

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040274

A.P.# 419-481-003-000-M

In the matter of the application of
Nino Homes at Arroyo Seco Inc. (PLN040274)

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 ridgeline development for a 3,759 sq. ft. single family dwelling (Parcel 3) and a 3,599 sq. ft. single family dwelling (Parcel 4) located in an approved lot line adjustment (PC95031). The parcels are located at 44045 & 44035 Leslie Lane, Greenfield, fronting on and westerly of Arroyo Seco Road, Central Salinas Valley area, came on regularly for hearing before the Zoning Administrator on June 24, 2004.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY – The Nino Development Use Permit (PLN040274), as conditioned is consistent with the plans, policies, requirements, and standards of the Monterey County General Plan, Central Salinas Valley Area Plan, and Monterey County’s Zoning Ordinance (Title 21) which designates this area as appropriate for residential development.

EVIDENCE: (a) The Planning and Building Inspection staff reviewed the project for consistency with the Monterey County General Plan policies, Central Salinas Valley Area Plan, the Monterey County Zoning Ordinance (Title 21), and specifically, Chapter 21.66, Regulations and Standards for Ridgeline Development of the Monterey County Zoning Ordinance (Title 21) and has determined that the project is consistent and appropriate for residential development. Staff notes are provided in Project File PLN040274.

(b) Project planner conducted an on-site inspection on May 7, 2004 to verify that the project on the subject parcel conforms to the plans listed above.

(c) The parcel is zoned Rural Grazing, 2.5 units/acre (“RG/2.5”). The project is in compliance with Site Development Standards for Rural Grazing Zoning District in accordance with Section 21.32.060.

(d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN040274.

2. FINDING: SITE SUITABILITY - The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health Division, Parks and CDF – South County Fire Protection District. Conditions recommended have been incorporated. 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.

(b) A Geotechnical Investigation was prepared for this site by Earth Systems Pacific, dated May 6, 2004. The report indicates that there are no physical or environmental constraints such as geologic or seismic hazard areas that would indicate the site is not suitable for the use proposed. The report also concludes that the site is suitable for the proposed development provided recommendations in the report are incorporated in the project design. Agency staff concurs. Report is in Project File PLN040274.

(c) Staff conducted an on-site visit on May 7, 2004 to verify that the site is suitable for this use.

(d) Necessary public facilities are available and will be provided.

3. FINDING: CEQA (Exempt) - The proposed project will not have a significant environmental impact.

EVIDENCE: (a) CEQA Section 15061 (3). The applicant has designed the project and proposes landscape screening to ensure that the development will not have a significant adverse visual impact.

(b) CEQA Section 15303a. No potentially adverse environmental impacts were identified during review of the proposed project.

4. FINDING: RIDGELINE – The ridgeline development, as conditioned by permit, will not create a substantially adverse visual impact when viewed from a common public viewing area. The project site is located northwest of the intersection of Arroyo Seco Road and Elm Avenue outside the city limits of Greenfield. Except for a vineyard to the northeast, the site is bordered by undeveloped rangeland. The overall slope of the site is toward the east, the slopes' angles increase from moderate to steep toward a ridgeline to the west of the site. Lots three and four are located on a shelf below the highest point on the ridge. Although the sites are located below the highest ridge to the west, from Arroyo Seco Road, these lots silhouette against the sky and create ridgeline development. The proposed development would be visible for approximately three seconds while traveling either north or south on Arroyo Seco Road for a distance of approximately one mile. Based on flags on the site, no other location would abate the potential for ridgeline. Staff has determined that with landscape screening and earth tone colors, the development will not create a substantial adverse visual impact. Staff also analyzed the project for consistency with policies of the Monterey County General Plan and Central Salinas Valley Area Plan. As conditioned, the project is consistent with the Monterey County Zoning Regulations (Title 21), policies of the Monterey County General Plan and Central Salinas Valley Area Plan.

EVIDENCE: (a) There are no other feasible locations for the development to occur on the property. (b) The development as designed and as conditioned will not have a significant adverse visual impact on the public viewshed. Permit conditions require adequate landscape screening to protect the public viewshed and earth tone colors are proposed for construction materials.

(c) A site visit was conducted by the project planner on May 7, 2004. Based on the site visit and staff's analysis of policies in the Central Salinas Valley Area Plan and

requirements set forth in Title 21, Section 21.66, it has been determined with landscape screening and earth tone colors, the project will not have a significant adverse visual impact on the public viewshed.

5. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and other applicable provisions of Title 21. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: (a) Sections 21.14, 21.44 and 21.46 of the Monterey County Code (Zoning).
(b) Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist 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: (a) Preceding findings and supporting evidence.
7. **APPEALABILITY** - The decision on this project is appealable to the Planning Commission.
EVIDENCE: Section 21.80.040.B of Title 21 (Zoning Ordinance).

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 attached conditions.

PASSED AND ADOPTED this 24th day of June, 2004.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Nino Homes at Arroyo Seco Inc. (PLN040274)

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.