

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

In the matter of the application of:

**BOMBAY BLUFF LLC & IO PERSO LLC (PLN090125)**

**RESOLUTION NO. 090125**

Resolution by the Monterey County Zoning  
Administrator:

1. Considering the Addendum to the Environmental Impact Report for the Laguna Seca Office Park (EIR 80-109); and
2. Approving an Amendment to a previously approved permit ZA07286 allowing a deli and restaurant use in an existing office building consisting of a two phase conversion of the first floor of an existing office building to consist of: Phase A, the conversion of approximately 1,052 square feet from office space to a to-go deli and Phase B, the future conversion of 1,043 square feet of office space to a commercial catering kitchen. The project is located at 9621 Citation Court, Monterey (Assessor's Parcel Number 173-121-008-000), Greater Monterey Peninsula Area Plan.

(PLN090125, BOMBAY BLUFF LLC & IO PERSO LLC, 9621 CITATION COURT, MONTEREY, GREATER MONTEREY PENINSULA AREA PLAN (APN: 173-121-008-000))

**The Bombay Bluff LLC & Io Perso LLC application (PLN090125) came on for public hearing before the Monterey County Zoning Administrator on June 11, 2009. 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 Monterey County General Plan,
  - Greater Monterey Peninsula Area Plan,
  - Greater Monterey Peninsula Area Plan, Inventory and Analysis,
  - Monterey County Zoning Ordinance (Title 21)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 9621 Citation Court, Monterey (Assessor's

Parcel Number 173-121-008-000, Greater Monterey Peninsula Area Plan. The parcel is zoned "VO/B-6-UR-D-S" or Visitor Serving / Professional Office with Building Site, Urban Reserve, Design Control, and Site Plan Review zoning district overlays. This zoning allows a restaurant uses subject to securing a Use Permit in accordance with Section 21.22.060.B of the Monterey County Zoning Ordinance (Title 21). The subject property is Lot 8 of the Office Park. The existing two-story 7,444 square foot office building was approved by Resolution No. ZA7296 on December 28, 1989. This subject application requests the conversion of approximately 1100 square feet of the first floor of the existing structure into a "to-go deli" meaning that the items sold would be prepackaged goods. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.

- c) Design Control or "D" zoning requires design review of structures to assures the protection of the public viewshed, neighborhood character, and the visually integrity of certain developments without imposing undue restrictions on private property. Exterior modifications to the existing structures are not part of this application therefore Design Approval is not required.
- d) Site Plan Review or "S" zoning requires review of development in those areas of the County of Monterey where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints, without imposing undue restrictions on private property. As provided by Section 21.45.040.C of the Monterey County Zoning Ordinance (Title 21), the subject Administrative Permit is required to allow the construction of structures, additions, deposit or removal of materials. No new structures are proposed as part of this application therefore an Administrative Permit pursuant to the "S" zoning is not required.
- e) There are currently 20 parking spaces on site one of which is an accessible parking space. The Parking Regulations, provided at Section 21.58.040 requires 1 parking space for 250 square feet of office space and for restaurants, 1 space for every 4 seats or where seating is not fixed, 1 space/50 square feet of seating, waiting, or cocktail lounge area. The existing parking on-site can accommodate the implementation of Phase A, the "to go deli", however, additional spaces are required prior to the commencement of Phase B. Condition No. 4 has been incorporated requiring that the applicant submit parking improvement plans prior to the issuance of building permits for improvements for Phase B for the addition of parking spaces.
- f) The project planner conducted a site inspection on May 27, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- g) The project was reviewed by the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) on June 3, 2009. The committee unanimously recommended approval of the project. The minutes are attached as Exhibit E of the June 11, 2009 Zoning Administrator Staff Report.
- h) 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 PLN090125.

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, Salinas Rural 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 May 27, 2009 to verify that the site is suitable for this use.
- c) An Addendum to a previously certified EIR was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted EIR. The Addendum is as Exhibit B.2 to the June 11, 2009, Staff Report to the Zoning Administrator
- 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 PLN090125.
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 RMA - Planning Department, Salinas Rural Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency). The respective departments/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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions (**Exhibit 1**).
- b) An Addendum to a previously certified EIR was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted EIR. The Addendum is as Exhibit B.2 to the June 11, 2009, Staff Report to the Zoning Administrator
- c) Preceding findings and supporting evidence for PLN090125.
4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any

other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on May 27, 2009 and researched County records to assess if any violation exists on the subject property.
- c) 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 PLN090125

5. **FINDING:** **CEQA (Addendum):** - An Addendum to a previously certified EIR was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted EIR.

- EVIDENCE:** a) An EIR No. 80-109 for the Laguna Seca Office Park was prepared and certified by the Board of Supervisors on February 22, 1984. The subject parcel and office building are located within the Laguna Seca Office Park. Environmental considerations for the office park were analyzed in the Final Environmental Impact Report for the Laguna Seca Office Park Development. The Laguna Seca Office Park entitlement consisted of a rezoning (PC-3734), General Plan Amendment (PC-3834), and Subdivision (No. 755). The EIR considered impacts from the development of 260,000 square feet of office space.
- b) An Addendum to the Laguna Seca Office Park project EIR was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines).
- c) The Addendum attached as Exhibit B.2 to the March 17, 2009 Staff Report to the Zoning Administrator reflects the County's independent judgment and analysis.
- d) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project that would require major revisions to the prior EIR. The project consists of the conversion of an existing office space into a restaurant use. Only minor modifications to the interior of the lease area are proposed. The proposed project would not result in environmental impacts not analyzed in the certified EIR.
- e) Pursuant to Section 15162 of the CEQA Guidelines, there is no new information of substantial importance that was not known at the time the EIR was adopted.

5. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.

- EVIDENCE:** a) Section 21.80.040.B Monterey County Zoning Ordinance (Title 21).

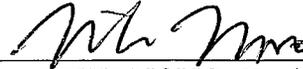
### DECISION

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

1. Consider the Addendum to the Environmental Impact Report for the Laguna Seca Office Park (EIR 80-109); and

2. Approve an Amendment to a previously approved permit ZA07286 allowing a deli and restaurant use in an existing office building consisting of a two phase conversion of the first floor of an existing office building to consist of: Phase A, the conversion of approximately 1,052 square feet from office space to a to-go deli and Phase B, the future conversion of 1,043 square feet of office space to a commercial catering kitchen. The project is located at 9621 Citation Court, Monterey (Assessor's Parcel Number 173-121-008-000), Greater Monterey Peninsula Area Plan.

**PASSED AND ADOPTED** this 11 day of June, 2009.



MIKE NOVO, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON JUL 05 2009.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUN 25 2009.

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

**RESOLUTION 090125 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

Project Name: Bombay Bluff LLC & Io Perso LLC  
 File No: PLN090125 APNs: 173-121-008-000  
 Approved by: Zoning Administrator Date: June 11, 2009

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

| Permit Cond. Number              | Mitig. Number | Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department  | Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.   | Responsible Party for Compliance                                   | Timing                                 | Verification of Compliance (name/date) |
|----------------------------------|---------------|--|---|--|--|--|
| <b>RMA – Planning Department</b> |               |  |   |  |  |  |
| 1.                               |               | <p><b>PD001 - SPECIFIC USES ONLY</b><br/>           This Permit (PLN090125) allows an Amendment to a previously approved permit ZA07286 and allows a deli and commercial kitchen use in an existing office building at the first floor of the existing building. This subject application requests a two phase conversion: the first floor of an existing office building to consist of: Phase A, the conversion of approximately 1,052 square feet from office space to a to-go deli and Phase B, the future conversion of 1,043 square feet of office space to a commercial catering kitchen. A “to-go deli” means that the items sold would be prepackaged goods. The property is located at 9621 Citation Court, Monterey (Assessor’s Parcel Number 173-121-008-000), Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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</p> | <p>Adhere to conditions and uses specified in the permit.<br/><br/>           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.</p> | <p>Owner/<br/>Applicant<br/><br/>           RMA -<br/>Planning</p> | <p>Ongoing unless otherwise stated</p> |  |

| <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> |
|----------------------------|----------------------|---|---|---|---|---|
|                            |                      | allowed unless additional permits are approved by the appropriate authorities. <b>(RMA-Planning Department)</b>   |   |   |   |   |
| 2.                         |                      | <b>PD002 - NOTICE-PERMIT APPROVAL</b><br>The applicant shall record a notice which states: "A permit (Resolution 090125) was approved by the <b>Zoning Administrator</b> for Assessor's Parcel Number 173-121-008-000 on <b>June 11, 2009</b> . The permit was granted subject to <b>11</b> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." <b>(RMA-Planning Department)</b> | Obtain appropriate form from the RMA-Planning Department.<br><br>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.  | Owner/<br>Applicant<br><br>RMA-<br>Planning | Prior to the issuance of grading and building permits or commencement of use. |   |
| 3.                         |                      | <b>PD032 - PERMIT TIME/YEAR &amp; DATE</b><br>The permit shall be granted for a time period of 4 years, to expire on <b>June 11, 2013</b> unless use has commenced or actual construction has begun. <b>(RMA-Planning Department)</b>   | The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning.<br><br>Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date. | Owner/<br>Applicant                         | As stated in the conditions of approval                                       |   |
| 4.                         |                      | <b>PDSP001 – SIGNS (NON-STANDARD)</b><br>All signs shall be compliant with Chapter 21.60 of the Monterey County Zoning Ordinance (Title 21). <b>(RMA – Planning Department)</b>   |   |   |   |   |

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|---------------------|---------------|---|---|----------------------------------|--|--|
| 5.                  |               | <p><b>PD004 - INDEMNIFICATION AGREEMENT</b><br/> The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p> | <p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p> | Owner/<br>Applicant              | Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, whichever occurs first and as applicable |  |

**Monterey County Water Resources Agency**

| <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> |
|--|----------------------|--|--|---|--|---|
| 6.   |                      | <p><b>WR40 - WATER CONSERVATION MEASURES</b><br/> The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.<br/> <b>(Water Resources Agency)</b></p> | Compliance to be verified by building inspector at final inspection.   | Owner/<br>Applicant                     | Prior to final building inspection/occupancy |   |
| 7.   |                      | <p><b>WR43 - WATER AVAILABILITY CERTIFICATION</b><br/> The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. <b>(Water Resources Agency)</b></p>  | Submit the Water Release Form to the Water Resources Agency for review and approval.   | Owner/<br>Applicant                     | Prior to issuance of any building permits    |   |
| <p><b>Fire Agency</b><br/> <b>(SALINAS RURAL FIRE PROTECTION DISTRICT)</b></p> |                      |  |  |   |  |   |
| 8.   |                      | <p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b><br/> All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each</p>  | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  | Applicant<br>or owner                   | Prior to issuance of building permit.        |   |

| <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> |
|----------------------------|----------------------|--|---|---|--|---|
|                            |                      | 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 and visible 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. <b>(Salinas Rural Fire Protection District)</b> | Applicant shall schedule fire dept. clearance inspection  | Applicant or owner                      | Prior to final building inspection       |   |
| 9.                         |                      | <b>FIRESPO01 — EMERGENCY ACCESS KEYBOX (NON-STANDARD)</b><br>Emergency access keybox shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access keybox can be maintained with current keys. <b>(Salinas Rural Fire Protection District)</b>  | Applicant shall either confirm that an existing key box is already installed or shall arrange for the purchase of a new one and have it installed prior to final fire inspection. | Applicant or owner                      | Prior to final fire inspection approval. |   |
| 10.                        |                      | <b>FIRESPO02 — PORTABLE FIRE EXTINGUISHERS (NON-STANDARD)</b><br>Portable fire extinguishers shall be installed and  | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.   | Applicant or owner                      | Prior to issuance of building permit.    |   |

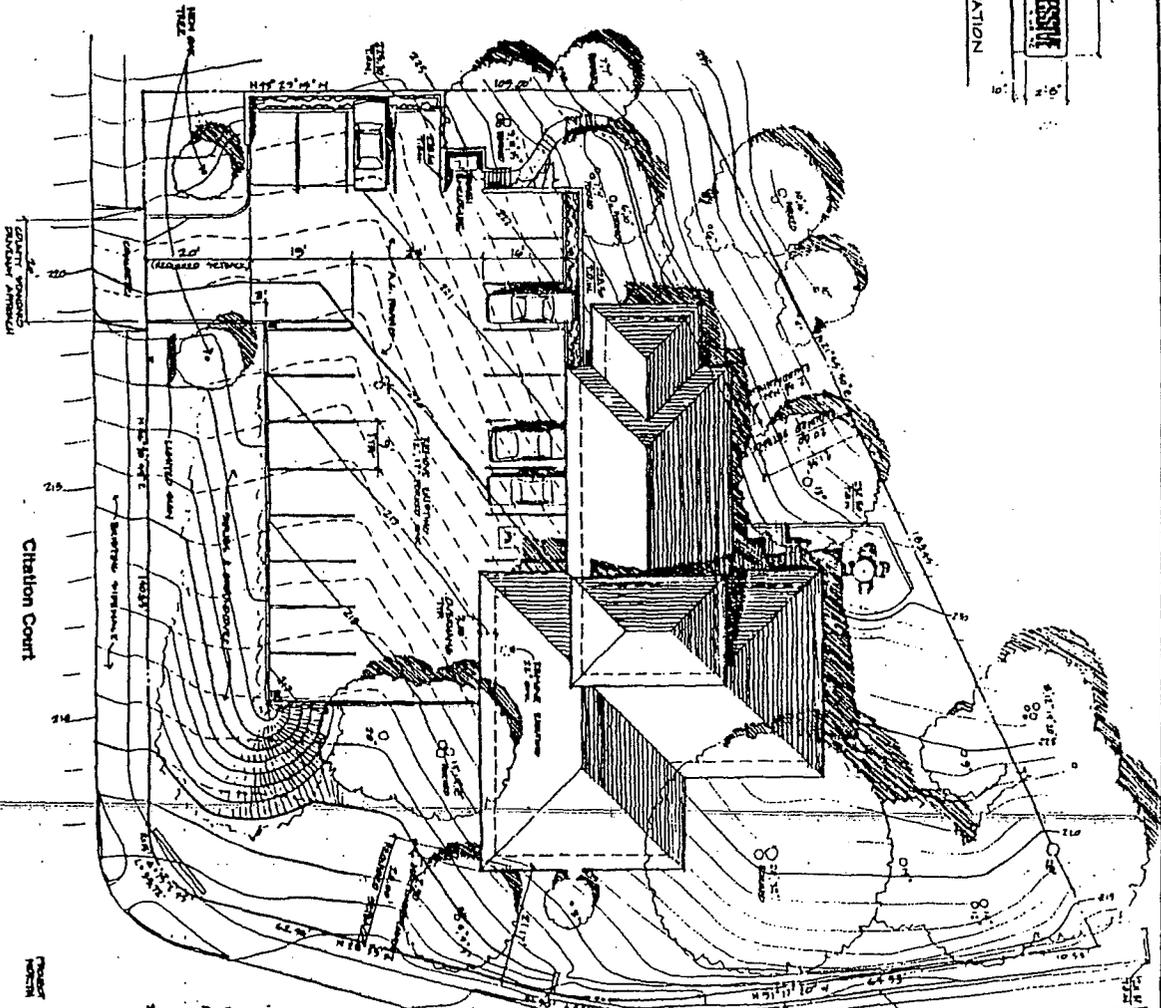
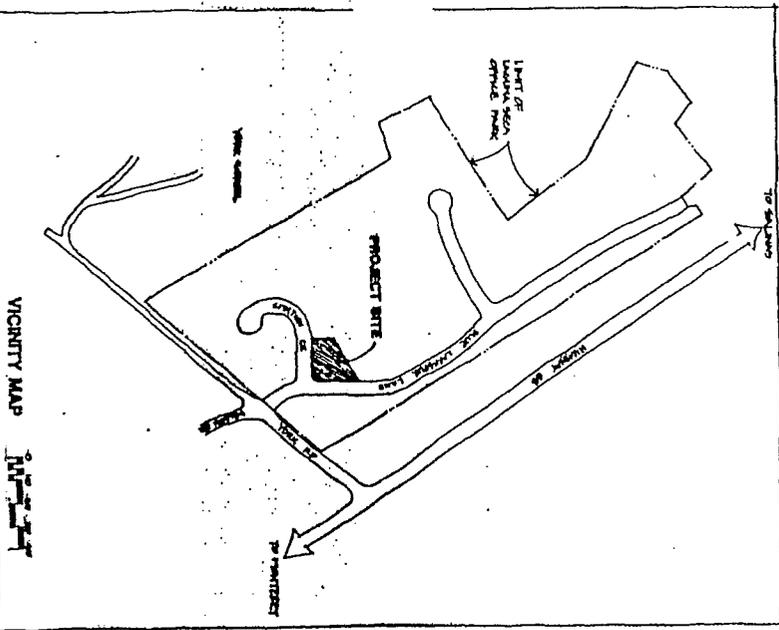
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|                                      |                      | maintained in accordance with NFPA Standard 10. (Salinas Rural Fire Protection District)   | Applicant shall schedule and obtain approval of fire dept. clearance inspection.  | Applicant or owner                      | Prior to final building inspection.    |   |
| <b>ENVIRONMENTAL HEALTH DIVISION</b> |                      |  |   |   |  |   |
| 11.                                  |                      | <b>EH35 – CALIFORNIA RETAIL FOOD CODE</b><br>All improvements shall comply with the California Health and Safety Code, Division 104, Part 7, California Retail Food Code. (Environmental Health) | Submit plans and necessary review fees to Consumer Health Protection Services of the Environmental Health Division for review and approval. | Owner/<br>Applicant                     | Prior to issuance of building permits. |   |

**END OF CONDITIONS**

**PROJECT DATA**

A.P. No: 173-121-06  
 Zone: R-3-D-8-d  
 Lot Area: 24,437.16 S.F.  
 Setbacks: 20' front, sides & rear  
 Site Coverage: 27.18 S.F. (11.2%)  
 Building: 2728 S.F. (11.1%)  
 Paving, walks & deck: 13894 S.F. (57.2%)  
 Open Space: 20 square  
 Existing Structure: 5148 S.F. (20.48% X 300)  
 Proposed New Area: 6000 S.F.  
 Proposed Gross Area: 7848 S.F.  
 Building Height: 38' max.  
 Grading Cut: 518 Cubic Yards  
 Grading Fill: 370 Cubic Yards

SEA LEVEL ELEVATION



NOTES:  
 1. All trees and shrubs to be removed.  
 2. Existing site conditions to be verified by field inspection.  
 3. Proposed building footprint to be verified by field inspection.  
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 7. Proposed building footprint to be verified by field inspection.  
 8. Proposed building footprint to be verified by field inspection.  
 9. Proposed building footprint to be verified by field inspection.  
 10. Proposed building footprint to be verified by field inspection.

**WALLACE**

**JLM ARCHITECTS INC**

70 Lower Ragdale Drive  
 Monterey, Calif. 93940 (408) 878-6177

Proposed Office Building  
 Progressive Marketing  
 Lot 8 - Laguna Seca Office Park

|          |         |
|----------|---------|
| DATE     | 9-24-97 |
| BY       |         |
| CHECKED  |         |
| APPROVED |         |

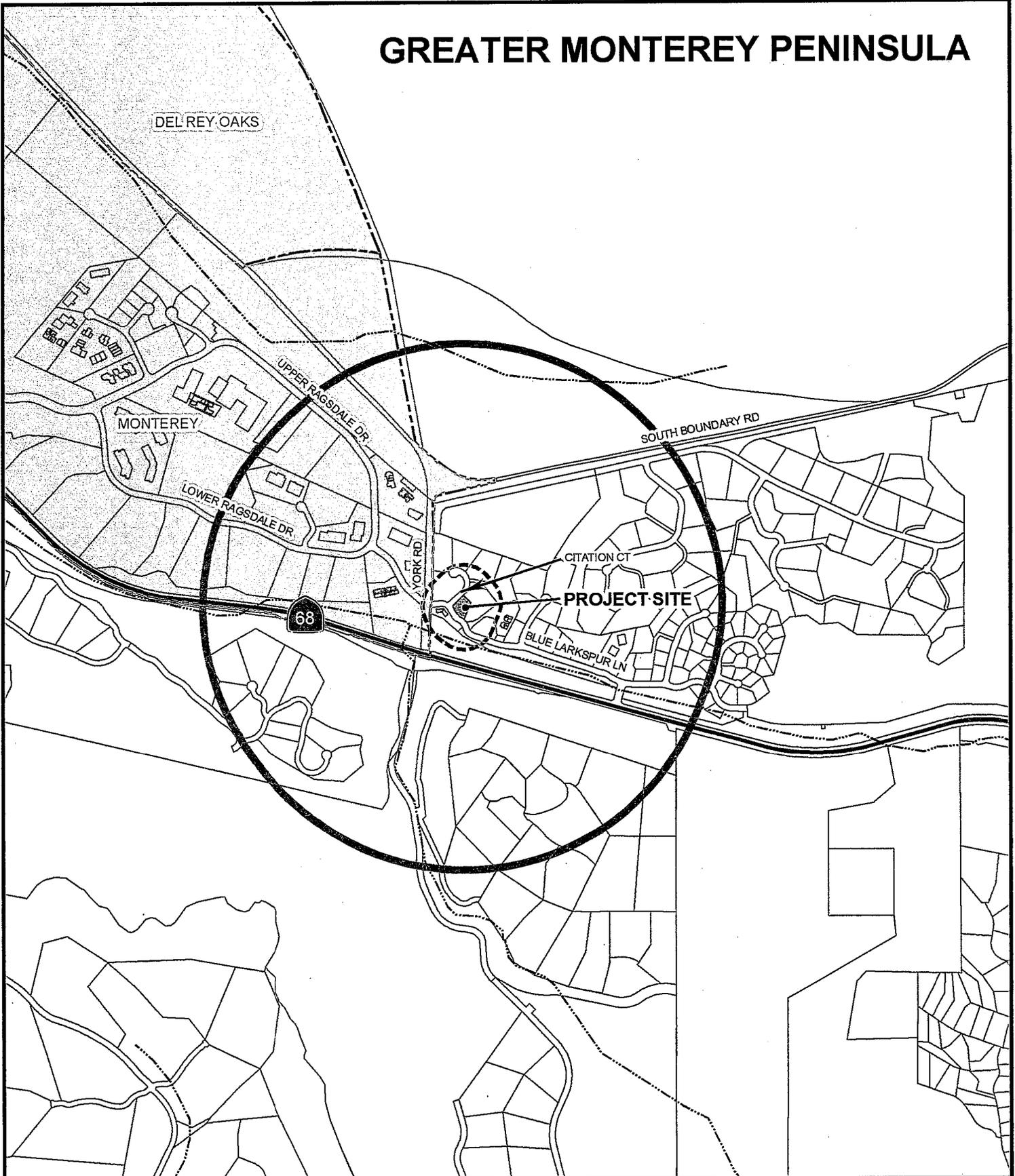
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# GREATER MONTEREY PENINSULA



APPLICANT: BOMBAY BLUFF LLC & IO PERSO LLC

APN: 173-121-008-000

FILE # PLN090125

 300' Limit

 2500' Limit

 City Limits

