

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> January 25, 2007 Time: 2:10PM	<b>Agenda Item No.:</b> 4
<b>Project Description:</b> Coastal Development Permit to allow the demolition of an existing 840 square foot Agricultural Shed portions of which are currently located on two contiguous parcels.	
<b>Project Location:</b> 260 Giberson and 262 Giberson Road, Moss Landing	<b>APN:</b> 413-012-009 & 413-012-010
<b>Planning File Number:</b> PLN060542	<b>Name:</b> Mark and Nancy Jobst
<b>Plan Area:</b> North County Land Use Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> "CAP(CZ)" [Coastal Agricultural Preserve, Coastal Zone]	
<b>CEQA Action:</b> Categorically Exempt per Section 15301(l), Class 1	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Coastal Development Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

### PROJECT OVERVIEW

The proposed project includes the demolition of an existing 840 square foot Agricultural Shed, portions of which are currently located on two contiguous parcels. Approximately 36 square feet of the shed is located on Parcel "A" (413-012-009-000) and 804 square feet of the shed is located on Parcel "B" (413-012-010-000). The owners had first requested a lot line adjustment so that all development, including the shed, would be maintained on Parcel "A." Because Parcel "A" is currently considered legal nonconforming due to site coverage, the lot line adjustment would have to be accompanied by a Variance request. While a lot line adjustment may have been permissible, staff was unable to make the necessary findings to support a Variance. Therefore, the owners are requesting demolition of the structure so that the properties may be prepared for sale as two independent parcels.

The project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301(l) (Class 1); Demolition and removal of individual small structures including accessory structures. Staff finds that there are no unusual circumstances precluding this project from qualifying for this exemption. There are no outstanding issues associated with this project.

**OTHER AGENCY INVOLVEMENT:**

- ✓ North County Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ California Coastal Commission

The above checked agencies and departments have reviewed this project. Conditions recommended by the RMA-Planning Department have been incorporated into the conditions of approval (**Exhibit C**).

The project was not referred to the North County Coastal Land Use Advisory Committee (LUAC) for review based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236. This application did not warrant referral to the LUAC.

Note: The decision on this project is appealable to the Board of Supervisors (20.86.030) and the California Coastal Commission (20.86.080).

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January 3, 2007

Cc: Zoning Administrator; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Coastal Commission; Carl Holm; Bob Schubert; Shandell Frank; Carol Allen; Mark and Nancy Jobst; Beverly Watson, Planning File PLN060542.

Attachments: Exhibit A      Project Data Sheet  
                  Exhibit B      Recommended Findings and Evidence  
                  Exhibit C      Recommended Conditions of Approval  
                  Exhibit D      Site Plan and Elevations

This report was reviewed by Bob Schubert, Acting Planning and Building Services Manager

## **EXHIBIT B**

### **RECOMMENDED FINDINGS AND EVIDENCE**

- 1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the North County Area Land Use Plan, Title 20 of the Monterey County Code, and the Monterey County Coastal Implementation Plan - Part 2 (Chapter 20.144 MCC).

**EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. 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 properties are located at 260 and 262 Giberson Road, Moss Landing (Assessor’s Parcel Numbers 413-012-009-000 and 413-012-010-000), North County Area Land Use Plan. The parcels are zoned Coastal Agricultural Preserve, Coastal Zone (“CAP (CZ)”). The subject properties comply with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and are therefore suitable for the proposed demolition.

(c) The project planner conducted a site inspection on October 5, 2006, to verify that the project on the subject parcel conforms to the plans listed above.

(d) The project was not referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors (Resolution No. 04-236), this application did not warrant referral to the LUAC for the following reasons: the project is exempt from CEQA review per Section 15301; the parcel is not located on slopes exceeding 30%, and implementation of the project will not require the issuance of a Variance.

(e) The application, plans, and related support materials submitted by the project applicant to the RMA- Planning Department for the proposed development found in Project File PLN060542.
- 2. 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: California Coastal Commission, RMA-Planning Department, North County Fire Protection District, Public Works, Environmental Health Division, 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 conducted a site inspection on October 5, 2006 to verify that the site is suitable for this use.

(c) Materials in Project File PLN060542.

3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.
- EVIDENCE:** (a) Section 15301(l) (Class 1) of the CEQA Guidelines (demolition and removal of individual small structures) categorically exempts the proposed development from environmental review.
- (b) Currently, portions of the existing Agricultural Shed are located on two contiguous parcels; Parcel "A" (413-012-009-000) and Parcel "B" (413-012-010-000). The demolition is intended to allow the owners to sell the properties as two independent parcels. No additional development is proposed.
- (c) No adverse environmental effects were identified during staff review of the demolition application or during the site visit on October 5, 2006. Both parcels are previously disturbed and no environmentally sensitive habitat areas were identified.
- (d) No unusual circumstances were found to exist that would cause a potential significant environmental impact to occur.
- (e) See preceding and following findings and supporting evidence.
- (f) Materials in project file PLN060542.
4. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
- EVIDENCE** (a) The subject property is not described as an area where the Local Coastal Program requires access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access as specified in Policy 6.4 of the North County Area Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Staff site visit on October 5, 2006.
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. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Staff reviewed RMA- Planning Department and RMA-Building Services records and is not aware of any violations existing on subject property.
6. **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:** Preceding findings and supporting evidence.
7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance.

**Exhibit C**  
**Resource Management Agency - Planning Department**  
**Condition Compliance & Mitigation Monitoring and**  
**Reporting Plan**

**Project Name:** Mark and Nancy Jobst  
**File No:** PLN060542      **APNs:** 413-012-009-000 and 413-012-010-000  
**Approval by:** Zoning Administrator      **Date:** January 25, 2007

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p><b>PD001 - SPECIFIC USES ONLY</b>            This Coastal Development permit (PLN060542) allows for the demolition of an 840 square foot Agricultural Shed, portions of which are currently located on two contiguous parcels. The properties are located at 260 and 262 Giberson Road (Assessor's Parcel Numbers 413-012-009-000 and 413-012-010-000), North County Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		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. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 060542) was approved by the Zoning Administrator for Assessor's Parcel Numbers 413-012-009-000 and 413-012-010-000 on January 25, 2007. The permit was granted subject to <u>2</u> 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. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	