

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 05001

FINDINGS & DECISION

In the matter of the application of
Spreckels Land West Inc. (PLN040121/GP030078)

Grading permit (cut 500/ 32,350 fill) to complete site improvements for 73 existing lots in the town of Spreckels. The project includes grading for 73 driveway surfaces and building sites, 500 cubic yards of cut and 32,350 cubic yards of fill, installation of sanitary sewer infrastructure including inlets, manholes, laterals and the laying of asphalt and concrete road surfaces and installation of sidewalks and road curbs. The project supports the residential use of 73 lots of record for construction of single-family dwellings consistent with the Spreckels historic design guidelines. The lots are located west of Llano Avenue between Fifth Street and Spreckels Avenue, Greater Salinas Area, came on regularly for hearing before the Planning Commission on January 12, 2005.

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

FINDINGS OF FACT

- 1. FINDING:** The grading permit consists of grading for 73 driveway surfaces & building sites (500 cubic yards of cut and 32,350 cubic yards of fill), installation of sanitary sewer infrastructure including inlets, manholes and laterals and the laying of asphalt and concrete road surfaces and installation of sidewalks and road curbs. The property is identified as Lots 1-8 and 13-20 of Blocks K & L; Lots 1-8 and 16-20 of Block M; Lots 1-5 and 13-20 of Block N; and Lots 1-8 and 13-20 of Block O; Official Map of Spreckels, Greater Salinas Area, town of Spreckels. The land use entitlements conferred by this permit shall not commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. The use and construction, as conditioned, is consistent with the Monterey County General Plan, the Greater Salinas Area Plan and the Farmland/40 Zoning District. 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.

EVIDENCE: Administrative record in GP030078 and PLN040121, including Interdepartmental Review and the approved Construction Management Plan.

EVIDENCE: Official Map of Spreckels

EVIDENCE: Parcel Legality Status Determination; BOS Resolution 04-223

EVIDENCE: Policy 21.1.5; Greater Salinas Area Plan

EVIDENCE: Chapters 20 & 21; Inland and Coastal Zoning Ordinances.

EVIDENCE: Chapters 16 & 18; Monterey County Code

EVIDENCE: Attendant Initial Study and Mitigated Negative Declaration

EVIDENCE: Spreckels Design Guidelines

- 2. FINDING:** The grading permit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. The proposed grading permit as conditioned, will comply with Chapters 16 and 18 of the Monterey County Code. The subject property upon which the grading will occur is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of Title 21 and all zoning violation abatement costs, if any, have been paid. Adequate sewage disposal and water supply facilities exist or are readily available, as approved by the Director of Environmental Health.
- EVIDENCE:** Administrative record in GP030078 and PLN040121, including Interdepartmental Review and the approved Construction Management Plan.
- EVIDENCE:** Official Map of Spreckels
- EVIDENCE:** Parcel Legality Status Determination; BOS Resolution 04-223
- EVIDENCE:** Policy 21.1.5; Greater Salinas Area Plan
- EVIDENCE:** Chapters 20 & 21; Inland and Coastal Zoning Ordinances.
- EVIDENCE:** Chapters 16 & 18; Monterey County Code
- EVIDENCE:** Attendant Initial Study and Mitigated Negative Declaration
- EVIDENCE:** Spreckels Design Guidelines
- 4. FINDING:** The project shall comply with all conditions of approval and mitigation measures contained in Exhibit "C."
- EVIDENCE:** Conditions of Approval & Mitigation Monitoring Program
- EVIDENCE:** Administrative record in GP030078 and PLN040121, including Interdepartmental Review and the approved Construction Management Plan.
- EVIDENCE:** Official Map of Spreckels
- EVIDENCE:** Parcel Legality Status Determination; BOS Resolution 04-223
- EVIDENCE:** Policy 21.1.5; Greater Salinas Area Plan
- EVIDENCE:** Chapters 20 & 21; Inland and Coastal Zoning Ordinances.
- EVIDENCE:** Chapters 16 & 18; Monterey County Code
- EVIDENCE:** Attendant Initial Study and Mitigated Negative Declaration
- EVIDENCE:** Spreckels Design Guidelines

DECISION

THEREFORE, it is the decision of said Planning Commission that said application for a Grading Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 12th day of January, 2005, by the following vote:

AYES: Errea, Sanchez, Parsons, Salazar, Rochester, Wilmot
 NOES: Vandevere, Hawkins
 ABSENT: Padilla, Diehl

ABSTAIN: None

JEFF MAIN, Secretary

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

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.

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring Reporting
Plan**

Project Name: Tanimura Land Company File No: GP030078/PLN04012
Approval by: Planning Commission *Date:* January 12, 2005

**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		This Grading Permit allows grading for 73 driveway surfaces & building sites (500 cubic yards of cut and 32,350 cubic yards of fill), installation of sanitary sewer infrastructure including inlets, manholes and laterals and the laying of asphalt and concrete road surfaces and installation of sidewalks and road curbs. The property is located west of Llano Avenue between Fifth Street and Spreckels Avenue, Lots 1-8 and 13-20 of Blocks K & L; Lots 1-8 and 16-20 of Block M; Lots 1-5 and 13-20 of Block N; and Lots 1-8 and 13-20 of Block O; Official Map of Spreckels), Greater Salinas Area, town of Spreckels. 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 Planning and Building Inspection. 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. (Planning and Building Inspection)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise 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>
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 050001) was approved by the Monterey County Planning Commission for Lots 1-8 and 13-20 of Blocks K & L; Lots 1-8 and 16-20 of Block M; Lots 1-5 and 13-20 of Block N; and Lots 1-8 and 13-20 of Block O; Official Map of Spreckels), Greater Salinas Area, town of Spreckels on January 12, 2005. The permit was granted subject to 12 conditions of approval and 6 mitigation measures, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		PBD030 - STOP WORK - RESOURCES FOUND 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 Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society 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 the discovery. (Planning and Building Inspection)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection 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.	Owner/ Applicant/ Archaeologist	Ongoing	
4		A working foreman shall be on-site at all times during any on-site work. The county and (key agencies) shall have his phone numbers and an emergency number at the applicant's office. (Planning and Building)	Planning, Public Works Department, Sheriff's Department and Contractor	Owner/ Applicant	Ongoing	

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5		The applicant shall attend a preconstruction meeting with the county public works department and/or representatives of IDR reviewing agencies, the sitework contractor and governing police department (Sheriff) to review approved permit and construction plan. The applicant shall comply with any and all requirements authorized under Chapters 16 and 18 of the Monterey County Code. (Planning and Building)	Applicant and Public Works Department	Public Works Department & Planning Department	Prior to start of work; Ongoing	
6		Hauling shall be limited to the hours between 7:00 a.m. and 7:00 p.m., and Saturdays between 9:00 a.m. and 7:00 p.m. (Planning and Building)	Planning, Public Works Department, Sheriff's Department and Contractor	Owner/ Applicant	Ongoing	
7		The applicant shall comply with the Construction Management Plan approved by the Department of Public Works and Planning and Building Inspection Department. (Public Works and Planning and Building)	Planning, Public Works Department, Contractor, Property Owner	Owner/ Applicant	Ongoing	
8		All truck queues and staging areas shall be required to be outside of the public right of way. (Public Works)	Planning, Public Works Department, Contractor, Property Owner	Owner/ Applicant	Ongoing	
9		The traffic control plan presented is more applicable to road construction adjacent to the roadway. This plan shall be used when connecting the new street and construction entrance to Spreckels Boulevard. (Public Works)	Planning, Public Works Department, Contractor, Property Owner	Owner/ Applicant	Ongoing	

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10		No flaggers are required and signing should be limited to two changeable message signs (CMS) and two "Truck Crossing" warning signs. For the eastbound and westbound approaches, the CMS boards should be located 1,000 feet and 700 feet respectively and the "Truck Crossing" signs 700 feet and 500 feet respectively ahead of the construction entrance road. All mechanical sweepers must display the necessary advisory signs and lights, i.e. arrow board and flashing warning lights. (Public Works)	Planning, Public Works Department, Contractor, Property Owner	Owner/ Applicant	Ongoing	
11		Any improvements in the public right of way will require an encroachment permit. (Public Works)	Public Works Department, Contractor, Property Owner	Owner/ Applicant	Ongoing	
12		Engineering plans for this project shall also include left turn channelization on Spreckels Boulevard at the Nacional and Hatton Avenue intersections, including a two way left turn lane between the two intersections. (Public Works)	Planning, Public Works Department, Contractor, Property Owner	Owner/ Applicant	Ongoing	
	MM1	In order to mitigate the potentially significant cumulative impacts of converting nine hundred thousandths of one percent of existing prime farmland to a non-agricultural use, the property owner shall place approximately 32.2 acres (2:1) of existing prime farmland at a different location in the county, into irrevocable conservation and scenic easement and record said easement with the Monterey County Recorder's office.	Property Owner/Planning/Recordation with County Recorder	Property Owner	Prior to issuance of Building Permits	

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	MM2	In order to mitigate the impacts of No. 9b, prior to issuance of building permits for the subject lots, the General Plan Designation and Zoning designation shall be changed to recognize the underlying subdivision and reflect the residential use of the lots.	Property Owner/Planning	Property Owner	Prior to issuance of Building Permits	

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	MM3	<p>To mitigate potential noise impacts due to the project permit, prior to approval of any grading or construction permits, such permits shall be conditioned as follows:</p> <p>1) All noise -generating construction activities shall be limited to weekdays between 7:00 a.m. and 7:00 p.m., and Saturdays between 9:00 a.m. and 7:00 p.m. No construction is allowed on Sundays. Temporary berms or noise attenuation barriers shall be utilized when necessary to further reduce noise levels.</p> <p>2) Prior to the commencement of construction activities, a publicly visible sign that specifies project noise mitigation measures and the telephone number of the on-site contractor and person to contact regarding noise complaints shall be posted on the project site. This contact person shall respond to complaints shall be posted on the project site. This contact person shall respond to complaints and take corrective action by the end of the same day, if the complaint is received by 12:00 PM and within 24 hours, if the complaint is received later than 12:00 PM. The telephone number of the Monterey county Planning and Building Inspection Department shall be posted on this sign.</p> <p>3) All construction equipment operated on the project site shall be equipped to limit noise generation to a maximum of 85 decibels. The project proponent shall submit a written roster of equipment anticipated to be used on the project site, including noise generation information on each. Only those pieces of equipment meeting the standards of the mitigation measure shall be permitted to operate. If equipment not meeting the noise standards is found to be operating on the project site, work shall be stopped until that equipment is removed or made to meet noise standards.</p>	Contractor/Property Owner	Contractor/Property Owner	Prior to commencement of work	

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	MM4	Property shall pay \$88,249.70 to the county public works department for fair share traffic impact fees for improvements to Highway 68. The property owner shall also pay pro-rata fair-share fees for the Reservation Road widening between the Davis Road and the Main East Garrison Entrance. To mitigate the potential cumulative impacts to city of Salinas roads, the property owner shall pay the City of Salinas Public Works Department a fair share sum for impacted city roadways as identified in the Higgins Associates, "Tanimura 73 Lot Residential Development Job 4-122" dated August 27, 2004.	Public Works Department/Planning Department	Property Owner	Prior to Issuance of Grading Permit	
	MM5	To mitigate the potential cumulative impacts of General Plan Buildout in or near Spreckels, the property owner shall install a two way left turn lane (TWLT) implemented along Spreckels Boulevard from Hatton Avenue to the new Nacional Avenue.	Public Works Department/Property Owner	Property Owner/Contractor	Prior to issuance of building permits	
	MM6	A storage tank will be required to provide fire flow and peak demand redundancies. Said tank should be sized to hold 2 hours of fire flow demand and half-maximum day demand or the property owner may upgrade well No. 2 with a generator to improve pumping capacity beyond 260 gpm.	Property Owner/Water Resources Agency/Environmental Health	Property Owner/Contractor	Prior to issuance of building permits	
		End of Conditions and Mitigation Measures				