

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 020605

A.P. # 257-181-010-000

In the matter of the application of
Jesus & Yvonne Santos (PLN020605)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow for a waiver of the policy prohibiting development on 30% slope to allow the construction of an access road across portions of a 30% slope providing access to a proposed single family residence; Grading 1300 cubic yards of cut and 825 cubic yards of fill. The property is located at 35610 Eagle Ridge, Soledad, south of Metz Road in the Riverview Estates Subdivision, Central Salinas area, came on regularly for hearing before the Zoning Administrator on December 11, 2003.

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

1. FINDING: CONSISTENCY & SITE SUITABILITY –

- The Jesus Santos Use Permit (PLN020605), as described in Condition #1 and as conditioned, is consistent with the plans, policies, requirements, and standards of the Monterey County General Plan, the Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21).
- The property is located at 35610 Eagle Ridge, south of Metz Road in the Riverview Estates Subdivision (created in 1983), Soledad area.
- The property is zoned “F/B-6” or Farmlands, with no further subdivision allowed.
- The site is physically suitable for the use proposed.

- EVIDENCE:** (a) The application and plans submitted for the Use Permit in project file PLN020605 at the Monterey County Planning and Building Inspection Department.
- (b) Staff conducted a site visit in July 2003 to verify that the proposed project complies with regulations in Title 21. The proposed driveway would not have a significant adverse impact on the public viewshed.
- (c) The project has been reviewed by the Monterey County Planning and Building Inspection Department, Mission Soledad Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and the Monterey County Health Department. There has been no indication from these agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed. No development is proposed within the scenic easement.
- (d) The “Geologic and Soil Engineering Report” prepared for this site by Landset Engineers, Inc. (August, 2003) concludes that the site is suitable for the proposed development provided recommendations in the report are incorporated in the project design and are implemented during construction.

2. FINDING: CEQA (Exempt) - The project is exempt from environmental review.

EVIDENCE: a) CEQA Guidelines Section 15061 (b) (3) exempts the development of a 600 square foot section (50 feet long and 12 feet in width) of a proposed driveway on man-made slopes that average 30 to 32 percent from environmental review. This is the primary environmental issue affecting this project and is described in finding no. 3 below. Based on staff's analysis, it was determined that development on the steeper slopes would not have the potential for causing a significant adverse effect on the environment for the following reasons:

1) No adverse environmental effects were identified during staff review of the development application and during the site visit. There are no environmentally sensitive habitats or trees that would be impacted. There are no unusual circumstances related to the project or property. Visual impacts would not be significant.

2) The 30 to 32 percent slopes, which are the subject of this permit, are man-made as a result of grading for Eagle Ridge Road when the subdivision was created in 1983. The pristine and natural slopes on the lot are protected by scenic easement.

The applicant is required to comply with Title 16 (Environment) of the Monterey County Code in terms of grading and erosion control requirements. These recommendations are included as permit conditions.

See preceding and following findings and supporting evidence.

3. FINDING: 30 PERCENT SLOPE WAIVER - There is no feasible alternative that would allow development to occur on slopes less than 30 percent. The proposed development better achieves the goals, policies, and objectives of the Monterey County General Plan and the Central Salinas Valley Area Plan than other development alternatives.

EVIDENCE: (a) Project Description. The applicant has applied for a Use Permit for a waiver of the policy prohibiting development on slopes greater than 30 percent for construction of a 360-foot long driveway that crosses approximately 600 square feet of man-made slopes that average approximately 30 to 32 percent. The steep portion of the driveway is approximately 50 feet in length and averages 12 feet in width (600 sq. ft.). That portion of the proposed driveway located on steep slopes covers an area that is less than 0.34 percent of the entire 4.08-acre parcel. Eagle Ridge Road, established by the River View Estates Subdivision in 1983, fronts the Santos' property. However, access to the building site on this property does not exist without crossing man-made slopes exceeding 30 percent. The lot is further constrained by existing scenic easements and limited road frontage. A total of 1300 cubic yards of cut and 825 yards of fill are proposed. The soil residual will be dispersed throughout the 4-acre lot. No earth will be imported or exported from the site.

(b) Residence. Presently, there is not a residence on the parcel. The slope waiver would enable the property owner to access the building site for the proposed single-family residence. The applicant is proposing to construct a new single-family dwelling that would be located in a relatively flat area on the parcel. The proposed single-family dwelling is not part of this project.

(c) Alternative Locations for the Driveway. The lot itself is 4.08 acres in size and was created in 1983 as part of the Riverview Estates Subdivision. However, only 71.43 feet of the property fronts Eagle Ridge Road. The entire property frontage has slopes averaging 30 to 40 percent. Portions of the front of the property, on either side of the proposed driveway, are also placed in scenic easement that further limits alternative alignments for the driveway. As a result, there are no alternative locations for the driveway, which would have less of an impact or avoid the steep slopes, on the property. In addition, relocation of the driveway alignment may impact existing scenic easements that protect natural steep slopes on the lot, as opposed to man-made slopes, which the proposed driveway would cross. Therefore, this project is consistent with the

goals and policies of the Central Salinas Valley Area Plan.

(d) See also findings 1 and 2 above and supporting evidence.

(e) Materials in file and applicant’s letter of justification for a waiver of the policy prohibiting development on slopes exceeding 30 percent.

4. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

5. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the use or structure 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 improvement in the neighborhood; or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

6. FINDING: APPEALABILITY - The decision on this project is appealable to the Planning Commission.

EVIDENCE: (a) Section 21.80.040 of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The Jesus Santos Use Permit (PLN020605) allows for a waiver of the policy prohibiting development on slopes greater than 30 percent for construction of a driveway that would provide access to a proposed single-family residence and grading (1300 cubic yards of cut and 825 cubic yards of fill). The project is located at 35610 Eagle Ridge, (Assessor’s Parcel Number 257-181-010-000) south of Metz Road in the Riverview Estates Subdivision in the Soledad area. 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)**

Prior to Issuance of Grading Permits:

2. The applicant shall record a notice that states: "A permit (Resolution No. 020605) was approved by the Zoning Administrator for Assessor's Parcel Number 257-181-010-000 on December 11, 2003. The permit was granted subject to 6 conditions of approval, 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 a grading permit or commencement of the use. **(Planning and Building Inspection)**

- 3. Prior to issuance of a grading permit an erosion control plan shall be prepared by a qualified professional, subject to the approval of the Director of Planning and Building Inspection. All cut and/or fill slopes exposed during the course of construction for the driveway shall be covered, seeded, or otherwise treated to control erosion. The grading plans shall include an implementation schedule of measures for the prevention and control of erosion and dust during and immediately following construction until erosion control planting is established. **(Planning and Building Inspection)**
- 4. Prior to issuance of any grading permit, the applicant shall provide the Water Resources Agency a road improvement plan prepared by a registered civil engineer that includes dispersing storm water runoff into a non-erodible surface. Improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**

Prior to Final Grading Inspection:

- 5. Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. **(Planning and Building Inspection)**

Continuous Permit Conditions:

- 6. If cultural, archaeological, historical, or paleontological resources are uncovered at the site (surface or subsurface resources) at any time work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. 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)**

PASSED AND ADOPTED this 11th day of December, 2003.

Original Signed By:

MIKE NOVO
ZONING ADMINISTRATOR

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 PLANNING COMMISSION 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.