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

**RESOLUTION NO. 06029** 

A.P.# 161-441-004-000

In the matter of the application of Brian I. Rianda Tr Et Al (PLN050429)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for development on a slope in excess of 30% for the construction of a driveway and retaining wall to access an existing Cal Am water tank and pump station, including 2,980 cubic yards of cut, on an 8.11 acre lot, located at 24330 on Paseo Privado, Salinas, off Paseo Hermoso, Toro Area, came on regularly for hearing before the Planning Commission on May 10, 2006.

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

#### FINDINGS OF FACT

- 1. FINDING: The project (PLN050429 RIANDA) as conditioned is consistent with applicable plans and policies, the Monterey County General Plan, Toro Area Plan, and the Monterey County Zoning Ordinance (Title 21) which designates this area appropriate for residential uses. Specifically, Section 21.64.230 allows development on slopes in excess of 30% with approval of a Use Permit. The site is located at 24330 on Paseo Privado, off Paseo Hermoso, Salinas (Assessor's Parcel Number 161-441-004-000) Toro Area.
  - **EVIDENCE:** Staff has reviewed the project as contained in the application and accompanying materials for consistency with the General Plan and the Toro Area Plan. The parcel is zoned "LDR/1-VS" (District). The proposed construction of a driveway and retaining wall to access an existing Cal Am water tank and pump station is consistent with the zoning.
  - **EVIDENCE:** The project planner and grading inspector conducted an on-site inspection on January 11, 2006 to verify that the project on the subject parcel conforms to the applicable plans and policies listed above.
  - **EVIDENCE:** 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 PLN050429.
- 2. FINDING: The site is suitable for the use proposed.
  - **EVIDENCE:** The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, and the Salinas Rural Fire District. Recommended Conditions of Approval have been incorporated into the project.

**EVIDENCE:** Staff conducted an on-site visit on January 11, 2006 to verify that the site is suitable for this use.

3. FINDING: The project is exempt from environmental review according to CEQA Guidelines Section 15302, Class 2 consists of replacement or reconstruction of existing facilities including (c) replacement or reconstruction of existing utility systems and/or facilities involving negligible or not expansion of capacity.

**EVIDENCE:** a) The new road facility is located on the same site as the road replaced.

- b) The new road will have the same purpose and capacity as the road access replaced.
- c) County GIS resources indicate that no sensitive or protected species exist on the site.
- d) Conditions require the preparation and review of an erosion control plan and a road improvement plan to address erosion and storm water runoff has been included.
- e) Excavation is required to be reseeded and revegetated and returned to a natural state.
- f) Field visit by the project planner and grading inspector on January 11, 2006 determined that the proposed realignment was the most feasible path to meet the applicant's objectives.
- g) 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 PLN050429.
- 4. FINDING: 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. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

5. FINDING: 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: Preceding findings and supporting evidence.

6. FINDING: The project is consistent with the findings required for Section 21.64.230 Development on Slopes in Excess of 30 percent, specifically Finding No. 21.64.230(E)(b): a) There is no feasible alternative which would allow the development to occur on slopes of less than 30%.

**EVIDENCE:** Planning staff and a grading inspector met the applicant on the site on January 11, 2006 to determine if there was any alternative to the proposed development on a 30% and greater slope. It was determined that there was no alternative to the proposed plans. The steepest part of the slope is where the driveway adjoins Paseo Privado Road, which has approximately a 30 degree sharp to turn onto the driveway.

EVIDENCE: A Geotechnical Investigation report was prepared for this parcel by Haro, Kasunich & Associates, dated March 2005, and is on record in the Monterey County Planning and Building Inspection Department (Library No. LIB050429). The report concluded that the site is considered suitable for the project with recommendations for design and construction incorporated into the project.

**EVIDENCE:** File and application materials in Project File PLN050429.

7. **FINDING:** The development, as approved and conditioned, will not create a substantially adverse visual impact when viewed from a common public viewing area.

**EVIDENCE:** Staff has reviewed the project as contained in the application and accompanying materials for consistency with Section 21.46 (Visual Sensitivity District). Staff determined that the new driveway will not create a substantially adverse visual impact as viewed from the nearest public road, nor is it a ridgeline development. The retaining wall materials are concrete masonry block natural color (gray) and will blend in with the natural surroundings.

EVIDENCE: 26.1.6.1 (T) Within areas of visual sensitivity as indicated on the Toro Visual Sensitivity Map, no development shall be permitted without a finding by the Board of Supervisors or its designee that such development will not adversely affect the natural scenic beauty of the area. Additionally, areas of visual sensitivity shall be reviewed critically for landscaping and building design and siting which will enhance the scenic value of the area.

**EVIDENCE:** Staff conducted an on-site visit on January 11, 2006 to verify that the site is suitable for this use.

**EVIDENCE:** Staff notes and photos are provided in Project File PLN050429.

8. FINDING: The decision on this project is appealable to the Board of Supervisors. EVIDENCE: Section 21.80.040(D) of the Monterey County Zoning Ordinance (Title 21).

**THEREFORE**, it is the decision of said Planning Commission 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 10thth day of May, 2006, by the following vote:

AYES: Errea, Brown, Isakson, Salazar, Vandevere, Padilla, Sanchez, Diehl, Rochester, Wilmot

NOES: None ABSENT: None

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DALE ELLIS, SECRETARY

MAY 1 7 2006

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

MAY 2 7 2006

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 90<sup>th</sup> 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: RIANDA

File No: PLN050429

Approval by: Planning Commission

APN: 161-441-004-000

Date: May 10,2006

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

LONG	litig. mber	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)
1.	T d co	PBD029 - SPECIFIC USES ONLY This Use Permit (PLN050429 RIANDA) allows a development on a slope in excess of 30% for the construction of a driveway and retaining wall to access an existing Cal Am water tank and pump station, including 2,980 cubic yards of cut, on an 8.11 acre lot. The project is located at 24330 on Paseo Privado, Salinas, off Paseo Hermoso, (Assessor's Parcel Number 61-441-004-000), Toro Area. 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 Planning Commission 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 the conditions and uses specified in the permit.	Owner/ Applicant	Ongoing	

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)
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Use Permit (Resolution 06029) was approved by the Planning Commission for Assessor's Parcel Number 161-441-004- 000 on May 10, 2006. The permit was granted subject to 10 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 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	
3.		PBD026 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:  1)"A(n) Geotechnical Investigation report has been prepared for this parcel by Haro & Kasunich Associates, dated March 2005 and is on record in the Monterey County Planning and Building Inspection Department Library No. LIB060429. All development shall be in accordance with this report."  2) )"A(n) Archaeological report has been prepared for this parcel by Archaeological Consulting, dated November 21, 2005 and is on record in the Monterey County Planning and Building Inspection Department Library No. 060042. All development shall be in accordance with this report."  (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	

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)
4.		LANDSCAPE/RESTORATION - (NON STANDARD)  The old road will be abandoned, and restored including regrading the road to a natural shape and revegetated with native species drought-tolerant grasses. At least 60 days prior to final, two (2) copies of a restoration plan shall be submitted to the Director of Planning and Building Inspection for approval. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping. (Planning and Building Inspection)	Submit landscape/restoration plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection	
5.		PBD032(B) – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	

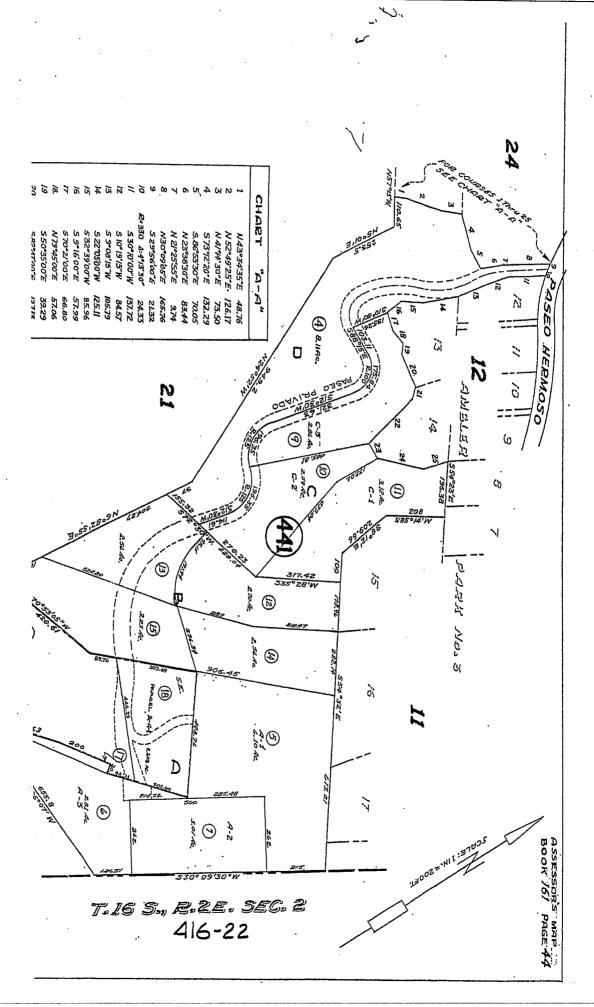
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
6.		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/ Archaeo- logist	Ongoing	
7.		PBD014 - GRADING-WINTER RESTRICTION  No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection.  (Planning and Building Inspection)	None	Owner/ Applicant	Ongoing	

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)
8.		PBD011 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Director of Planning and Building Inspection. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to	Evidence of compliance with     the Erosion Control Plan shall     be submitted to PBI prior to     issuance of building and grading     permits.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
		control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)	2) Evidence of compliance with the Implementation Schedule shall be submitted to PBI during the course of construction until project completion as approved by the Director of PBI.	Owner/ Applicant	Prior to Final Inspection	
9.		PW/PBI (NON STANDARD WORDING) The property owner/applicant shall prepare a Traffic Construction Management Plan for staff review and approval prior to earth moving activities. The plan shall include a pavement survey along the private road before and after construction activities. The applicant shall be responsible for reconstruction and repair should damage occur. Repairs shall be made prior to final for grading permit. (Planning and Building Inspection, Public Works)	Submit plans to PBI for review and approval.	Prior to issuance of grading permit	Prior to final grading	÷

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)
10.		WR10 - ROAD IMPROVEMENT PLAN The applicant shall provide the Water Resources Agency a road improvement plan prepared by a registered civil engineer that includes dispersing storm water runoff onto a non-erodible surface. Improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)		Owner/ Applicant/ Engineer	Prior to issuance of any grading permits	

END OF CONDITIONS





### CONTRACT DOCUMENTS FOR CONSTRUCTION OF

# PASEO PRIVADO WATER TANK SITE DRIVEWAY





# California-American Water

Monterey Division

50 Ragsdale Dr., Ste. 100, Monterey, Ca., 93942

IN

## PASEO PRIVADO SAN BENANCIO, CALIFORNIA COUNTY OF MONTEREY

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#### ESTOR ENGINEERS, INC

CIVIL ENGINEERING - SURVEYING - LAND PLANNING
9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 9394
5CALE: AS SHOWN DATE: APRIL 28, 2005 W.0: 5519.0

	DRAWING INDEX
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	PROPOSED LAYOUT
3	PROPOSED PROFILE AND NOTES
4	CROSS SECTIONS
s	CROSS SECTIONS
6	CROSS SECTIONS
7	CROSS SECTIONS
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