

JEFF MAIN
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 060542

A.P. # 413-012-009
and 413-012-010

In the matter of the application of
Mark and Nancy Jobst (PLN060542)

FINDINGS AND DECISION

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow the demolition of an existing 840 square foot Agricultural Shed portions of which are currently located on two contiguous parcels. The project is located at 260 Giberson and 262 Giberson Road, Moss Landing, North County Land Use Plan, Coastal Zone, and came on regularly for hearing before the Zoning Administrator on January 25, 2007.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

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.

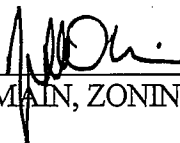
7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

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

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said request for a Coastal Development Permit be approved as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 25th day of January, 2007.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON FEB 13 2007

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE FEB 23 2007

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 and Building Inspection Department office in Salinas.

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

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.*

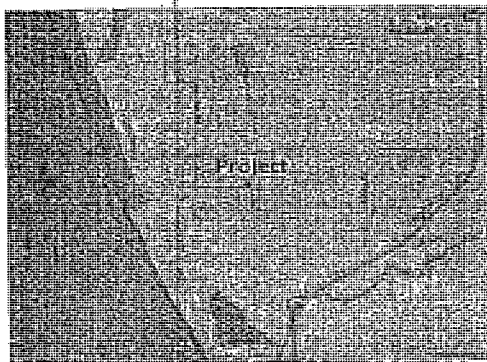
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PD001 - SPECIFIC USES ONLY 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<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>
		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)				
2.		PD002 - NOTICE-PERMIT APPROVAL 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>3</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. (RMA - Planning Department)	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.	
3.		PDSP001 – TREE PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits	Submit evidence of tree protection to the RMA - Planning Department for review and approval. Submit photos of the trees on the property to the RMA – Planning Department after demolition to	Owner/ Applicant Owner/ Applicant	Prior to the issuance of grading and/or building permits Prior to final building	

<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>
		subject to the approval of the RMA – Director of Planning. (RMA-Planning Department)	document that tree protection has been successful		inspection	

END OF CONDITIONS

Vicinity



Notes

Distances are in feet and decimals thereof.
 Bearings are given in degrees and minutes.
 Monuments were found and accepted as per
 Survey Reports, Document Numbers 885 & 887.
 Certain area block locations were provided by the owner.
 Scale: 1" = 20'. Contour Interval: 1 ft.
 Both parcels are located in Zone C (outside the 100 yr. flood)
 per "Flood Map 501025 0025 C".
 All private areas are zoned CAP (C).

Owners, Areas & Utilities

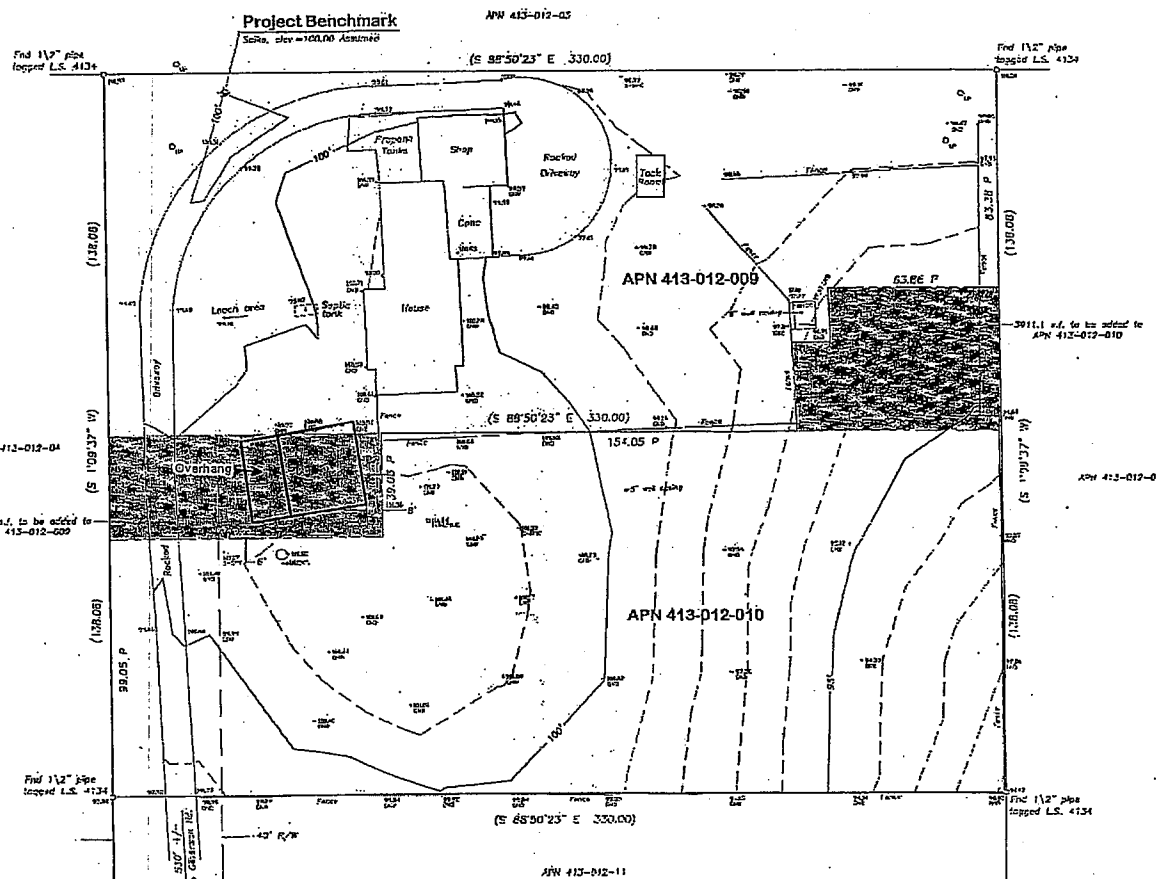
APN 413-012-009
 Owner: Nancy Jobst
 Lot size: 1.05 acres Existing and Proposed
 Use: Private
 Sewer: Private septic system
 Water: Private well

APN 413-012-010
 Owner: Nancy Jobst
 Lot size: 1.05 acres Existing and Proposed
 Use: None
 Sewer: None
 Water: Private well

RECEIVED
 MONTEREY COUNTY
 PLANNING & BUILDING
 INSPECTION DEPT

Legend

Found monuments as noted
 () Record data
 C/Sound
 P Proposed
 S/Sound
 U/Sound
 Proposed boundary line
 Existing boundary line no change
 Existing boundary line to be adjusted



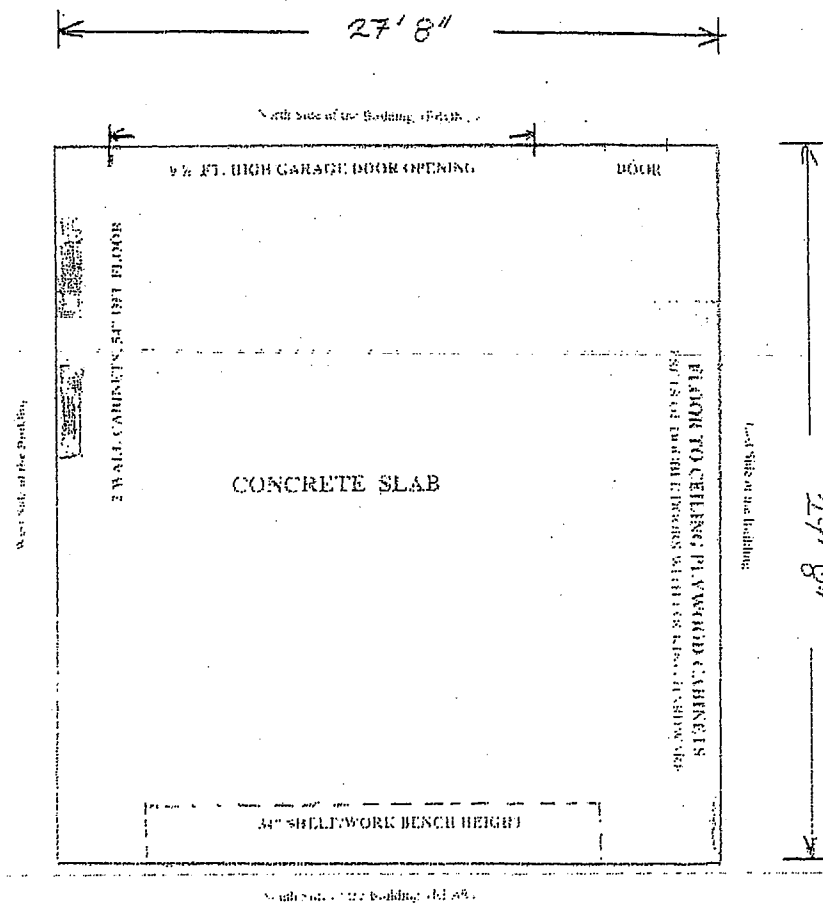
BRIDGETTE LAND SURVEYING
 PROFESSIONAL LAND SURVEYORS
 64 PENNY LAKE SUITE B WATSONVILLE CA
 95076 / TEL: 725-0000 / FAX: 725-0007

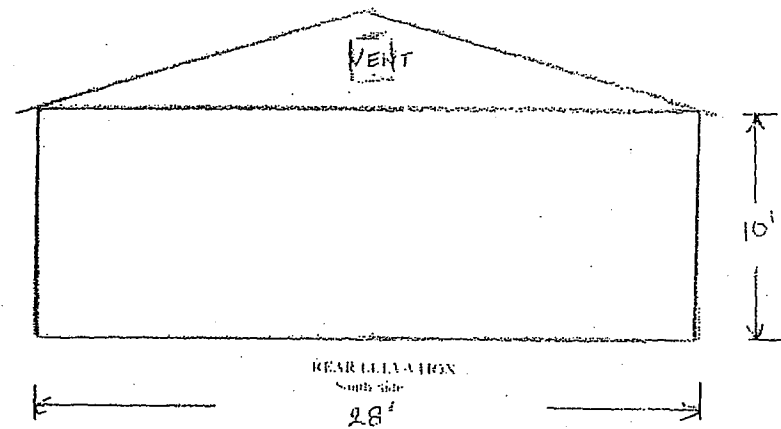
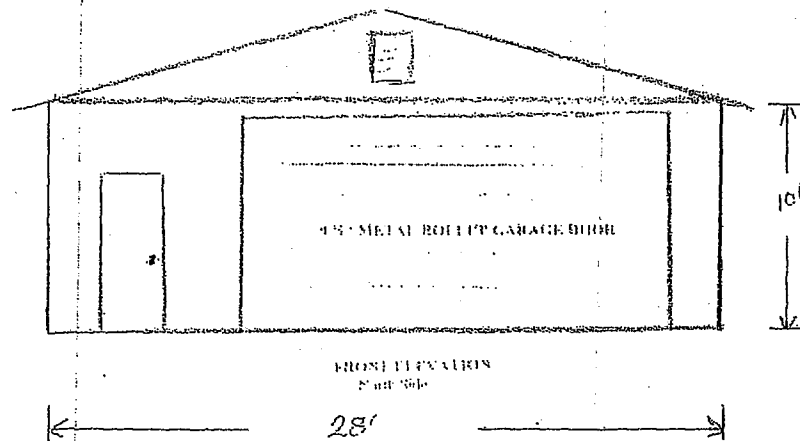
Nancy Jobst
 200 California Street / Santa Lucia, CA / 95060

APN(s) 413-012-009 & 010
 Monterey County, California

SHEET 1 OF 1
 SCALE: 1" = 20'
 CONTINUOUS INTERVAL 1 ft.
 REVISIONS:
 REV'S DATE:
 1
 06-27

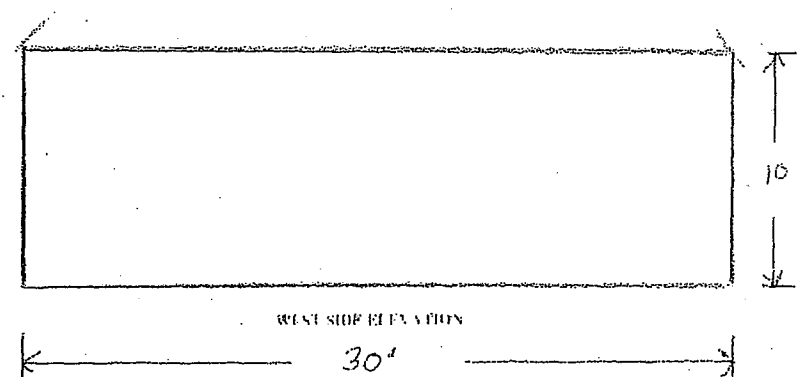
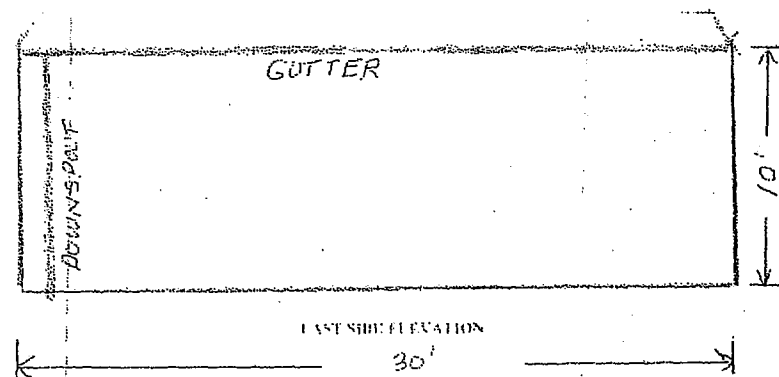
FILE# PLN 060542
MONTEREY COUNTY, CA
Owner: Nancy and Mark Jobst
Representative: Beverly Watson
Parcels: 413-012-009 & -010
Moss Landing





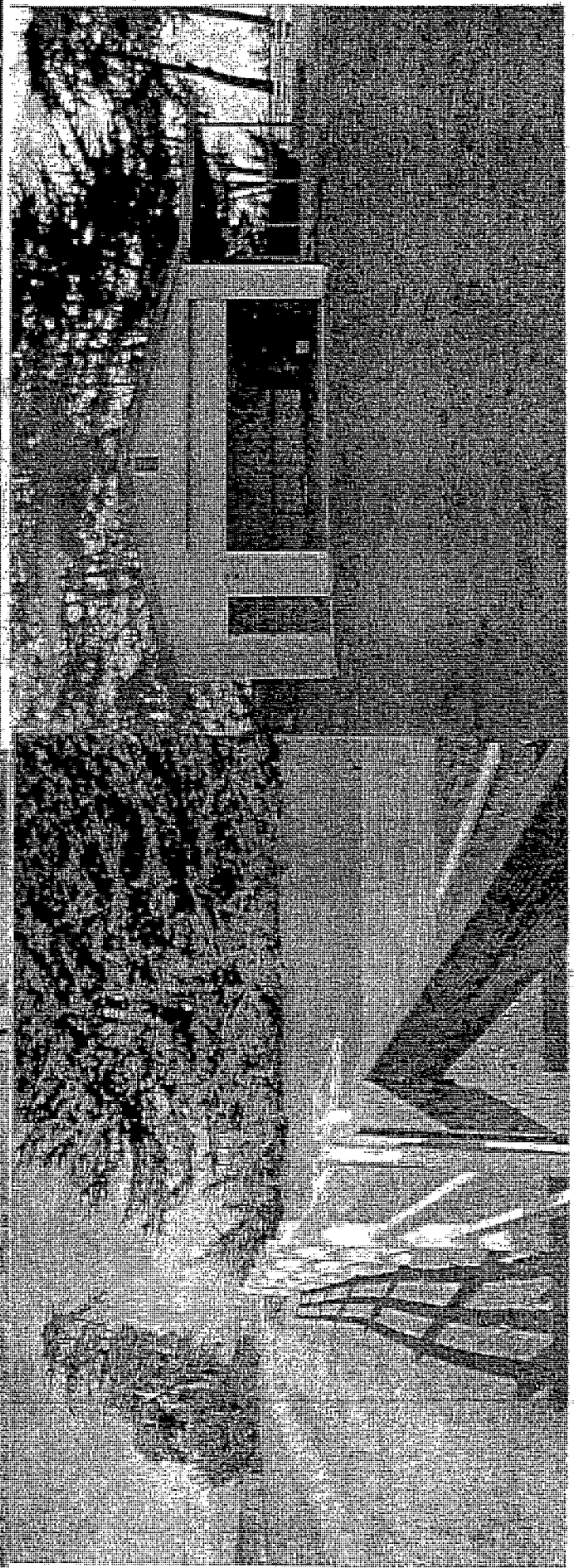
16" CYPRESS TREE

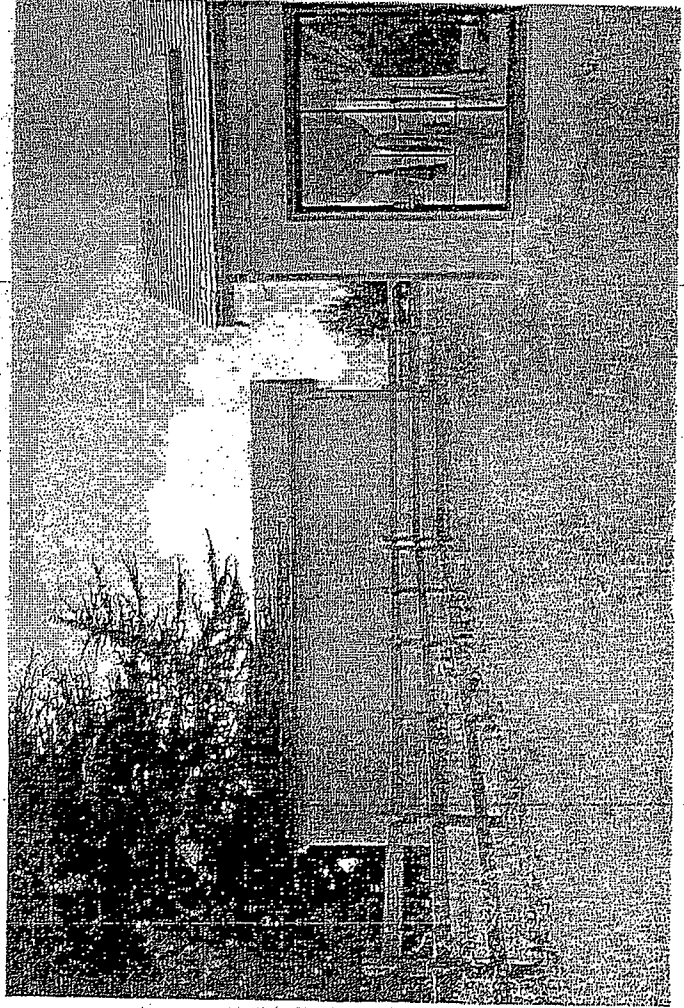
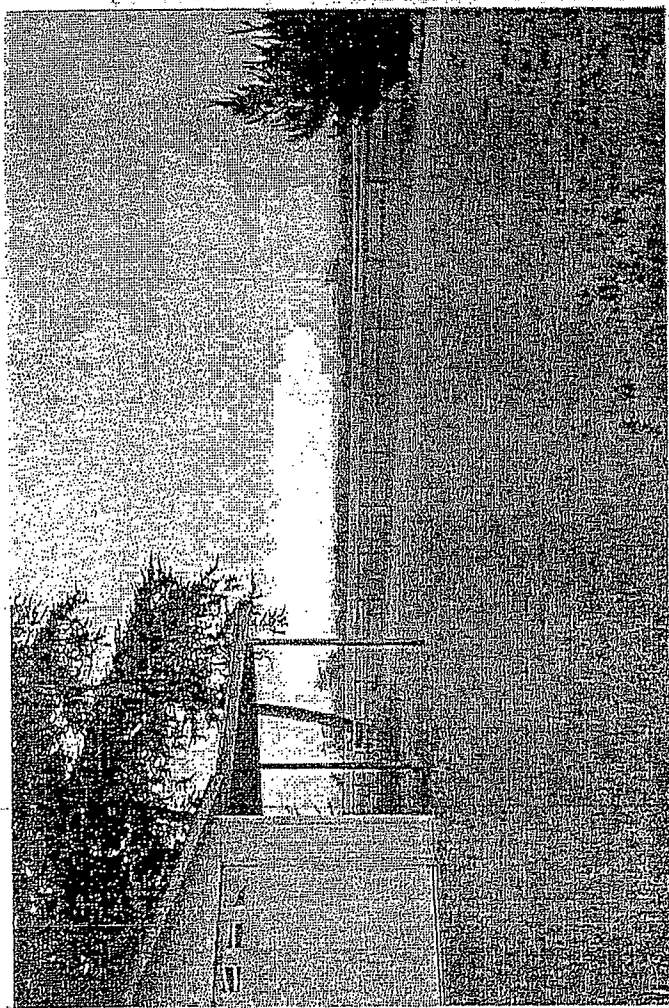
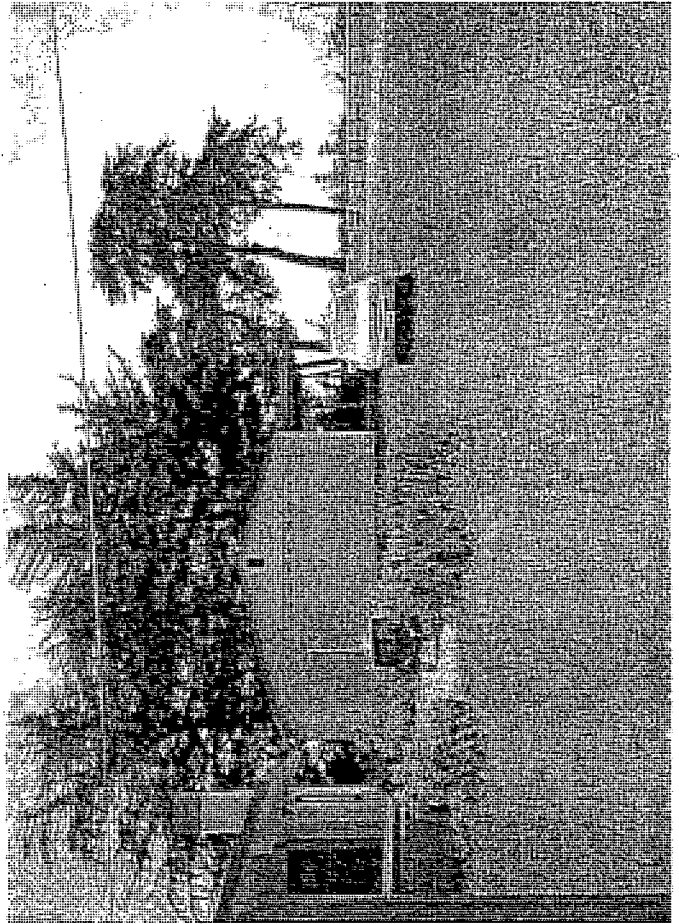
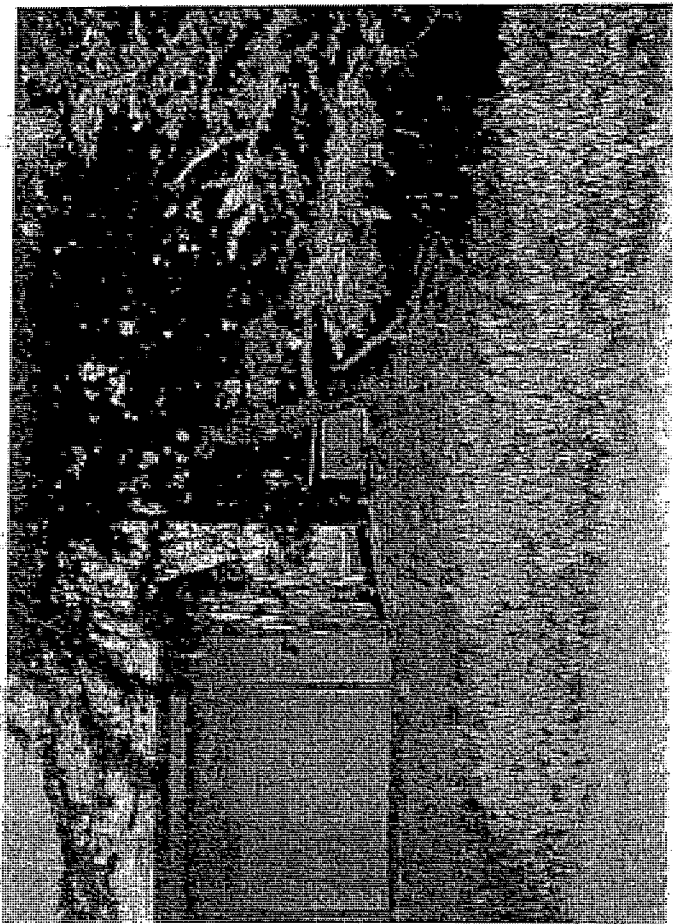
36" CYPRESS TREE



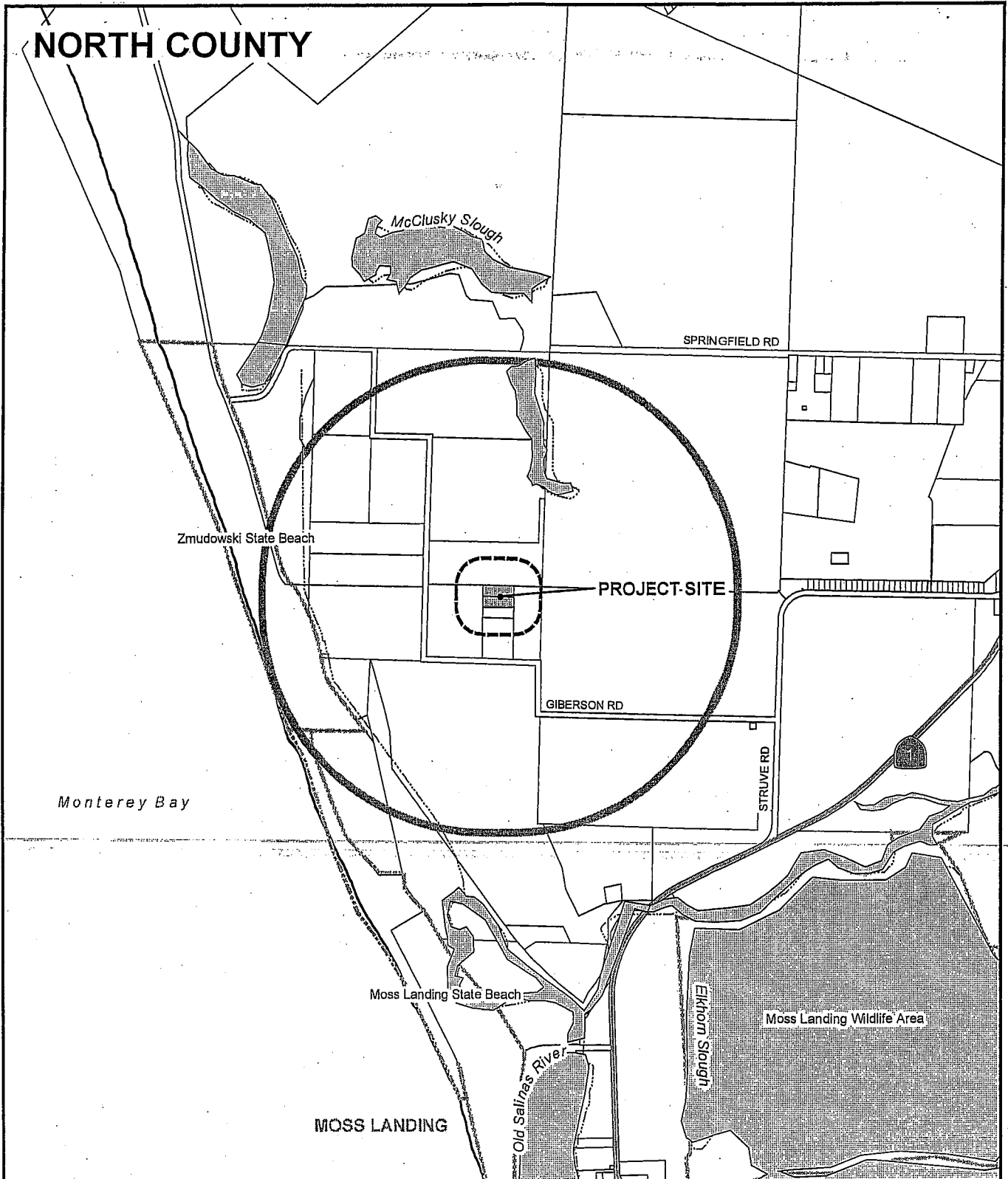
OWNER: JOBST
Ag Shed Elevations

FILE # PLN 060542
PARCELS 413-012-009 & -010
December, 2006





NORTH COUNTY



APPLICANT: JOBST

APN: 413-012-009-000 & 413-012-010-000

FILE # PLN060542



300' Limit



2500' Limit



City Limits



0 1,000
Feet



PLANNER: FRANK