc: AA, Gordon and Sandra Lee Steuck, Aaron Johnson

Permit Center Location:
Salinas Office: 168 W. Alisal St., 2nd Floor, Salinas, CA 93901; Fax: (831) 757-9516; Phone: (831) 755-5027

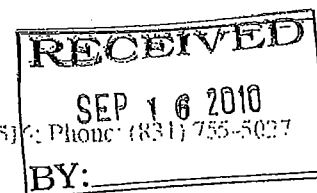


EXHIBIT F

ATTACHMENT U –
CORRESPONDENCE
TO ROGER BRIGGS
FROM LOMBARDO
& GILLES DATED
DECEMBER 27, 2010

Anthony L. Lombardo
Terry R. Gilles

John C. Beougher
Patrick S.M. Casey
J. Kenneth Gorman
Amy Purchase Reid
Jason Reiterer
Paul Rovella
Bradley W. Sullivan
James W. Sullivan
Kelly McCarthy Sutherland

Of Counsel
E. Soren Diaz
Virginia A. Hines



318 Cayuga Street
P. O. Box 2119
Salinas, CA 93902-2119
831-754-2444 (SAUNAS)
888-757-2444 (TOLL FREE)
831-754-2011 (FAX)
www.lorn.gil.com

530 San Benito St., Suite 202
Hollister, CA 95023
831-630-9444
831-630-5935 (FAX)

File No. 00143.003

December 27, 2010

Mr. Roger Briggs
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: **Complaint and request for investigation and remediation of illegal dumping of toxic/regulated wastes and gas station excavation materials at 570 Aguajito Road (APN 103-061-015), Monterey California (Steuck property on Aguajito Road, Monterey, Monterey County, CA.)**

Dear Mr. Briggs:

On behalf of our clients, Dr. and Mrs. Eric Del Piero, I hereby file this complaint and request for immediate investigation and remediation of the subject site by the CCRWQCB. There has been unpermitted and undocumented disposal of purportedly contaminated fill (allegedly from gas tank/station excavations) by Gordon Steuck on his property adjacent to my clients' home for over a decade.

This illegal dumping has been documented by the County of Monterey, but no effective testing, removal or remediation of the toxic contaminants in the illegally dumped excavation spoils has been ordered. During heavy rainfall events, my clients report yellow "mucus" is reported to ooze from areas of the illegal fill and flow onto adjacent properties before it percolates back into the ground. We believe this may constitute a public health threat to local groundwater supplies and potable wells used by area residents for human consumption. This clearly violates multiple statutes, the Basin Plan and numerous SWRCB and DTSC regulations.

I have enclosed copies of the extensive documentation of this illegal dumping and the prior actions by Monterey County. We have recently discovered that Monterey County has never notified your office of this problem. Unfortunately, Monterey County has not taken action to order the excavation and removal of the illegal, undocumented fill. Further, in spite of the contamination on the site, Monterey County has conducted no testing for contaminants or toxic materials, although they have ordered removal of some of the large chunks of asphalt and metal remnants from the site.

We are asking for your help. Please initiate a full and complete investigation of this case of illegal dumping, including the immediate remediation of the site in order to protect local

Exhibit F

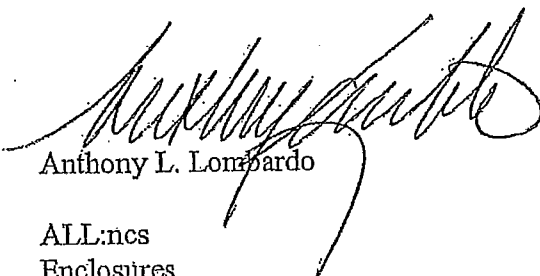
Mr. Roger Briggs
Central Coast Regional Water Quality Control Board
December 27, 2010
Page 2

groundwater resources from this pollution, and the full and complete excavation and removal of the undocumented fill from the Steuck property.

My clients would be happy to show a member of your investigative staff the site at their earliest convenience.

Sincerely

Lombardo & Gilles, LLP



Anthony L. Lombardo

ALL:ncs

Enclosures

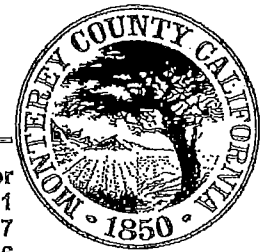
cc: Dr. and Mrs. Eric Del Piero

Exhibit F

Page 97 of 118 Pages

EXHIBIT F
ATTACHMENT V –
INTEROFFICE
MEMORANDUM TO
LESLIE J GIRARD
FROM JOHN
VILLALPANDO
DATED
APRIL 11, 2011

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



BUILDING SERVICES

168 West Alisal Street, 2nd Floor
Salinas, CA 93901
(831) 755-5027
Fax: (831) 757-9516
www.co.monterey.ca.us/rma

INTEROFFICE MEMORANDUM

Date: April 11, 2011

To: Leslie J. Girard, Assistant County Council

From: John Villalpando, Interim Assistant Director

Re: Enforcement Case Review – Gordon John & Sandra Lee Steuck
570 Aguajito Road, Carmel, CA 93940
APN: 103-061-015-000

On April 1, 2011, I visited the subject site to observe the east and west grading areas. The files reflect that both grading permits have been finalized. I concur with the previous memo dated March 11, 2011 by John Huntley.

Based on this information, there are no outstanding code enforcement issues pending, therefore, no further action is required as of this date.

Exhibit F

Page 98 of 118 Pages

Permit Center Locations

Salinas Office: 168 W. Alisal St., 2nd Floor, Salinas, CA 93901; Fax: (831) 757-9516; Phone: (831) 755-5027
Coastal Office: 2620 First Ave., Marina, CA 93933; Fax: (831) 384-3261; Phone: (831) 883-7500
King City Office: 52-North Second St., King City, CA 93930; Fax: (831) 385-8387; Phone: (831) 385-8315

EXHIBIT F
ATTACHMENT W –
CORRESPONDENCE
TO LOMBARDO &
GILLES FROM
RICHARD
LEWARNE,
ENVIRONMENTAL
HEALTH DATED
AUGUST 1, 2011

MONTEREY COUNTY



DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES EMERGENCY MEDICAL SERVICES PUBLIC HEALTH
BEHAVIORAL HEALTH ENVIRONMENTAL HEALTH PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN
CLINIC SERVICES

August 1, 2011 [Revised]
Lombardo & Gilles, LLP
Anthony Lombardo
318 Cayuga Street
P.O. Box 2119
Salinas, CA 93902

RE: 57 Aguajito Road, APN 103-061-015
Letter dated July 20, 2011; Septic System; Permit No. ON011616
Letter to Roger Briggs dated December 27, 2010; Hazardous Material Complaint; CO0012848
Construction of Unpermitted Water Well .

Dear Mr. Lombardo,

I have been asked to follow up regarding the concerns that you and your client Dr. Eric Del Piero have expressed regarding the above-referenced property. Monterey County Environmental Health Bureau received your letter dated July 20, 2011 in regards to Mr. Stueck's septic system installation. The Regional Water Quality Control Board has forwarded your letter regarding the allegations in your letter of December 27 2010 regarding illegal dumping of hazardous materials. Recently, Dr. Del Piero indicated to staff on July 8, 2011 that it was his belief that there was an illegal well constructed on this property in the area of the alleged hazardous materials dumpsite last year.

I will address each of these three issues separately.

Septic System:

Our records indicate Dale Ellis completed a record request of the septic system file on 07/12/2011. As this project involved a lot line adjustment as well, several supporting documents discussed below were in the land use file and may not have been reviewed by Mr. Ellis.

Mr. Stueck applied for a lot line adjustment on (LLA) PLN080454 on 5/12/09. It was reviewed by staff and the property owner was informed that the septic system would need to be replaced prior to the LLA because the system would likely cross the proposed property line. Subsequently, Janna Faulk met onsite to discuss septic design options with Mr. Stueck (owner), R. Wayne Johnson (R.J.) (Architect/Civil Engineer), and Peter Dew (Peninsula Septic Tank Service (PSTS), septic contractor). Two options were discussed either construct a small system for the existing home or a larger system for the future larger home as long as the either of the proposed systems met the setbacks from the future property line and other code requirements.

PSTS submitted a septic repair application indicating a standard repair for the existing house on 9/20/10. On 9/22/10 a septic permit was issued based on the specifications on the septic permit application.

On 11/01/10 a memo was sent to the Planning Department deeming the LLA application complete, which included the following note, regarding the review of the septic system:

1270 Natividad Rd., Salinas, CA 93906 (831) 755-4507 (831) 796-8680 FAX

Exhibit F

"The existing system may be a cesspool or may have a very small leachfield that crosses the proposed new lot line. The owner understands that this system must be demolished and a new system installed prior to recording the lot line adjustment. PSTS has given the property owner the option of a small septic system that will meet the needs of the current home and will also meet setbacks to the existing home and proposed property line or the new system designed for the future home (not under this application) to be installed. Either option is agreeable to EHB as long as it is completed prior to recordation of the LLA."

Subsequently, on 04/18/11, Janna Faulk was notified by R.J. that the owner would like to install a system designed for the future home as discussed in the field. The existing septic permit would be valid for the modified septic system design. Janna Faulk inspected the installation of the new septic system on 6/27/11.

I will now address the 5 points that you made in your letter of July 20, 2011.

1. This is not a repair system.

EHB highly recommends that owners install dual systems (two septic systems with a diversion valve) in all situations and this is also recommended by the Central Coast Basin Plan. This allows for "resting" of each leachfield while the other is in use, increasing the life of the system and promoting proper treatment of the effluent which decreases potential environmental degradation. There are no laws, codes or regulations that limit the design of a septic system to minimum code requirements. The system that was installed consists of two independent systems of 1,500 square feet each, a primary leach field and a secondary leach field. 1,500 square feet is the minimum required leach field size for a 4 bedroom home. Thus if the owner would like to use this system for a future new house the maximum number of bedrooms would be four without installing additional leachfield area. It will be more than sufficient to serve as a repair to the existing house.

Additionally, it is not uncommon that approved changes by an EHB inspector are made in the field or office due to changing or unforeseen circumstances/conditions after the permit has been issued. EHB permits are written according to minimum sizing requirements and owners may increase the sizing as appropriate with approval from the inspector.

2. Leach fields are not in conformance to setback from trees.

The constrained nature of the property (i.e. slopes and downhill embankments) dictated the present location of the repair area.

- a. It has recently come to our attention that a small portion, approximately 15 feet, at the end of a trench is 9 feet from a tree. EHB is in the process of notifying the owner that either a variance must be requested or obtain a tree removal permit for the removal of the tree.
- b. The area shown on the plan includes a future repair area in an area that is more heavily dominated by trees. This area does not have any septic installation at this time and the owner understands that a tree removal permit would be required in the future if that area were needed for a septic repair.

3. Leach fields are not in conformance to setback from a water line.

The trenches were installed 15 feet from the water line. The proposal for moving the water line as shown on the LLA site plan was not a factor in the approval of this septic system. If the owner works with the water system in the future to move the water line, EHB will ensure that setbacks to septic are maintained.

1270 Natividad Rd., Salinas, CA 93906 (831) 755-4507 (831) 796-8680 FAX

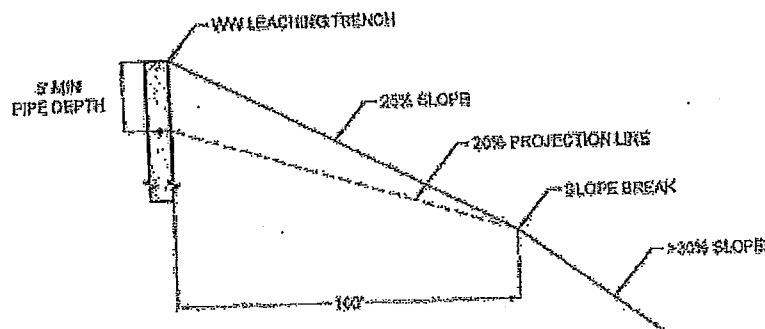
Exhibit F

4. The leach fields are on 25% slope and are not in conformance to General Plan 2010.
 The topography survey on the site plans drawn by R. Johnson indicates that the area in question is 20% slope. Additionally, the septic permit was issued on 9/22/10 which was prior to the approval date of the 2010 General Plan (approved 10/26/2010). Thus the 2010 General Plan policies were not a requirement for this septic permit.
5. The leach fields are not in conformance to setback from a downhill embankment.
 The system that was installed meets Monterey County Code 15.20 setback to slopes as the downhill embankment is less than 30%. Additionally the system meets the Basin Plan setback for slopes which is more restrictive than Monterey County Code. R.J. supplied a cross sectional analysis of the proposed leachfield area on 11/01/10 which demonstrates that the proposed and ultimately installed system meet the requirements of Monterey County Code and the Basin Plan.

Basin Plan VIII.D.3.a. Site Suitability states:

If no restrictive layers intersect, and geologic conditions permit surfacing, the setback distance from a cut, embankment, or steep slope (greater than 30 percent) should be determined by projecting a line 20 percent down gradient from the sidewall at the highest perforation of the discharge pipe. The leachfields should be set-back far enough to prevent this projected line from intersecting the cut within 100 feet, measured horizontally, of the sidewall. If restrictive layers intersect cuts, embankments or steep slopes, and geologic conditions permit surfacing, the setback should be at least 100 feet measured from the top of the cut.

This section is better represented as an image:



Hazardous Materials Illegally Dumped:

On August 25, 2008 Environmental Health received a complaint (CO0009728) from your Office via Planning and Building Department regarding alleged soil contamination at 570 Aguajito Road. This complaint stemmed from code enforcement action being taken by Building and Planning (CE08413). Staff inspected the property on August 26, 2008 and found no evidence of soil contamination. This complaint was then closed.

On June 9, 2011 staff from the Regional Water Quality Control Board Region 3 referred a letter to Environmental Health addressed to Roger Briggs, Executive Officer, dated December 27, 2010. The letter with accompanying documents alleged that hazardous material from a gas station had been illegally dumped on this property.

Staff opened another complaint case (CO0012848) subsequent to receiving the December 27, 2010 letter with attached documents and materials. Environmental Health staff reviewed the documents accompanying the letter and conferred with Regional Board staff. It was conclusion of the Regional

1270 Natividad Rd., Salinas, CA 93906 (831) 755-4507 (831) 796-8680 FAX

EXHIBIT F

Board and Environmental Health staff that the documents do not provide any factual evidence that show the fill that was placed on the property was contaminated with hazardous materials or that the concrete rubble and building materials in the fill originated from a gas station. The documents accompanying the letter do provide factual evidence that illegal fill was brought onto the property; the illegal fill contained concrete rubble and other building rubble; the Planning and Building Department took code enforcement action; and your client did not concur with the final decision of the Building Department regarding the corrective action that was approved.

Construction of a Water Well without Permit:

On July 8, 2011, staff met with Dr. and Mrs. Del Piero and explained the lack of evidence regarding the hazardous materials allegation. During that conversation Dr. Del Piero expressed a new concern. He believed that a water well had been constructed without a permit in the middle of the alleged "contaminated" area.

Staff has reviewed our files and the water well in question was completed on 5/12/01 as indicated on the copy of the Well Completion Report. The original Well Completions Report was submitted to the California Department of Water Resources. The Monterey County well permit number is 00-356. The activity that Dr. Del Piero witnessed was probably the pump test that was performed on 9/14/10 and witnessed by staff.

After reviewing your letters of July 20, 2011; December 27, 2010 with attached documents; Environmental Health's documents and files; and interviewing staff regarding the concerns that you and Dr. Del Piero have expressed, the following is what has been determined:

1. **Hazardous Materials:** No factual evidence was found during the 2008 inspection or in the documents submitted that supports the allegation that illegal hazardous material from a gas station was dumped on the property.
2. **Septic System:** A major violation of the design and construction of the onsite wastewater treatment system does not exist that poses a public health risk. Environmental Health is following up, as previously indicated, to address the small portion of one trench that is 9 feet from a tree instead of 10 feet. Therefore, there is no basis to rescind the permit for the onsite wastewater treatment system or require a disconnection from the system.
3. **Water Well:** The well was constructed with a permit from Monterey County Environmental Health.

If you have any further questions you may contact me at 755-4544.

Sincerely,



Richard LeWarne, REHS
Assistant Director of Environmental Health

cc: Dave Potter, Supervisor 5th District
Les Girard, Esq., County Counsel
Mike Novo, Director of Planning Dept.
Dr. & Mrs. Eric Del Piero
John Ramirez, Director of Environmental Health
Bruce Welden, Environmental Health, Supervisor

Cheryl Sandoval, Environmental Health, Supervisor
Jana Faulk, Environmental Health, Senior
Taven Kinison Brown, Planning Dept.
Ramon Montano, Planning Dept.
Bill Dunn, Planning Dept.

1270 Natividad Rd., Salinas, CA 93906

(831) 755-4507

(831) 796-8680 FAX

Exhibit F

EXHIBIT F
ATTACHMENT X –
CORRESPONDENCE
TO LOMBARDO &
GILLES FROM
RICHARD
LEWARNE,
ENVIRONMENTAL
HEALTH DATED
AUGUST 17, 2011

MONTEREY COUNTY



DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES EMERGENCY MEDICAL SERVICES PUBLIC HEALTH
BEHAVIORAL HEALTH ENVIRONMENTAL HEALTH PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN
CLINIC SERVICES

August 17, 2011

Lombardo & Gilles, LLP
Anthony Lombardo
318 Cayuga Street
P.O. Box 2119
Salinas, CA 93902

RE: 57 Aguajito Road, APN 103-061-015
Letter dated August 8, 2011

Dear Mr. Lombardo:

I have reviewed your letter of August 8, 2011 reiterating your concerns as detailed in your letter of July 20, 2011 and Dr. Del Piero's concerns regarding the recent septic system that was installed, alleged imported hazardous materials, and alleged unpermitted construction of a well. The following is a brief summation of EHB's determination on the issues you have raised.

1. Septic System

CEQA: The septic system permit that was issued for this parcel is a ministerial permit and thus is exempt from the requirements of CEQA per Section 15628 of the 2011 California Environmental Quality Act (CEQA) Statute and Guidelines.

Trees: No Trees were removed. Staff verified this in the field during inspections. See my prior letter dated July 29, 2011 [Revised] for further details addressing this issue.

Slope: The septic system meets the requirements for slope and is not subject to General Plan 2010 as detailed in my letter dated July 29, 2011 [Revised].

2. Hazardous Materials

No factual evidence or documentation has been submitted to establish importation of hazardous materials as detailed in my letter of July 29, 2011 [Revised]. Monterey County Code Enforcement has established that there was illegal importation of fill that contained building materials and rubble. The Resource Management Agency is proceeding with the appropriate legal actions.

3. Construction of Unpermitted Well

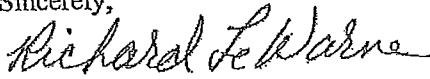
The well was constructed on 5/12/01 under permit as indicated in my letter of June 29, 2011 [Revised]. The activity witnessed last year by Dr. Del Piero was probably a pump test that was oversighted by Environmental Health as detailed in my letter of July 29, 2011 [Revised].

1270 Natividad Rd., Salinas, CA 93906 Phone (831) 755-4505 Fax (831) 755-4880
<http://www.co.mtyhd.org>

Exhibit F

In reviewing your letter, no new information was submitted to the Environmental Health Bureau that would affect our determination. Therefore the analysis and conclusion of my July 29, 2011 letter remains unaffected.

Sincerely,



Richard LeWame, REHS
Assistant Director
Environmental Health

cc: Dave Potter, Supervisor 5th District
Les Girard, Esq., Assistant County Counsel
Mike Novo, Director of Planning
Carl Holm, Interim Assistant Director, Resource Management Agency
Dr. Lew Bauman, County Administrative Officer
John Ramirez, Director of Environmental Health

EXHIBIT F

ATTACHMENT Y –

CORRESPONDENCE

TO LOMBARDO &

GILLES FROM

ROGER BRIGGS, CA

REGIONAL WATER

QUALITY CONTROL

BOARD DATED

AUGUST 23, 2011



Matthew Rodriguez
Secretary for
Environmental Protection

California Regional Water Quality Control Board Central Coast Region

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
(805) 549-3147 • FAX (805) 543-0397
<http://www.waterboards.ca.gov/centralcoast>



Edmund G. Brown Jr.
Governor

August 23, 2011

Mr. Anthony L. Lombardo
Lombardo & Giles
P.O. Box 2119
Salinas, CA 93902-2119

Dear Mr. Lombardo:

SUBJECT: COMPLAINT AND REQUEST FOR INVESTIGATION OF ILLEGAL DUMPING OF TOXIC/REGULATED WASTES AND GAS STATION EXCAVATION MATERIALS AT 570 AGUAJITO ROAD (STEUCK PROPERTY), MONTEREY

The subject complaint, dated December 27, 2010, has been reviewed by Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff. Our review of the complaint and the supporting documentation found no basis to confirm the allegations in the complaint or a threat to water quality. We referred the complaint and supporting documentation to the Monterey County Department of Health, Hazardous Materials Management Services (County). The County also found no basis to confirm the allegations of hazardous materials deposited at the property stated in the complaint (see County response, Attachment 1). Based on the information provided, and the independent investigations by the Central Coast Water Board staff and the Hazardous Materials Management Services of the Monterey County Department of Health, the complaint has been closed.

In reviewing the documentation submitted with the complaint, we note the geotechnical investigations performed on this property did not report any signs of discolored fill material indicative of hazardous wastes from gas station underground tank excavations. All comments in the reports related to the structural integrity of fill. The June 14, 1994 letter from Messmer & Associates, Inc., indicated the existing fill has a high percentage of rubble and unusable soil. The July 11, 1994 *Geotechnical, Soils, and Percolation Investigation* report by Pacific Land Services, Inc., describes the suitability of native soils and underlying bedrock for site construction, and the need of any imported fill to be properly inspected and placed. The May 20, 2008 *Geotechnical Engineering Report, Steuck Residences* report by Earth Systems Pacific also describes the site suitability for the proposed residential buildings, with three of six exploratory borings identified as being placed into existing fill, concrete rubble being noted in one of the three borings, and citing the need to remove and replace existing onsite fill materials as properly engineered fill. The February 12, 2009 letter from H.D. Peters Co., Inc. and Associates, identified an uncontrolled fill area needing restoring by removal, with placement back as an engineered fill. The March 17, 2009 *Restoration Grading Report* by CTI Construction Testing & Inspection Services reported grading observations and density testing of the restored grading, with large pieces of concrete rubble and miscellaneous building rubble removed. The remainder of the documentation included with the complaint dealt with grading permit issues and did not support the allegation of hazardous fill placed on the property.

Exhibit F

Mr. Anthony L. Lombardo

- 2 -

August 23, 2011

The Monterey County investigation of the complaint was answered in their letter dated August 1, 2011 (revised), which addressed the septic system, alleged hazardous materials illegally dumped, and the alleged construction of a well without a permit. Monterey County Environmental Health reported this site was previously investigated and inspected in 2008, for alleged soil contamination and no evidence of contamination was found at that time. The Monterey County Department of Health, Hazardous Materials Management Services also reviewed the documents included with the complaint and found no factual evidence the fill placed on the property was contaminated with hazardous materials or that the concrete rubble and building materials in the fill originated from a gas station.

Given the allegations of hazardous material on the property have been investigated independently by the Central Coast Water Board and Monterey County Department of Health, Hazardous Materials Management Services, and that no basis for the allegations was found, we consider this complaint answered and closed.

Questions on this matter may be referred to Mr. John Robertson at (805) 542-4630 and jrobertson@waterboards.ca.gov, or Mr. John Goni at (805) 542-4628 and jgoni@waterboards.ca.gov.

Sincerely,



Roger W. Briggs
Executive Officer

Attachment 1: August 1, 2011 letter from Monterey County Department of Health to Anthony Lombardo

S:\Seniors\Shared\UST\UST Program\Complaints\570 Aguajito Road, Monterey (Eric Del Plero) 12-27-2010\570 AGUAJITO ROAD MONTEREY RESPONSE TO 12-2010 COMPLAINT 8-2011.doc

cc:

Mr. Bruce Welden
Monterey County Health Dept
weldenb@co.monterey.ca.us
1270 Natividad Road
Salinas, CA 93906

Mr. Cory Welch
Monterey County Health Department
welchc@co.Monterey.ca.us
1270 Natividad Road
Salinas, CA 93906

Mr. Richard LeWarne, REHS
Monterey County Health Dept
lewarner@co.monterey.ca.us
1270 Natividad Road
Salinas, CA 93906

Exhibit F

Mr. Anthony L. Lombardo

- 2 -

August 23, 2011

Exhibit F

EXHIBIT F

ATTACHMENT Z –

CORRESPONDENCE

TO GORDON

STEUCK FROM H.D.

PETERS COMPANY

INC. DATED

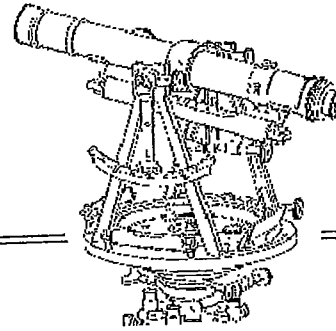
JANUARY 9, 2013

H.D. Peters Co., Inc. and Associates

Engineering - Surveying - Planning

119 Central Avenue Salinas, California 93901

Tel. (831) 424-3961 Fax. (831) 424-2746



January 9, 2013

Dr. And Mrs. Gordon Steuck
c/o Aaron Johnson, Attorney
Johnson, Moncrief & Hart
16 W Gabilan Street
Salinas, CA 93901

Attn: David W. Balch, Attorney

Re: Observations Regarding Possible Soil Contamination During Restoration
Grading and Slope Restoration at 570 Aguajito Road per Grading Permit Plan,
dated January 2009.

Dear Dr. And Mrs. Steuck:

I inspected the grading restoration of the natural slope and minimal fill of soil removed from that slope in March 2010, and made a final field inspection on April 9, 2010. As part of my inspection I observed the soil that was removed from the restored slope (in areas steeper which were steeper than 30%) and replacement flatter areas in soil lifts of one foot or less. At no time did I see or smell any soil contamination in that material. If I had seen or smelled any soil contamination, I would have immediately informed our clients, Doctor and Mrs. Gordon Steuck, of such suspected contamination.

If you have any questions regarding my final site inspection, or my opinion regarding lack of soil contamination, please contact me. A copy of my prior inspection report is attached.

Sincerely,

H.D. Peters Co., Inc.

Richard E. Dante, P.E.

RED/red



Exhibit F

EXHIBIT F
ATTACHMENT AA –
NOTICE OF ENTRY
OF JUDGMENT OR
ORDER DATED
DECEMBER 20, 2012

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Charles J. McKee, County Counsel (152458) Mary Grace Perry, Deputy County Counsel (SBN 153396) Office of the County Counsel 168 W. Alisal St., 3rd Floor, Salinas, TELEPHONE NO.: 831-755-5045 FAX NO. (Optional): 831-755-5283 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): County of Monterey</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Superior STREET ADDRESS: 1200 Aguajito Road MAILING ADDRESS: CITY AND ZIP CODE: Monterey, CA 93940 BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: GORDON STEUCK & SANDRA STEUCK DEFENDANT/RESPONDENT: COUNTY OF MONTEREY</p>	
<p style="text-align: center;">NOTICE OF ENTRY OF JUDGMENT OR ORDER</p> <p>(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeded \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded was \$25,000 or less)</p>	

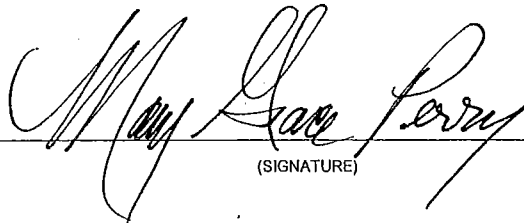
CASE NUMBER:
M 117451

TO ALL PARTIES:

1. A judgment, decree, or order was entered in this action on (date): December 18, 2012
2. A copy of the judgment, decree, or order is attached to this notice.

Date: December 20, 2012

Mary Grace Perry _____
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)



 (SIGNATURE)

PLAINTIFF/PETITIONER: GORDON STEUCK & SANDRA STEUCK	CASE NUMBER: M 117451
DEFENDANT/RESPONDENT: COUNTY OF MONTEREY	

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and not a party to this action. I am a resident of or employed in the county where the mailing took place, and my residence or business address is *(specify)*:
Business: 168 W. Alisal Street, 3rd Floor, Salinas, CA 93901

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and *(check one)*:
 - a. deposited the sealed envelope with the United States Postal Service.
 - b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:
 - a. on *(date)*: December 20, 2012
 - b. from *(city and state)*: Salinas, California

4. The envelope was addressed and mailed as follows:

<ol style="list-style-type: none"> a. Name of person served: Paul Hart & David Balch Street address: 16 W. Gabilan Street City: Salinas State and zip code: CA 93901 b. Name of person served: Anthony Lombardo & Debra Tipton Street address: 560 Lincoln, #101 City: Salinas State and zip code: CA 93901 	<ol style="list-style-type: none"> c. Name of person served: Street address: City: State and zip code: d. Name of person served: Street address: City: State and zip code:
---	--

Names and addresses of additional persons served are attached. *(You may use form POS-030(P).)*

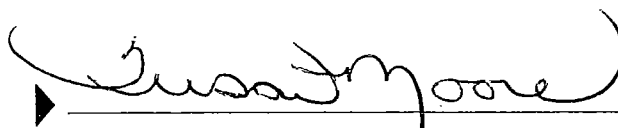
5. Number of pages attached 0.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 20, 2012

Susan Moore

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

1 CHARLES J. McKEE, SBN 152458
County Counsel
2 MARY GRACE PERRY, SBN 153396
Deputy County Counsel
3 JESSE J. AVILA, SBN 79436
Deputy County Counsel
4 Office of the County Counsel
County of Monterey
5 168 West Alisal Street, Third Floor
Salinas, CA 93901-2653
6 Telephone: (831) 755-5045
Facsimile: (831) 755-5283
7 E-mail: perrym@co.monterey.ca.us
avilajj@co.monterey.ca.us

Exempt from filing fee
Gov't Code Secs. 6100, 6103

FILED

DEC 18 2012

CONNIE MAZZEI
CLERK OF THE SUPERIOR COURT
~~W. OLIVEREZ~~ DEPUTY

9 Attorneys for Defendants COUNTY OF MONTEREY
AND MONTEREY COUNTY BOARD OF SUPERVISORS

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF MONTEREY

13 GORDON STEUCK, an individual, and
14 SANDRA STEUCK, an individual,

CASE NO. M 117451

Petitioners and Plaintiffs,

15 vs.

**ORDER 1) GRANTING PLAINTIFFS'
DEMURRER TO INTERVENORS'
COMPLAINT IN INTERVENTION
2) GRANTING COUNTY'S MOTION
FOR DISMISSAL AND 3) DENYING
PLAINTIFFS' MOTION FOR
JUDGMENT ON THE PLEADINGS**

16 COUNTY OF MONTEREY,
17 MONTEREY COUNTY BOARD OF
18 SUPERVISORS, and DOES 1 through
50, inclusive

19 Respondents and Defendants.

Hearing Date: November 9, 2012
Time: 9:00 a.m.
Dept.: 14

20 -----
21 ERIC DEL PIERO AND TERESA DEL
PIERO

22 Intervenor.

23
24 On or about August 14, 2012, pursuant to California Code of Civil Procedure Sections
25 430.2 and 438, Plaintiffs and Petitioners GORDON STEUCK and SANDRA STEUCK
26 (hereafter, "STEUCK" or "Plaintiffs and Petitioners") filed a motion for judgment on the
27 pleadings as to the STEUCKS' first and second causes of action, for declaratory relief, on the

Exhibit F

28

-1-

1 basis that the answer of Respondents and Defendants COUNTY OF MONTEREY and
2 MONTEREY COUNTY BOARD OF SUPERVISORS (hereafter, "COUNTY" or "Respondents
3 and Defendants") did not state facts sufficient to constitute a defense.

4 On August 29, 2012, COUNTY filed a motion for judgment on the pleadings and motion
5 to dismiss STEUCKS' verified petition for writ of mandate and complaint for declaratory relief
6 based on STEUCKS' failure to name indispensable or conditionally necessary parties, including
7 Intervenor ERIC DEL PIERO and TERESA DEL PIERO (hereafter, "DEL PIERO" or
8 "Intervenors") pursuant to California Code of Civil Procedure Section 389.

9 On October 11, 2012, the DEL PIEROS filed a complaint in intervention seeking
10 declaratory and other relief including a judicial determination that COUNTY violated the
11 Monterey County Code (MCC) Zoning Ordinance Sections 21.84.120 and 21.84.130 by (i)
12 issuing Grading Permit No. GP090013 in 2010; (ii) issuing Certificates of Compliance Nos.
13 2004079692 and 2004079684 in 2004; and (iii) by granting a lot line adjustment in December
14 2011. The DEL PIEROS also sought damages, costs of suit and such other relief as the Court
15 may deem just and proper.

16 On or about October 16, 2012, the STEUCKS filed a demurrer to the DEL PIEROS'
17 complaint in intervention. In their demurrer, the STEUCKS alleged that the DEL PIEROS'
18 complaint in intervention was time barred pursuant to California Government Code Section
19 65009 which provides that an action or proceeding to protest planning and zoning decisions must
20 be filed and served within 90 days after the decision of a legislative body (Government Code
21 Section 65009(c)(1)).

22 COUNTY'S motion for judgment on the pleadings and motion to dismiss the STEUCKS'
23 petition for writ of mandate and complaint for declaratory relief, STEUCKS' motion for
24 judgment on the pleadings, and STEUCKS' demurrer to the DEL PIEROS' complaint in
25 intervention, were regularly heard at the above date and time. Appearing as attorneys were Paul
26 Hart and David Balch for Plaintiffs and Petitioners, Mary Grace Perry for Defendants and
27 Respondents and Debra Tipton for Intervenors. Exhibit F

1 After considering the papers filed in support of and in opposition to the STEUCKS'
2 motion for judgment on the pleadings, the COUNTY'S motion for judgment on the pleadings,
3 the COUNTY'S motion to dismiss, and the STEUCKS' demurrer to the DEL PIEROS'
4 complaint in intervention, and the arguments of counsel, the Court sustains the STEUCKS'
5 demurrer without leave to amend, grants the COUNTY'S motion to dismiss without prejudice, as
6 to the entire action, and denies the STEUCKS' motion for judgment on the pleadings.

7 With respect to the COUNTY'S motion for judgment on the pleadings and motion to
8 dismiss the STEUCKS' verified petition for writ of mandate and complaint for declaratory relief
9 based on the STEUCKS' failure to name indispensable or conditionally necessary parties,
10 including the DEL PIEROS, the Court finds that the DEL PIEROS are indispensable parties to
11 the above entitled action pursuant to California Code of Civil Procedure Section 389.

12 With respect to the DEL PIEROS' complaint in intervention and the STEUCKS'
13 demurrer to said complaint in intervention, the Court finds that the DEL PIEROS' complaint in
14 intervention is time barred for failure to meet the applicable 90 day statute of limitations
15 pursuant to California Government Code Section 65009 and, that in said complaint for
16 intervention, the DEL PIEROS' seek affirmative remedies and relief beyond what the STEUCKS
17 seek in their verified petition for writ of mandate and complaint for declaratory relief.

18 Also with respect to the DEL PIEROS' complaint in intervention and the STEUCKS'
19 demurrer to said complaint in intervention, the Court further finds, pursuant to California Code
20 of Civil Procedure Section 581(f)(1), and pursuant to the stipulation of the parties on the record,
21 that having sustained the STEUCKS' demurrer without leave to amend, and having granted the
22 COUNTY'S motion to dismiss, that said dismissal of STEUCKS' verified petition for writ of
23 mandate and complaint for declaratory relief also includes the dismissal of the DEL PIEROS'
24 complaint in intervention.

25 With respect to the STEUCKS' motion for judgment on the pleadings, the Court finds
26 that there is an adequate remedy available to the STEUCKS who are free to re-apply to
27 COUNTY; and, therefore, the STEUCKS' motion for judgment on the pleadings, is denied.

28 Exhibit F

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS HEREBY ORDERED that:

1. Petitioners and Plaintiffs GORDON STEUCK and SANDRA STEUCKS' demurrer to Intervenor's ERIC DEL PIERO and TERESA DEL PIEROS' complaint in intervention is sustained without leave to amend, and based on the foregoing, said complaint in intervention is dismissed with prejudice.

2. Respondent and Defendants' COUNTY OF MONTEREY and MONTEREY COUNTY BOARD OF SUPERVISORS' motion to dismiss is granted without prejudice as to the entire action.

3. Petitioners and Plaintiffs' GORDON STEUCK and SANDRA STEUCKS' motion for judgment on the pleadings, as to the STEUCKS' first and second causes of action for declaratory relief, is denied.

DEC 18 2012

KAY T. KINGSLEY

Dated: _____

**The Honorable Kay Kingsley
Judge of the Superior Court**

Exhibit F

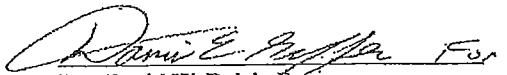
Page 114 of 118 Pages

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED AS TO FORM AND LEGALITY:

JOHNSON, MONCRIEF, & HART, PC

Dated: 11/16/12


By: David W. Balch, Esq.
Attorneys for Gordon and Sandra Steuck

OFFICE OF THE COUNTY COUNSEL
CHARLES J. MCKEE, COUNTY COUNSEL

Dated: _____

Mary Grace Perry, Deputy County Counsel
Attorneys for County of Monterey and
Monterey County Board of Supervisors

ANTHONY LOMBARDO & ASSOCIATES, INC.

Dated: _____

Debra Tipton, Esq.
Attorneys for Eric and Teresa Del Piero

Exhibit F

Page 115 of 118 Pages

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED AS TO FORM AND LEGALITY:

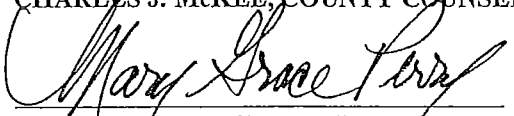
JOHNSON, MONCRIEF, & HART, PC

Dated: _____

By: David W. Balch, Esq.
Attorneys for Gordon and Sandra Steuck

OFFICE OF THE COUNTY COUNSEL
CHARLES J. McKEE, COUNTY COUNSEL

Dated: 11-16-2012


Mary Grace Perry, Deputy County Counsel
Attorneys for County of Monterey and
Monterey County Board of Supervisors

ANTHONY LOMBARDO & ASSOCIATES, INC.

Dated: _____

Debra Tipton, Esq.
Attorneys for Eric and Teresa Del Piero

Exhibit F

Page 116 of 118 Pages

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED AS TO FORM AND LEGALITY:

JOHNSON, MONCRIEF, & HART, PC

Dated: _____

By: David W. Batch, Esq.
Attorneys for Gordon and Sandra Steuck

OFFICE OF THE COUNTY COUNSEL
CHARLES J. McKEE, COUNTY COUNSEL

Dated: _____

Mary Grace Perry, Deputy County Counsel
Attorneys for County of Monterey and
Monterey County Board of Supervisors

ANTHONY LOMBARDO & ASSOCIATES, INC.

Dated: November 16, 2012



Debra Tipton, Esq.
Attorneys for Eric and Teresa Del Piero

Exhibit F

Page 117 of 118 Pages

PROOF OF SERVICE

I am employed in the County of Monterey, State of California. I am over the age of 18 years and not a party to the within action. My business address is 168 W. Alisal Street, 3rd Floor, Salinas, California.

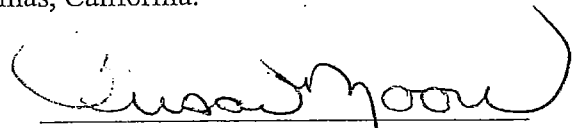
On November 21, 2012, I served a true copy of the following document:

ORDER 1) GRANTING PLAINTIFFS' DEMURRER TO INTERVENORS' COMPLAINT IN INTERVENTION 2) GRANTING COUNTY'S MOTION FOR DISMISSAL AND 3) DENYING PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS

on the interested parties to said action by the following means:

- BY HAND-DELIVERY:** By causing a true copy thereof, enclosed in a sealed envelope, to be hand-delivered.
- BY MAIL:** By placing a true copy thereof, enclosed in a sealed envelope, for collection and mailing on that date following ordinary business practices, in the United States Mail at the Office of the County Counsel, 168 W. Alisal Street, 3rd Floor, Salinas, California, addressed as shown below. I am readily familiar with this business's practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence would be deposited with the United States Postal Service the same day it was placed for collection and processing.
- BY OVERNIGHT DELIVERY:** By placing a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to the Office of the County Counsel, to be delivered by Overnight Delivery.
- BY FACSIMILE TRANSMISSION:** By transmitting a true copy thereof by facsimile transmission from facsimile number (831) 755-5283 to the interested parties to said action at the facsimile number(s) shown below.
- BY ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 21, 2012 at Salinas, California.


Susan Moore

NAMES AND ADDRESSES OF EACH PARTY SERVED:

Paul Hart & David Balch
Attorneys at Law
Johnson, Moncrief & Hart, PC
16 W. Gabilan Street
Salinas, CA 93901
Phone: 831-759-0900
Fax: 831-759-0902
E-mail: paulhart@johnsonmoncrief.com
david@johnsonmoncrief.com
Attorneys for Petitioners & Plaintiffs

Anthony L. Lombardo & Debra Gemgnani Tipton
Attorneys at Law
Anthony Lombardo & Associates
450 Lincoln Avenue, Suite #101 Exhibit F
Salinas, CA 93901
Phone: 831-751-2330
Fax: 831-751-2331
E-mail: tony@alombardolaw.com
debra@alombardolaw.com
Attorneys for Intervenor

Page 118 of 118 Pages