

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: July 12, 2012	Time: 1:30 p.m.	Agenda Item No.: 1
Project Description: Coastal Administrative Permit to allow the construction of a 2,580 square foot three-story single family dwelling with an attached 507 square foot two-car garage and 82 square foot deck, installation of a septic system and 5,000 gallon water tank. The property is located at 262 Giberson Road, Moss Landing (Assessor's Parcel Number 413-012-010-000) North County Area, Coastal Zone.		
Project Location: 262 Giberson Road, Moss Landing		APN: 413-012-010-000
Planning File Number: PLN090252		Owner: Nancy and Mark Gregory Jobst
Planning Area: North County Area, Coastal Zone		Flagged and staked: No
Zoning Designation: : CAP (CZ) Coastal Agricultural Preserve, Coastal Zone		
CEQA Action: Categorically Exempt per Section 15303 (a)		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Find the project Categorically Exempt per Section 15303 (a); and
- 2) Approve a Coastal Administrative Permit to allow the construction of a 2,580 square foot three-story single family dwelling with an attached 507 square foot two-car garage and 82 square foot deck, installation of a septic system and 5,000 gallon water tank. Based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

PROJECT OVERVIEW:

The Jobst property is a vacant 1.045 acre parcel located at 262 Giberson Road, Moss Landing. The property has a zoning designation of Coastal Agricultural Preserve, Coastal Zone or "CAP (CZ)". The purpose of the CAP (CZ) zoning designation is to *"provide a district to preserve and enhance the use of prime, productive and unique farmlands in the County of Monterey while also providing the opportunity to establish necessary support facilities for those agricultural uses."*

The applicants propose to construct a single family dwelling. In this zoning designation, dwelling units are allowed as *"accessory to the agricultural use of the property"* because the residential use on the property is more of a *"support facility"* described in the zoning's purpose. For the same reason, the CAP (CZ) designation has a 3 percent building lot coverage maximum to limit the amount of agricultural land that can be covered by structures. In the case of the Jobst's application, their proposed single family residence with attached garage meets the maximum allowed building lot coverage of 3 percent. The applicants, after revising their original house design, were able to meet the maximum allowed building lot coverage by proposing a three-story single family residence. On a 1.045 acre parcel, the maximum allowed lot coverage is approximately 1,365 square feet. Although their proposed three-story single family dwelling has a "bulk" size of approximately 3,169 square feet, the actual footprint of their proposed home will be at 1,365 square feet. The maximum allowed height in this zoning district is 35 feet and the Jobsts propose a height limit of 32 feet.

The site coverage limitation was resolved by the re-design of the home as indicated above and re-submitted to the Planning Department. Another issue is that the property has no agriculture, as the purpose of the zoning intends. Planning staff consulted with the Agricultural Advisory Committee

on this issue and it was determined that the parcel is too small to sustain an agricultural viability. Furthermore, Planning staff found that the subject lot was part of a 1972 Use Permit (PC Resolution No. 72-227; Planning File No. PC1448) that allowed reduction of building site requirements for 4 lots being created as part of a minor subdivision. At that time, the subject lot and the adjacent 3 lots had a zoning designation of "Unclassified" which required that a lot be a minimum of 2.5 acres for construction of a single family residence. The subject lots were approved with a reduction of building site requirements at 3 acres, 1 acre, 1 acre and 1 acre.

Therefore, staff recommends that the Zoning Administrator find the project exempt from CEQA pursuant to Section 15303 (a) and approve the project based on the findings and evidence and recommended conditions of approval contained in **Exhibit B**.

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

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ RMA- Planning Department
- √ North County Fire Protection District

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by North County Fire Department, Public Works, Environmental Health Bureau, and the Water Resources Agency have been incorporated into the Condition Compliance Plan attached to the draft resolution (**Exhibit B**).

The former application for a Variance to exceed the 3% lot coverage limitation was referred to the North County Land Use Advisory Committee (LUAC) for review on November 16, 2009, based on the LUAC procedure per Resolution No. 08-338. The North County Land Use Advisory Committee did not support the Variance to allow the project to exceed the lot site coverage of 3% and recommended denial of the project. On June 10, 2011 revised plans were submitted whereby the coverage would not exceed the allowable site coverage of 3%. With the re-design of the project meeting the lot coverage standards for the CAP (CZ) district and no need for a Variance application, the re-designed application submittal did not merit a referral to the North County LUAC per Resolution No. 08-338.

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

/s/ Lucy Bernal


Lucy Bernal, Land Use Technician

(831) 755-5235, bernall@co.monterey.ca.us

June 20, 2012

cc: Front Counter Copy; Zoning Administrator, North County Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Wanda Hickman, Planning Services Manager; Lucy Bernal, Project Planner; Nancy & Mark Jobst, Owner; The Open Monterey Project; Land Watch; Planning File PLN090252

Attachments: Exhibit A Project Data Sheet
Exhibit B Draft Resolution, including:
• Conditions of Approval and Mitigation Monitoring and Reporting Program
• Site Plan, Floor Plan and Elevations,
Exhibit C Vicinity Map
Exhibit D Use Permit (PC-1448)
Exhibit E LUAC Minutes

This report was reviewed by Laura Lawrence, Planning Service Manager.



EXHIBIT A

Project Information for PLN090252

Project Information:

Project Name: JOBST NANCY & MARK GREGORY
Location: 262 GIBERSON RD MOSS LANDING
Permit Type: Coastal Administrative Permit
Environmental Status: Exempt
Final Action Deadline (884): 10/4/2011
Existing Structures (sf): N/A
Coverage Allowed: 3%
Proposed Structures (sf): 3,490
Coverage Proposed: 3%
Total Sq. Ft.: 3,490
Height Allowed: 35'
Tree Removal: N/A
Height Proposed: 32'
Water Source: WELL
FAR Allowed: N/A
Water Purveyor: PRIVATE
FAR Proposed: N/A
Sewage Disposal (method): SEPTIC
Lot Size: 45,738
Sewer District: N/A
Grading (cubic yds.): 0

Parcel Information:

Primary APN: 413-012-010-000
Seismic Hazard Zone: VI
Applicable Plan: North County Area
Erosion Hazard Zone: HIGH
Advisory Committee: North County Land Use Advisory Committee
Fire Hazard Zone: LOW
Zoning: CAP (CZ)
Flood Hazard Zone: X (unshaded)
Land Use Designation: Coastal Agruclural Preserve
Archaeological Sensitivity: HIGH
Coastal Zone: Yes
Viewshed: NO
Fire District: North County Fire Dept
Special Setbacks on Parcel: NO

Reports on Project Parcel:

Soils Report #: N/A
Biological Report #: LIB120199
Geologic Report #: LIB090443
Forest Management Rpt. #: N/A
Archaeological Report #: LIB090444
Traffic Report #: N/A

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

Jobs Mark & Nancy (PLN090252)

RESOLUTION NO. -----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorically Exempt per Section 15303 (a); and
- 2) Approving a Coastal Administrative Permit to allow the construction of a 2,580 square foot three-story single family dwelling with an attached 507 square foot two-car garage and 82 square foot deck, installation of a septic system and 5,000 gallon water tank.

PLN090252 Jobst Mark & Nancy, 252 Giberson Road Moss Landing, North County Land Use Plan (APN: 413-012-010-000)

The Coastal Administrative application (PLN090252) came on for public hearing before the Monterey County Zoning Administrator on July 12, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **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 1982 Monterey County General Plan;
 - North County Land Use Plan;
 - Monterey County Coastal Implementation Plan, Part 2; and
 - the Monterey County Zoning Ordinance (Title 20);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 262 Giberson Road, Moss Landing (Assessor's Parcel Number 413-012-010-000), North County Land Use Plan. The parcel is zoned Coastal Agricultural Preserve (CZ) or CAP (CZ), which allows a single family dwelling accessory to the agricultural use of the property an owner, operator or employees employed on-site. Therefore,

the project is an allowed land use for this site; In 1972 Use Permit (PC Resolution No. 72-227; Planning File No. PC1448) that allowed reduction of building site requirements for 4 lots being created as part of a minor subdivision. At that time, the subject lot and the adjacent 3 lots had a zoning designation of "Unclassified" which required that a lot be a minimum of 2.5 acres for construction of a single family residence. The subject lots were approved with a reduction of building site requirements at 3 acres, 1 acre, 1 acre and 1 acre.

- c) The project planner conducted a site inspection on November 4, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- d) On November 4, 2011 a site visited was conducted to evaluate the site for suitability and critical viewshed from Highway 1 and other public views. The project was not staked at the time but previous planner had conducted a site visited with the staking and flagging; no issues were found nor is the site visible from public view.
- e) The project was referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, On November 16, 2009, the LUAC recommended denial of the original project which included a Variance to increase building site coverage from 3% to 5%. The Advisory Committee recommended that the project be modified to remain in the allowable site coverage of 3%. Revised plans have been submitted addressing the LUAC concerns by reducing the project to 3% coverage.
- f) The site coverage limitation was resolved by the re-design of the home as indicated above and re-submittal to the Planning Department. Another issue is that the property has no agriculture, as the purpose of the zoning intends. Planning staff consulted with the Agricultural Advisory Committee on this issue and it was determined that the parcel is too small to sustain an agricultural viability.
- g) 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 PLN090252.

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: RMA - Planning Department, North County 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 suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Biological Resources, Cultural Resources and potential impacts to soils. An assessment of the Jobst property was conducted; no sensitive plants, species nor cultural resources were observed on the project site during the surveys. The following reports have been prepared:
 - “Biological Report” (LIB120199) prepared by Ed Mercurio, Salinas, Ca, Dated August 22, 2009.

“ Preliminary Cultural Resources Reconnaissance (LIB090444) prepared by Susan Morley, M.A, Pacific Grove Ca, Dated February 2008.

“Geotechnical Report” (LIB090443) prepared by Grice Engineering Inc. Salinas, Ca, Dated October 2009.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on November 4, 2011 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 PLN090252.

3. 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, North County 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 will be provided. On May 12, 2010 a Source Water Quality and Quantity Analysis was conducted on the existing well to determine water capacity and was approved on July 13, 2011 by Bruce Dewitt from Environmental Health Bureau.
- c) The Environmental Health Bureau has determine there's adequate space for propose sewage disposal and place a condition that owners shall submit plans showing location and design of the proposed septic system for Environmental Health Bureau for approval prior to the issuance of building permits.
- d) Staff conducted a site inspection on November 4, 2011 and to verify that the site is suitable for this use.
- e) 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 PLN090252.

4. FINDING:

CEQA (Exempt): - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE:

- a) California Environmental Quality Act (CEQA) Guidelines Section 15303 (a) categorically exempts single family dwellings.
- b) No adverse environmental effects were identified during staff review of

- the development application during a site visit on November 4, 2011
- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. No adverse environmental effects were identified during staff review of the development application during a site visit on November 4, 2011. Exceptions to exemptions listed in Section 15300.2 a-f are inapplicable to the project does not involve: a historical resources, a hazardous waste site; the development has no unusual circumstances that would result in a significant effect nor development in a particularly sensitive environment.
 - 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 PLN090252

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

5. FINDING

PUBLIC ACCESS – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

EVIDENCE

- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.144.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 6 in the North County 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) 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 PLN090252.

6. 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.

- a) Staff conducted a site inspection on November 4, 2012 and researched County records to assess if any violation exists on the subject property
- b) There are no known violations on the subject parcel.
- c) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- d) Staff conducted a site inspection on November 4, 2011 and researched County records to assess if any violation exists on the subject property.
- e) 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 PLN 090252.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:** a) Section 20.86.030 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
- b) Section 20.86.080 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by / to the Coastal Commission because the project is between the sea and first public road.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- 1) Find the project Categorically Exempt per Section 15303 (a); and
- 2) Approve a Coastal Administrative Permit to allow the construction of a 2,580 square foot three-story single family dwelling with an attached 507 square foot two-car garage and 82 square foot deck, installation of a septic system and 5,000 gallon water tank, in general conformance with the attached sketch and subject to the attached conditions all being attached hereto and incorporated here in by reference.

PASSED AND ADOPTED this 12th of July, 2012.

Jacqueline Onciano, Zoning Administrator

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 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN090252

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Coastal Administrative Permit to allow the construction of a 2,580 square foot three-story single family dwelling with an attached 507 square foot two-car garage and 82 square foot deck, installation of a septic system and 5,000 gallon water tank. The property is located at 262 Giberson Road, Moss Landing (Assessor's Parcel Number 413-012-010-000), North County area, Coastal Zone 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 Coastal Administrative Permit (Resolution Number) was approved by Zoning Administrator for Assessor's Parcel Number 413-012-010-000 on June 28, 2012. The permit was granted subject to 21 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: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD014(A) - LIGHTING-EXTERIOR LIGHTING PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

4. PD007- GRADING WINTER RESTRICTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

5. PD041 - HEIGHT VERIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of the RMA - Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

6. FIRE021 - FIRE PROTECTION- SPRINKLER SYSTEM (STANDARD)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. Responsible Land Use Department: North County Fire District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.

7. PW0005 - ENCROACHMENT (STD DRIVEWAY)

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Giberson Road.

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance, Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible in obtaining all permits and environmental clearances.

8. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.

9. EHSP01 - SEPTIC SYSTEM DESIGN (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. Leach fields shall not exceed 100 feet in length per MCC 15.20.

Compliance or Monitoring Action to be Performed: The owner/applicant shall submit plans for review and approval to the Environmental Health Bureau (EHB). EHB must approve plans prior to issuance of permit. Applicant's septic contractor shall obtain a septic system permit from EHB to install the septic system.

10. FIRE007 - DRIVEWAYS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.
Responsible Land Use Department: North County Fire District

**Compliance or
Monitoring
Action to be Performed:**

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the driveway into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of driveway improvements and obtain fire department approval the final fire inspection.

11. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: North County Fire District

**Compliance or
Monitoring
Action to be Performed:**

Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

12. FIRE015 - FIRE HYDRANTS/FIRE VALVES

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet and no further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. Responsible Land Use Department: North County Fire District

**Compliance or
Monitoring
Action to be Performed:**

Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the water system improvements and shall obtain fire department approval of the final fire inspection.

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

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

14. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

15. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

16. PD012(H) - LANDSCAPING PLAN (NO. COUNTY NATIVE)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (Suggested Native Species Landscaping List - North County Coastal Zone) from the RMA - Planning Department.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

17. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on July 12, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

18. PD035 - UTILITIES UNDERGROUND

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)

Compliance or Monitoring Action to be Performed: On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

19. PD038 - WATER TANK APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit proposed color of water tank and landscaping plans to the RMA - Planning Department for review and approval.

Prior to final inspection or occupancy, the Owner/Applicant shall provide evidence to the Director of the RMA - Planning Department that the water tank has been painted and the landscaping has been installed according to the plans approved by the RMA - Planning Department.

On an on-going basis, the Owner/Applicant shall continuously maintain all landscaped areas and fences; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

20. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

21. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A Biological Report Library No. LIB120199, was prepared by Ed Mercurio on August 22, 2009 and is on file in the Monterey County RMA - Planning Department. All development shall be in accordance with this report."
(RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to the RMA - Planning Department.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning Department.



NOTE: ALL DATA SHOWN PER 2008 SURVEYING (JOB: 06-27)

Proj 1/2" pipe
logged L.S. 4134

APN 413-012-03
(S 8850'23" E 330.00)

Project Benchmark
Spikes, elev. = 100.00 Assumed

Proj 1/2" pipe
logged L.S. 4134

(S 109'37" W) (138.08)

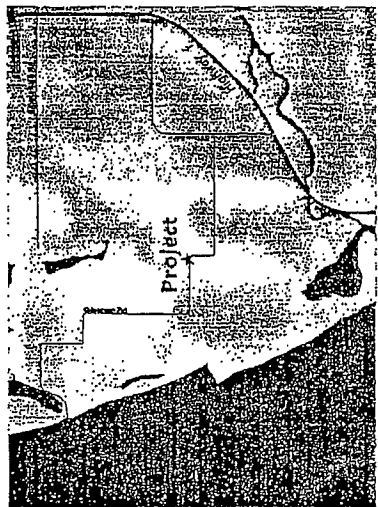
(S 109'37" W) (138.08)

(S 109'37" W) (138.08)

Proj 1/2" pipe
logged L.S. 4134

APN 413-012-010
(S 8850'23" E 330.00)

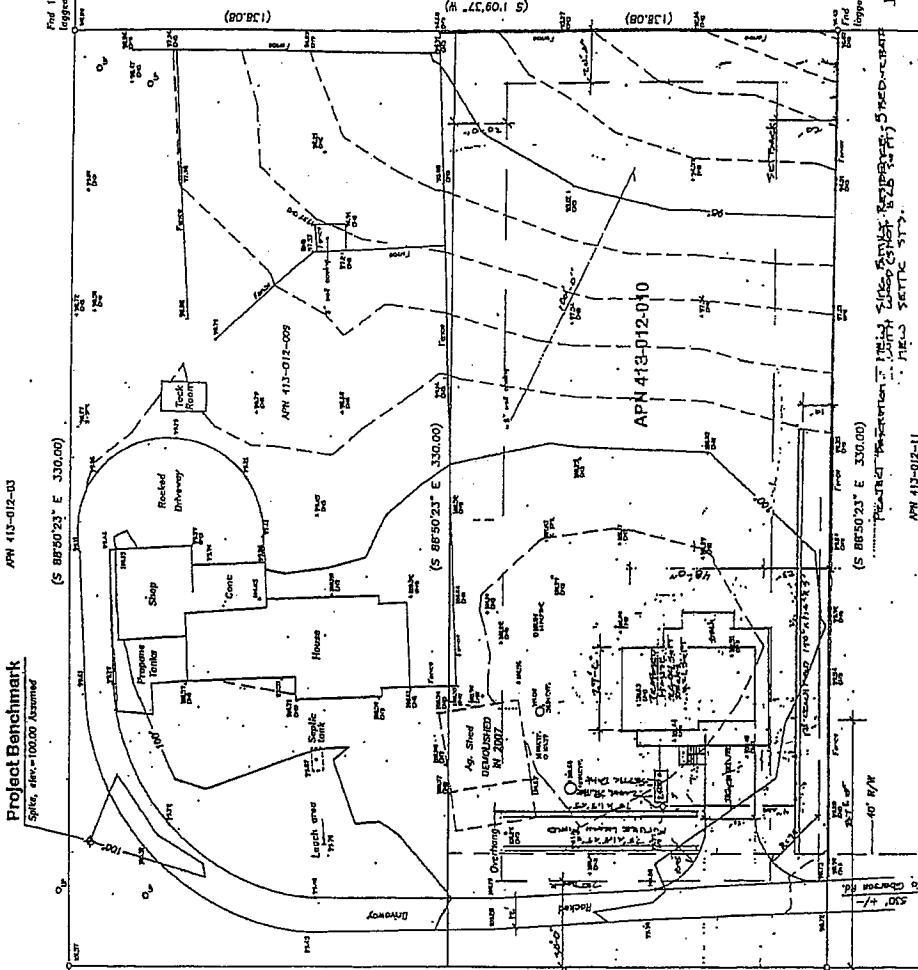
Proj 1/2" pipe
logged L.S. 4134



Vicinity



600 406
600 406
3 ± 1.5
600 406
600 406
3 ± 1.5



APN 413-012-11
(S 8850'23" E 330.00)

Legend

- Fixed monuments or relief
- () Record date
- Ground
- Ground
- Utility pole
- Utility pole
- Existing boundary line

Notes

Distances are in feet and decimal thereof
 Directions are measured as noted
 Monuments are assumed as noted
 Corner Records, Document Numbers 855 & 861
 South and North locations were provided by the owner
 Scale: 1" = 20' Corner Interval: 1 ft.
 Flood Zone: Zone C (outside the 100 yr. flood)
 per Flood Map 05115 0015 C
 Trace 012 010

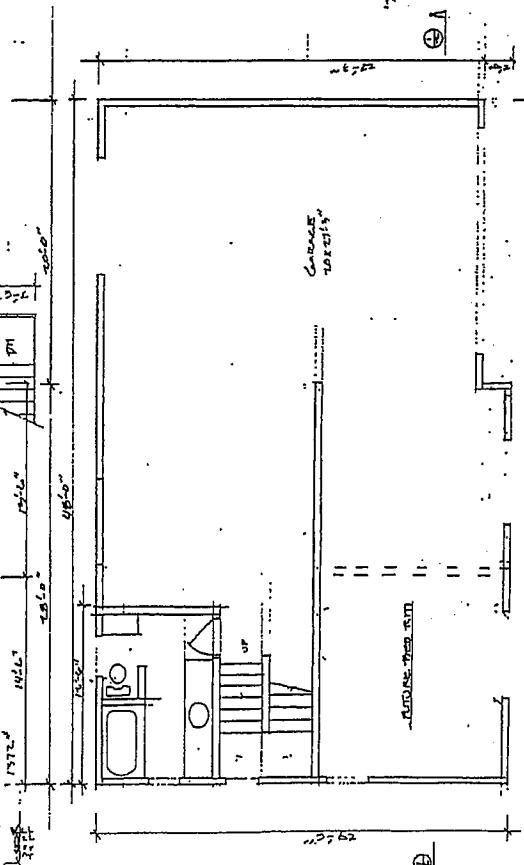
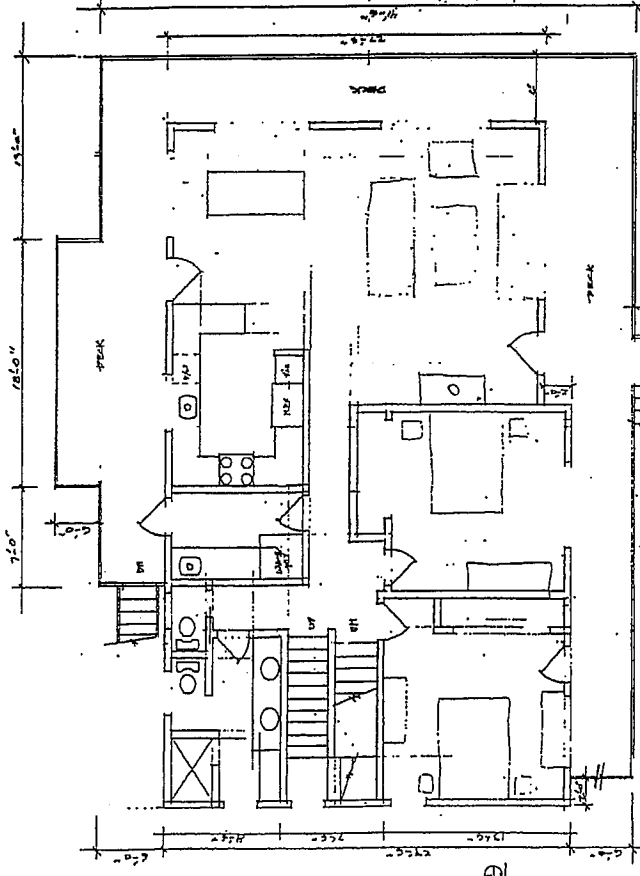
Property Data

APN 413-012-010
 Owner: Henry J. J. J.
 Lot area: 100 acres = 6,977,253 sq. ft.
 Cont. Area:
 Survey: How
 Water: Private

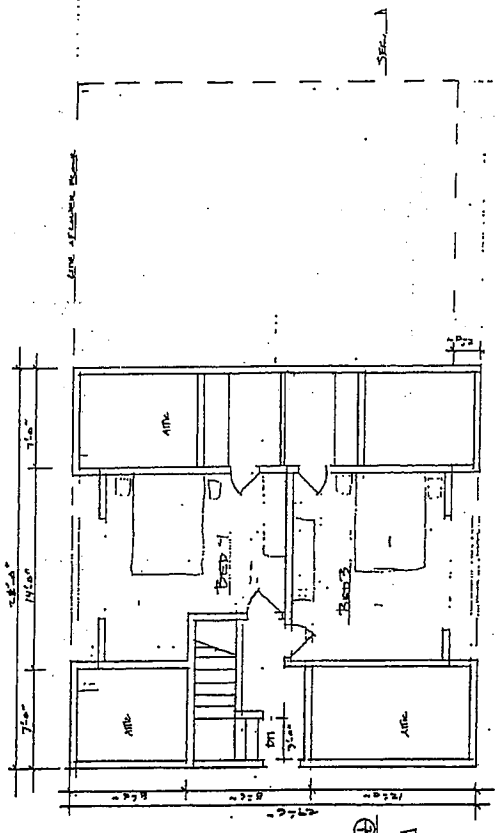
CHRISTIANE PLANK DESIGN 022-0902 640-010

Project House
Plank Landmark

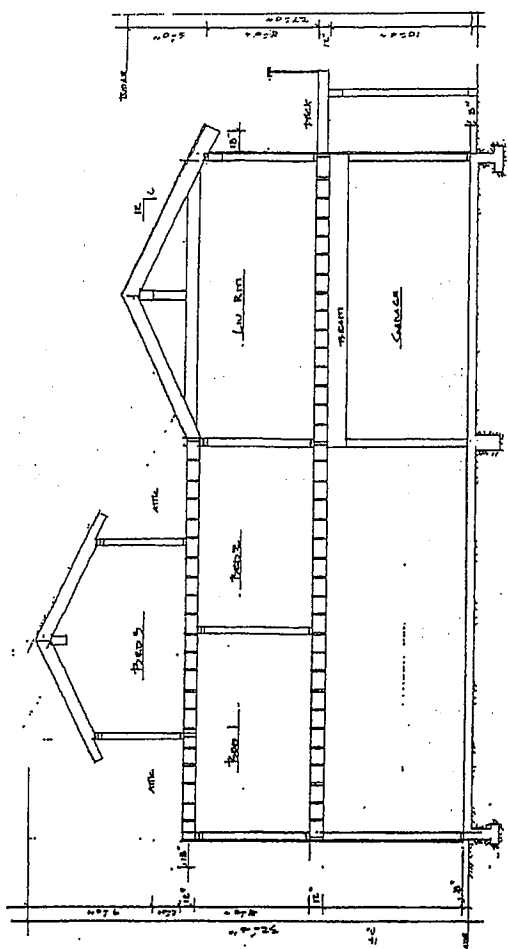
Trace 012 010



First Floor 14'-1 1/2" x 18'-0"
 202 Emerson Rd. - First Landing
 J. G. G. Architects



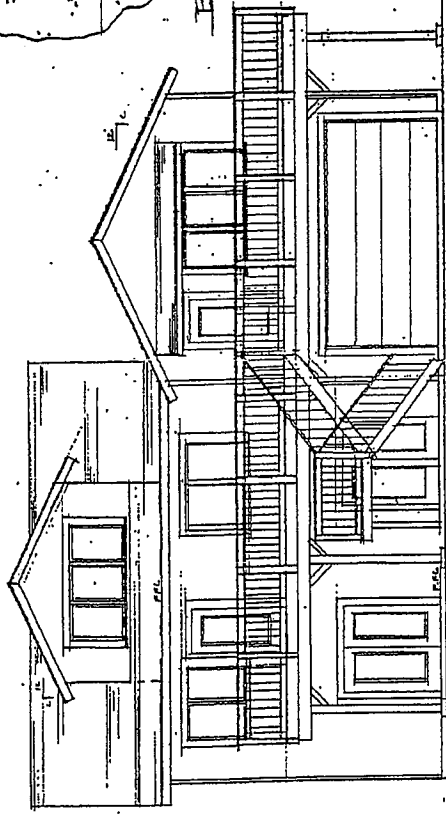
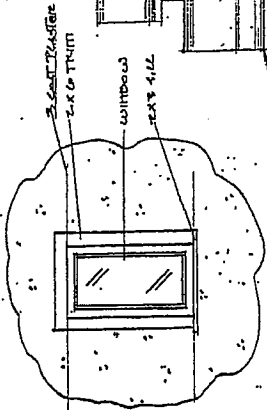
Third Floor 14'-1 1/2" x 18'-0"



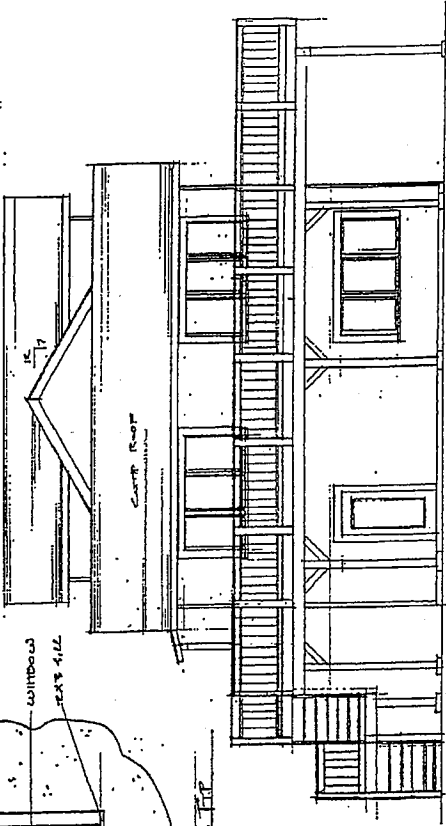
Section 14'-1 1/2" x 18'-0"

Construction Mark Design 01-05-01-01

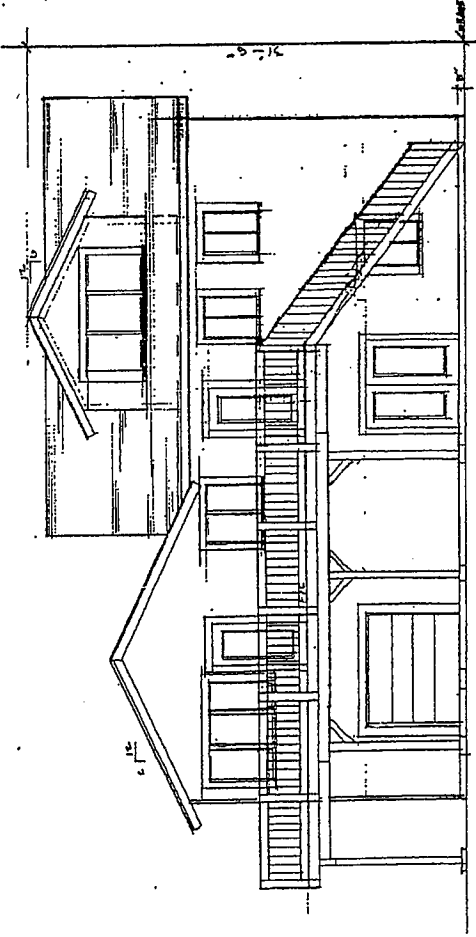
16' 4 1/2" x 33'



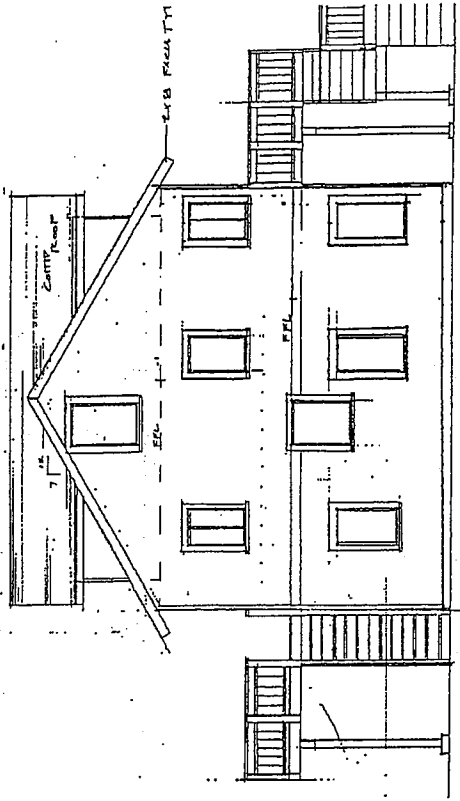
West



South



East



North

NOTE: ALL DIMENSIONS IN FEET & INCHES

JERAL HOUSE 267 Cambridge St. Mass. Lawrence CHRISTOPHER MACK DESIGN 831.622.0402

1. PRELIMINARY REQUIREMENTS

A. GENERAL

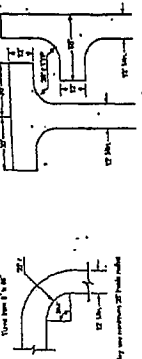
1. The applicant shall submit a preliminary site plan to the Planning Department for review and approval. The preliminary site plan shall include the following information:

- a. A site plan showing the location of the proposed project within the project boundaries.
- b. A site plan showing the location of the proposed project within the project boundaries.
- c. A site plan showing the location of the proposed project within the project boundaries.

2. The applicant shall submit a preliminary site plan to the Planning Department for review and approval. The preliminary site plan shall include the following information:

- a. A site plan showing the location of the proposed project within the project boundaries.
- b. A site plan showing the location of the proposed project within the project boundaries.
- c. A site plan showing the location of the proposed project within the project boundaries.

EXAMPLES: Driveway/Turning Radius, Driveway/Road Intersection

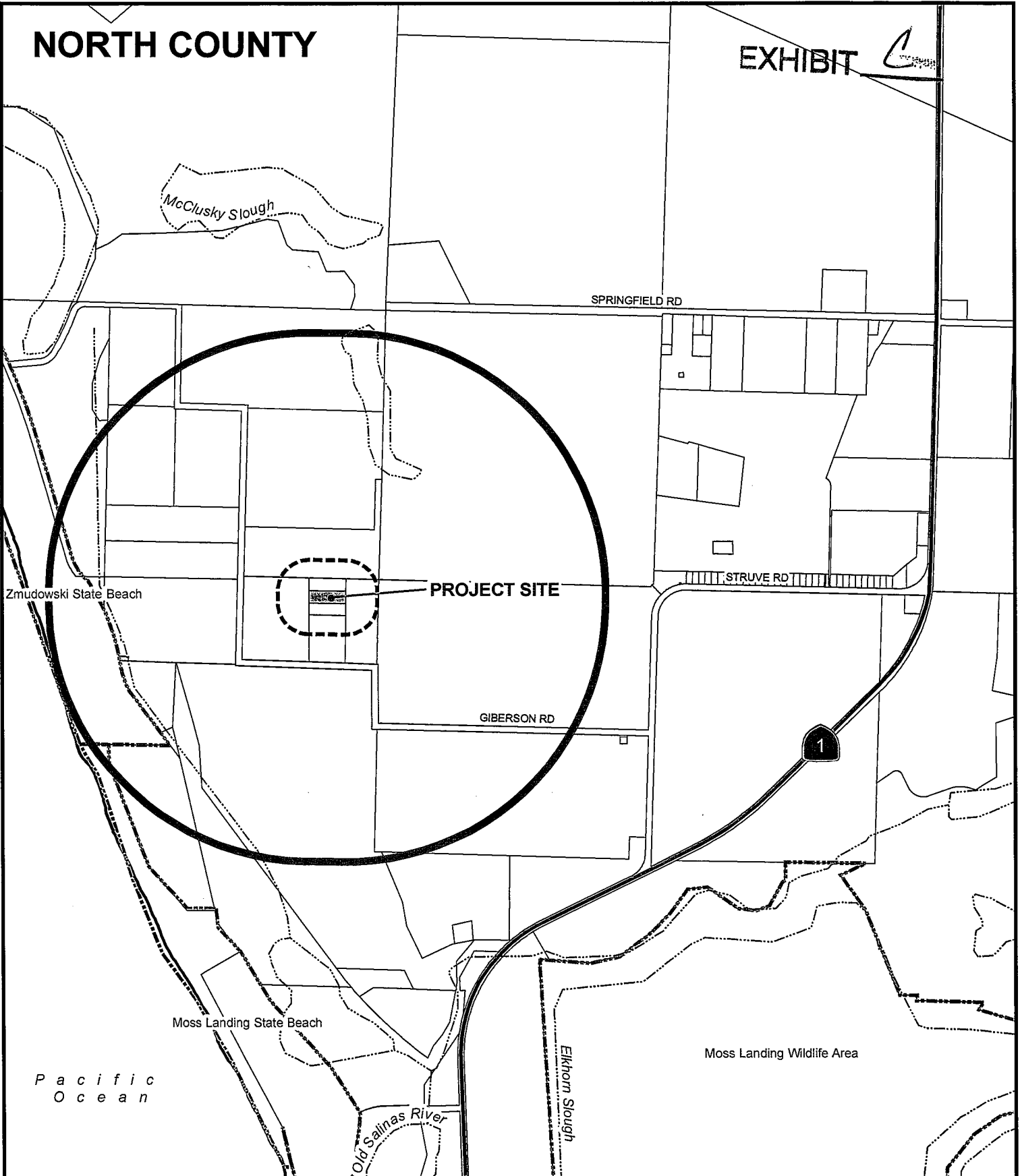


EXAMPLES: Driveway/Turning Radius, Driveway/Road Intersection

NO.	REVISION
1	FILE DATE
2	SITE PLAN / PROJECT INFO.
3	PLAN YEAR / ACTION
4	REVISION

NORTH COUNTY

EXHIBIT 

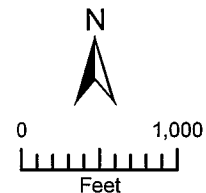


APPLICANT: JOBST

APN: 413-012-010-000

FILE # PLN090252

 300' Limit  2500' Limit  City Limits  Water



PLANNER: NICHOLSON

12-22-21

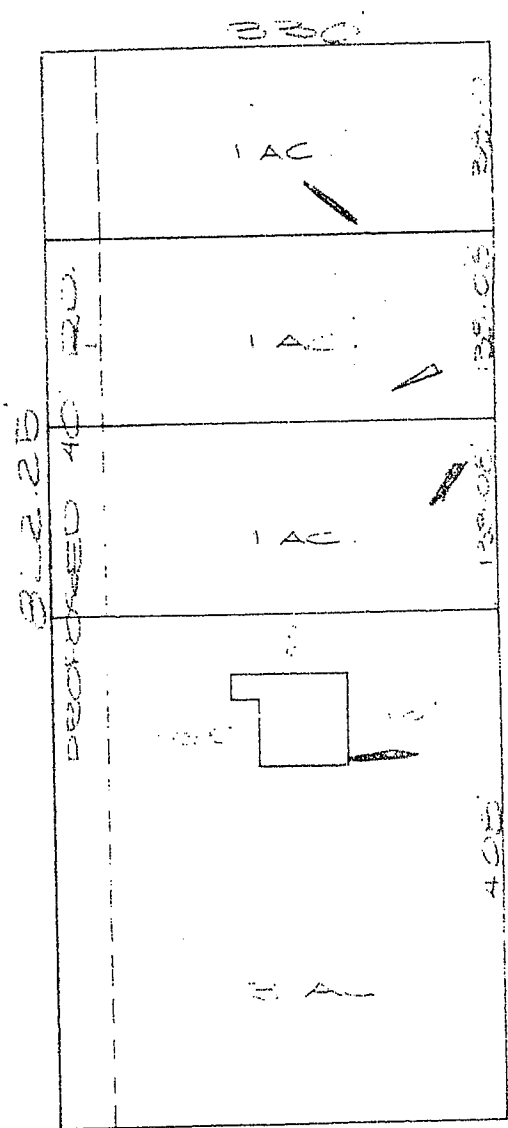
RESOLUTION NO.

USE PERMIT

REDUCTION IN BLDG. SITE SEER. U'DIST.

LOCATION:
COR. OF SEC. 6
T13 S. R. 2E.

EXHIBIT 10749



REQUESTED
- LOT REDUCTION

- EXISTING
DWELLING

GIBBERSON ED

PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 72-227

USE PERMIT NO. 2089

FINDINGS AND DECISION

In the matter of the application of
Eugene Yost (PC-1448)

for a Use Permit in accordance with Section 32 of Ordinance No. 911, the Zoning Ordinance of the County of Monterey, to allow: for a reduction in building site requirements on 3 lots on portion of Section 6, Township 16 South, Range 2 East, Giberson Road area,

came on regularly for hearing before the Planning Commission on June 28, 1972.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

FOUND

That the establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to 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.

DECISION

WHEREFORE, it is the decision of said Planning Commission that said application for a Use Permit be granted as shown on the attached sketch.

PASSED AND ADOPTED this 28th day of June, 1972, by the following vote:

Ayes: Bengard, Hare, Herrlich, Kramer, Marcucci, Prewitt.

Noes: None.

Absent: Cailotto, Parsons, Stutzman.

EXHIBIT D
PAGE 2 OF 6 PAGES

Acting

E. W. DE MARS M.G. BAKEMAN,
Secretary of the Planning Commission

Copy of this decision was mailed to the applicant on June 30, 1972.

2. Eugene Yost - Giberson Road area- reduction in building site requirements.
4 lots (PC-1448).

This being the time and place set for hearing to consider the application of Eugene Yost for a Use Permit which would allow for a reduction in building site requirements on 4 lots on portion of Section 6, Township 16 South, Range 2 East, Giberson Road area, fronting on and northerly of Giberson Road.

The hearing was opened by Chairman Marcucci.

The plot plan was shown.

The Road Department recommended 3 requirements for the minor subdivision if the permit is approved.

Brian Finegan, attorney, appeared on behalf of the applicant and stated that the recommendations are agreeable to the applicant.

The staff recommended approval.

Commissioner Herrlich stated that he visited the site and approves of the matter.

The hearing was closed by Chairman Marcucci.

On motion by Commissioner Herrlich, seconded by Commissioner Hare, Resolution No. 72-227 was adopted, approving the issuance of Use Permit #2089.

The motion was carried by unanimous vote of all Commissioners present.

6/28/70
Page 12713
JP

MEMORANDUM

PLANNING COMMISSION
MONTEREY COUNTY

Health Department

Road Department ✓

DATE: June 13, 1972

San Phillips

would appreciate your Department's recommendations on the following application
prior to June 26, 1972.

APPLICANT: Eugene Yost PC-1448

TYPE: Use Permit REQUEST: reduction in building site requirement (4 lots)

LOCATION: Giberson Road

EPT. COMMENTS:

- The following Minor Subdivision will require:
1. Grant to County 30' centerline on Giberson Road
 2. The Parcel Map showing dedication and 40' right-of-way.
 3. Construct standard driveway connection to Giberson Road.

EPT. RECOMMENDATIONS:

[Signature]
SIGNATURE

6/22/72
DATE

EXHIBIT D
PAGE 4 OF 6 PAGES

RECORD COPY
DO NOT REMOVE

NOTICE OF PUBLIC HEARING ZONING NOTICE

(Giberson Road area)

NOTICE IS HEREBY GIVEN that the Planning Commission of the County of Monterey, State of California, will hold a public hearing on the application of Eugene Yost for a Use Permit in accordance with Section 32 of Ordinance No. 911, the Zoning Ordinance of the County of Monterey, which would allow for a reduction in building site requirements on ³/₄ lots on portion of Section 6, Township 16 South, Range 2 East, Giberson Road area, fronting on and northerly of Giberson Road,

NOTICE IS HEREBY FURTHER GIVEN that said hearing will be held on the following date: June 28, 1972

at the hour of 2:10 p.m. in the Supervisors' Chambers, Court House, Salinas, California, at which time and place any and all interested persons may appear and be heard thereon.

MONTEREY COUNTY PLANNING COMMISSION

E. W. DE MARS
Secretary

For Additional Information Contact:
Monterey County Planning Department
Court House, Salinas, Phone 422-9018

POSTED
5-14-72
Stan Phillips

EXHIBIT D
PAGE 5 OF 6 PAGES

APPLICATION FOR USE PERMIT

PC-1448

TO THE PLANNING COMMISSION OF THE COUNTY OF MONTEREY:

The Undersigned hereby applies for a Use Permit, in accordance with Section 32 of Ordinance No. 911, the Zoning Ordinance of the County of Monterey, and states as follows:

1. That Eugene B. and Nola B. Yost

is or are the owner(s) of certain real property located in Monterey, County, California, more particularly described as follows: The westerly 1/2 of that certain lot, commencing in the center of section 6 Township 13, south, Range 2 East M.D.M., and running Westerly along the line dividing said section 660' thence south 822.25', thence East 660', thence north 0°4' East to the point of beginning and being known as lot eleven (11) of R.D. Walker's Watsonville Farms. Also known as 268 Giberson Road. Excepting therefrom the south 20' thereof to be used for road purposes.

Assessor's Parcel No. 604-211-00 ⁰¹² 413-~~012~~-05

2. That said real property is located in a "U" Zoning District.

3. That I request a Use Permit to allow the establishment of the following property use:

Reduction in building site regulations (4 lots).

4. That I submit the following statements, plans and documents to show why the Use Permit should be issued: Proposed site plan attached. Presently used for agricultural-residential. Land costs too high for homes on minimum 25 acre site. Abundance of water and sandy soil ideal for residential use. Consistent with Master Plan.

5. All notices and correspondence pertaining to this application should be mailed to J. Brian Finegan

at Post Office Box 849, Salinas, CA Phone No. 424-1414

Dated: June 5, 1972

If application is made by an agent, the agent shall execute the certificate below.

J. Brian Finegan
Owner

I certify under penalty of perjury that I am authorized by the owner(s) of the property described above to make this application on his, her, or their behalf.

Dated: June 5, 1972, at Salinas, California.

FEE: \$25.00

J. Brian Finegan
Agent

RECEIPT NO. 17737

J. Brian Finegan

EXHIBIT D

PAGE 6 OF 6 PAGES

OK! FOR. OF SEC. 6
T.B.S. R. JE

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: North County Coastal

Please submit your recommendations for this application by: **November 16, 2009**

Project Title: JOBST NANCY & MARK GREGORY

File Number: PLN090252

File Type: ZA

Planner: NICHOLSON

Location: 262 GIBERSON RD MOSS LANDING

Project Description:

COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) A COASTAL DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A 3,909.5 SQUARE FOOT THREE-STORY SINGLE FAMILY DWELLING WITH AN ATTACHED 545 SQUARE FOOT TWO-CAR GARAGE, 821 SQUARE FEET OF DECKS AND 102 SQUARE FEET OF EXTERIOR STAIRS, INSTALLATION OF A SEPTIC SYSTEM AND 5,000 GALLON WATER TANK AND 2) A VARIANCE TO INCREASE BUILDING SITE COVERAGE FROM 3% TO 5%. THE PROPERTY IS LOCATED AT 262 GIBERSON ROAD, MOSS LANDING (ASSESSOR'S PARCEL NUMBER 413-012-010-000), NORTH COUNTY AREA, COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

APPLICANT'S SON WALTER DEYERLE. MR DEYERLE BEGAN BY EXPLAINING THAT THE ARCHITECT SUGGESTED THE COVERAGE VARIANCE TO ACCOMMODATE AN EXIT WITH STAIRS AND DECK. HE SAID CURRENTLY NON POTABLE WATER IS SUPPLIED TO THE SITE FROM THE AGRICULTURE "PURPLE LINE". THE PROPOSED HEIGHT WAS 33 FEET. MS GONZALES SAID 35 FEET IS THE LIMIT

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
<i>NONE</i>			
<i>ALTHOUGH MR DEYERLE STATED THAT THE TWO ADJACENT NEIGHBORS SUPPORTED THE PROJECT AND ONE HAS A REVERSE OSMOSIS WATER SYSTEM AND WOULD SUPPLY THEM WITH WATER.</i>			

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
THE SITE WAS NOT FLAGGED. APPLICANT SAID HE WAS UNAWARE OF THE REQUIREMENT		
THE COMMITTEE HAD SEVERAL CONCERNS INCLUDING THE LACK OF A SOURCE OF POTABLE WATER. VIEWSHED WAS HAD TO ASSESS WITHOUT FLAGGING. WE BELIEVE IT WOULD BE VISIBLE FROM HIGHWAY ONE JUST SOUTH OF MOSES LANDING SCHOOL. NO HARDSHIP WAS DEMONSTRATED TO JUSTIFY THE VARIANCE REQUEST. AND FINALLY THE PROJECT SEEMS TO BE AT ODDS WITH REQUIREMENTS OF THE CAP (CZ) ZONING.	WE FELT THAT THE SPIRIT OF THIS ZONING WAS TO PROVIDE HOUSING FOR THOSE ENGAGED IN AGRICULTURE AT THE SITE.	
WE WORRY THAT ALLOWING A HOME ON THIS ONE ACRE LOT WOULD SET A PRECEDENT THAT WOULD MAKE IT DIFFICULT TO DENY SUBSEQUENT APPLICATIONS IN THIS AREA		

ADDITIONAL LUAC COMMENTS

WE FELT THAT WITH NO FLAGGING, (ALTHOUGH WE BELIEVE THE APPLICANT WAS UNAWARE)
 NO POTABLE WATER,
 NO REASON FOR VARIANCE,
 VIEWSHED ISSUES,
 AND INCONSISTENCIES REGARDING ZONING REQUIREMENTS,
 WE COULD NOT SUPPORT THE PROJECT.

RECOMMENDATION: TO DENY THE PROJECT

Motion by: KEN WALKER (LUAC Member's Name)

Second by: DAVID EVANS (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: 4 EVANS, CENTENO, WALKER, NOWAK

NOES: 0

ABSENT: 1 BURCH

ABSTAIN: 0