



Zoning Administrator

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PLN210165 - MARINOVICH JEAN AND BUTIER PETER

Consider the construction of a 4,425 square foot single-family residence with a 300 square foot carport; and a 1,968 square foot barn, garage, and office, accessory to an agricultural use (lavender cultivation) and a Variance to allow an increase in the maximum allowable building site coverage, from 3% to 8%.

Project Location: 264 Giberson Road, Moss Landing

Proposed CEQA Action: Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Article 19 Section 15303, New Structures, and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a Resolution:

1. Considering the project exempt from CEQA pursuant to section 15303, New Structures, and there are no exceptions pursuant to Section 15300.2; and
2. Approving a Combined Development Permit consisting of a:
 - a) a Coastal Administrative Permit to allow the construction of a 4,425 square foot three story single family residence with an attached 300 square foot carport and a detached 1,968 square foot two story barn, garage, and office, accessory to an agricultural use (lavender cultivation);
 - b) a Coastal Administrative Permit to allow alteration of an existing irrigation well to allow use as a domestic production well; and
 - c) a Variance to allow an increase in the maximum allowable building site coverage, from 3.0% to 8.0%.

PROJECT INFORMATION:

Property Owner: Marinovich Jean and Butier Peter

APNs: 413-012-011-000

Parcel Size: 45,540 Square Feet (1.05 Acres)

Zoning: Coastal Agricultural Preserve, Coastal Zone (CAP(CZ))

Plan Area: North County Land Use Plan

Flagged and Staked: Yes

SUMMARY:

The subject parcel is located at 264 Giberson Road, Moss Landing, (APN: 413-012-011-000) within the North County Land Use Plan area. The project consists of construction of a 4,425 square foot, three story single family dwelling with an attached 300 square foot carport, a detached 1,968 square foot barn, a 62 square foot pump house, a 75 square foot garden shed, two 10,000 gallon water

tanks, conversion of an irrigation well into a domestic production well and a Variance to increase the allowed site coverage from 3% to 8%. The project is consistent with applicable goals and policies in the 1982 General Plan, policies in the North County Land Use Plan (NC LUP), and regulations and development standards contained in the North County Coastal Implementation Plan (NC CIP) and Title 20 Zoning Ordinance.

DISCUSSION:

Land Use & Development Standards

The property is zoned Coastal Agricultural Preserve in the Coastal Zone or “CAP (CZ)”. This zoning allows all soil dependent agricultural uses, single family dwellings accessory to the agricultural use on the property, all non-habitable accessory structures including barns and water system facilities including wells and storage tanks serving 14 or fewer service connections. Due to the small size of the property, the 3% allowed lot coverage is quite restrictive. Properties zoned CAP are required to have a minimum building lot size of 40 acres, the subject parcel is approximately 1 acre. Under normal circumstances (a 40 acre parcel), the 3% lot coverage would not impact development as it would allow approximately 52,272 square feet of structural coverage. In this case, to allow a site coverage beyond 1,366 square feet (3% of 1 acre), the applicants have applied for a Variance to increase the site coverage from 3% to 8%. With the approval of the Variance, the proposed project would be consistent with all applicable site development standards. The applicants’ proposed site coverage of 8% (3,643 square feet) includes a single family dwelling, attached car port, barn, garden shed and water tanks with a pump house. The proposed development will be within all required setbacks from the property lines and road right of way and maintain the required setbacks between structures. The main dwelling will be setback 35 feet from the private road right of way and utilities easement. The dwelling also exceeds to the required 20 foot side and rear setbacks and a 46 foot setback from the barn. The barn also exceeds all required setbacks with a front setback of 120 feet (50 feet required), side setbacks of 10 feet and 104 feet (6 feet required) and a rear setback for 110 feet (6 feet required). The pump house is required to have 5 foot front, side and rear setbacks, the pump house will be located 6 feet from the closest property line. All proposed structures are in compliance with the 35 foot required height restriction, the main home will be 34 feet from the average natural grade, the barn will be 23 feet tall and the pump house, water tanks and garden shed will also be well below 35 feet.

Health and Safety

The property receives services via public utilities:

The project includes the installation of an onsite wastewater treatment system (OWTS). The applicant proposes to install a new 2,000 gallon septic tank and leach fields. The Environmental Health Bureau (EHB) reviewed the OWTS plan and confirmed the proposed system meets the required setbacks from nearby wells. The OWTS will feature supplemental treatment with nitrogen reduction to meet Monterey County’s Nitrogen Loading requirements, as well as to supplement very fast percing soils. Potable water will be supplied by a nearby well on the neighboring property (APN: 413-012-012-000). Source Capacity Testing witnessed by Isaiah Tuazon of EHB, credited the well with 18.18 gallons per minute of capacity. A Culligan Water centralized treatment plan dated 1/3/24 was submitted and reviewed by the EHB. The reverse osmosis plan was accepted by EHB staff and the well conversion was deemed feasible.

Variance (Site Coverage)

Approval of a Variance requires three specific findings to be made: special circumstances causing the application of development standards in the Monterey County Code to deprive the subject property of privileges enjoyed by other properties in the vicinity; that the Variance would not grant privileges inconsistent with the limitations upon other properties in the vicinity; and that the Variance would not grant a use or activity which is not authorized by the zone regulation governing the subject property. These findings have all been made and staff recommends the granting of the Variance.

In this case, the special circumstance is the small size of the subject parcel, the maximum 3% allowance on lot coverage, and all main and accessory structures are accessory to the agricultural use on the property. The applicants are proposing a single family dwelling and barn accessory to a proposed lavender farm which will be located on the eastern end of the property. The allowed 1,366 square feet of coverage for structures would hinder the viable agricultural use of the property as it significantly limits the applicants' ability to occupy the property, process the lavender onsite and store all of their necessary farming equipment.

There are only two nearby properties of the same size and zoning that may be considered regarding the granting of special privileges to one property but not others. One of these neighboring parcels was approved with a site coverage of 5.3% through a 2007 building permit. The other parcel applied for a Variance but removed the request prior to their project going to a public hearing. They ultimately were approved to build out to 3% but the same findings could be made for this property should they request additional development in the future. Additionally, at time of their development, neither one of these neighboring parcels had an agricultural use onsite that would require excess coverage to allow a storage shed or barn.

The granting of this Variance would not allow additional uses that are not expressly allowed in the CAP(CZ) zoning district. The requested increase in allowed lot coverage is to allow a barn and single family dwelling accessory to onsite agricultural activities, both of which are allowed with approval of a Coastal Administrative Permit.

CEQA:

The project is categorically exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines, "New Construction". This exemption applies to construction of new structures and small facilities that would not result in any adverse impacts to the surrounding environmental resources as defined in the CEQA Guidelines. This project qualifies for a Class 3 exemption because it includes the construction of one single family residence and small non-habitable accessory structures. All of the necessary reports have been obtained and have determined that it is unlikely the project would result in impacts to archaeological resources or soil stability. There are no there are no exceptions pursuant to Section 15300.2 that can be made.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and North County Fire Protection District. 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.

AAC:

This project went before the Agricultural Advisory Committee on April 25, 2024 at a duly noticed meeting (see **Exhibit C**). The project was unanimously supported by the committee. There was no public comment made regarding this project at the meeting.

LUAC:

The project was referred to the North County Land Use Advisory Committee (LUAC) for review (see **Exhibit D**). The LUAC reviewed the project at a duly noticed public meeting on April 19, 2023 and voted unanimously to support the project as proposed.

Prepared by: Zoe Zepp, Assistant Planner

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with the HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan, Floor Plans, Elevations

Exhibit C - AAC Meeting Minutes

Exhibit D - LUAC Minutes

Exhibit E - Vicinity Map

cc: Front Counter Copy; Planning Commission; North County Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Assistant Planner; Anna Ginette Quenga, AICP, Principal Planner; Marinovich Jean and Butier Peter, Property Owner; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Project File PLN210165