

**MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 05010

APN# 113-071-006-000
FINDINGS & DECISION

In the matter of the application of
GIANNINI FAMILY LIMITED PARTNERSHIP (PLN040273)

Combined Development Permit consisting of: 1) Minor Subdivision Tentative Parcel Map to subdivide an existing 150-acre parcel into two parcels of 146 and 4 acres respectively; and 2) Use Permit to allow the creation of a 4-acre parcel in a "F/40" (Farmland, 40 Acre Minimum) Zoning District per the provisions of Sections 21.30.050 (FF) and 21.030.070 (c) of the Zoning Ordinance. The property is located at 415 Espinosa Road, Salinas, fronting Espinosa Road, west of highway 101, Greater Salinas Area. The project came on regularly for hearing before the Minor Subdivision Committee on April 28, 2005.

WHEREAS: Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto;

FINDINGS OF FACT

1. FINDING: CONSISTENCY AND SITE SUITABILITY-The Giannini Combined Development Permit (PLN040273) as described in Condition No. 1, and as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, Greater Salinas Area Plan, Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 21). The property is located at 415 Espinosa Road, Greater Salinas Area (Assessor's Parcel Number: 113-071-006-000), fronting Espinosa Road west of highway 101, Greater Salinas Area. The parcel is zoned "F/40" (Farmlands, 40 Acre Minimum). The site is physically suitable for the proposed minor subdivision.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- (a) Zoning Ordinance: Chapters 21.030.050 (FF) and 21.030.070 (c);
- (b) Subdivision Ordinance: Chapter 19.04

EVIDENCE: (a) The text, policies, and regulations in the above documents have been evaluated during the course of the review of the applications. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulations in these documents. The application and project plans submitted in project File (No. PLN040273) located at the Monterey County Planning and Building Inspection Department.

(b) Site visit conducted by staff on August 20, 2003 to verify that the proposed project complies with the plans listed above.

(c) The application has been reviewed by the Monterey County Planning and Building Inspection Department, North County Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department and Monterey County

Health Department and Parks Department, California Department of Conservation, Housing and Re-development Agency. There has been no indication from these agencies that the site is not suitable for the project. 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 project.

(c) Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject properties.

(d) The Monterey County Planning and Building Inspection Department has determined that based on the project description, materials in the file, the planner's site visit, preceding evidence, and comments by the above agencies, 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 project.

(e) The Geotechnical Report prepared by D & M Consulting Engineers Inc, dated October, 2003 concludes that for the site is suitable for residential development (Assessor's Parcel Number: 113-071-006-000) site is suitable for development, provided recommendations in the report are followed.

(f) The Archaeological Report prepared by Archaeological Consulting, dated May, 2004 concluded that the proposed new parcel contains surface evidence of potentially significant archaeological resources.

(g) Following Findings and supporting Evidence.

2. FINDING: CEQA (Exempt) - The proposed project will not have a significant environmental impact based on the following evidence.

EVIDENCE: (a) Section 15061(3), of the California Environmental Quality Act (CEQA) Guidelines exempt this project under the general provision that if the project will not have the potential to create a significant effect on the environment the activity is not subject to environmental review under CEQA.

(b) Based on a site visit and review of the project plans, staff has determined that development of the project would not result in any potentially adverse impacts. No additional development of any significance will occur on either parcel as part of this application.

3. FINDING: The proposed project complies with the requirements of the Inclusionary Housing Ordinance.

EVIDENCE: The project is exempt from the requirements of the Ordinance under the provisions Section 18.40.010.

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

EVIDENCE: (a) Sections 21.84.040(A) and 21.84.070 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

(b) Preceding and following Findings and supporting Evidence.

5. **FINDING: PUBLIC NOTICE** – Public notice of the pending Minor Subdivision is complied with pursuant to Section 19.01.055 of Title 19. and Section 21.78.040.of Title 21.

EVIDENCE: (a) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, in the project file.

(b) Preceding and following Findings and supporting Evidence.

6. **FINDING: HEALTH AND SAFETY** – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, 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.

EVIDENCE: Preceding findings and supporting evidence.

7. **FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Chapter 19.16 of Title 19, Monterey County Subdivision Ordinance.

DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 28th day of April, 2005 by the following vote:

AYES: McPharlin, Mulholland, Hori, Hodges, Hawkins

NOES: None

ABSENT: None

ABSTAIN: Ellis

DALE ELLIS, SECRETARY

Copy of this decision mailed to the applicant on

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

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 Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Giannini Family Limited Partnership File No: PLN040273 APNs: 113-071-006-000 Approval by: Minor Subdivision Committee	Date: April 14, 2005
--	--	-----------------------------

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

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)
1		PBD029 - SPECIFIC USES ONLY The proposed Combined Development Permit (Giannini PLN040273) consisting of: 1) Minor Subdivision Tentative Parcel Map to subdivide an existing 150-acre parcel into two parcels of 146 and 4 acres respectively; and 2) Use Permit to allow the creation of a 4-acre parcel in an "F/40" (Farmland, 40 Acre Minimum) Zoning District per the provisions of Sections 21.30.050 (FF) and 21.030.070 (c) of the Zoning Ordinance. The property is located at 415 Espinosa Road, Salinas (Assessor's Parcel Number: 113-071-006-000), fronting Espinosa Road west of highway 101, Greater Salinas 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 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 Number) was approved by the Director of Planning and Building Inspection for Assessor's Parcel Number 113-071-006-000 on April 14, 2005. The permit was granted subject to 17 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 or start of use.	
3		PBD024 - NOTE ON MAP-STUDIES A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: "A <u>Geotechnical Report</u> , dated <u>May 2004</u> , has been prepared on this property by <u>D&M Consulting Engineers Inc.</u> , and is on file in the Monterey County Planning and Building Inspection Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (Planning and Building Inspection)	Final recorded map with notes shall be submitted to PBI and Public Works for review and approval.	Owner/ Applicant	Prior to Recordation of Final Map	
4		PBD024 - NOTE ON MAP-STUDIES A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: "A <u>Archaeological Report</u> , dated <u>May, 2004</u> has been prepared on this property by <u>Archaeological Consulting</u> , and is on file in the Monterey County Planning and Building Inspection Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (Planning and Building Inspection)	Final recorded map with notes shall be submitted to PBI and Public Works for review and approval.	Owner/ Applicant	Prior to Recordation of Final Map	

<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>
5		<p>PBD033 – UTILITIES – SUBDIVISION</p> <p>A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the (parcel or final) map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (Planning and Building Inspection)</p>	Place note on map or a separate sheet and submit to PBI for review and approval.	Applicant/Owner	Prior to recordation of final map.	

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		<p>PBD006 - DEED RESTRICTION-NOTICE</p> <p>Prior to or concurrently with the recordation of the Parcel Map the applicant shall record a deed restriction as a condition of project approval stating:</p> <p>“The approved 4-acre parcel shall be for exclusive occupancy by immediate family members, and spouses, and shall be an accessory use to the subdivided property or to adjoining property. The residence on the 4-acre parcel must be accessory to the agricultural use of the properties and be occupied exclusively by immediate family members and spouses of the property owners or lessee who earn a substantial portion of their livelihood from the agricultural use of the family land contiguous to the lot being created by the subdivision. In the event the county a) applies a general plan land use designation to the subdivided property other than an exclusively agricultural designation; b) re-zones the subject property to a zoning district that allows residential uses at a density equal to or greater than the density created by this subdivision; or c) adopts changes to the limitations on occupancy for new lots created specifically for occupancy of an immediate family member in the Farmlands Zoning District. This deed restriction shall be revised or revoked to allow development, use, and occupancy of the subject property per those changes. Notwithstanding the above, this restriction shall not in any way prevent or impair the owner of such parcel from obtaining bona fide financing on such property from a lender and providing such property as security for such financing through a mortgage or deed of trust and, in the event of a foreclosure by such lender, such lender or its successor shall not be subject to the limitations set forth above, provided, however, that the lender shall provide prior notice of the foreclosure to the Monterey County Director of Planning and Building Inspection.”</p>	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Concurrently with the recording of the Final Parcel Map.	

<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>
7		PBD029 - SPECIFIC USES ONLY The Use Permit portion of the Combined Development Permit allows the division of an existing 150-acre property to create a 4-acre parcel to accommodate housing for members of the immediate family of the property owner who earn their livelihood from the agricultural use of the family land immediately contiguous to the lot being created by the subdivision. . (Planning and Building Inspection)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	
8		PW0031 – PARCEL MAP File a parcel map delineating all existing and required easements or rights-of-way and monument new lines. (Public Works)	Applicant's surveyor shall prepare parcel map, submit to DPW for review and approval.	Owner/ Applicant/ Engineer	Prior to Recordation of Parcel Map	
9		PW0033 – SURVEYOR CHECK-LIST Thirty days prior to expiration date of the tentative map, Step A (8-Items) of the County Surveyor's Check Off List for Parcel Map Processing shall be completed. (Public Works)	Subdivider shall submit items included in County Surveyors Check Off List to DPW for review and approval.	Subdivider	Prior to Recordation of Parcel Map	

<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>
10		PW0036 – EXISTING EASEMENTS AND ROW Provide for all existing and required easements or rights of way. (Public Works)	Subdivider’s Surveyor shall include all existing and required easements or rights of way on Parcel Map.	Subdivider/ Surveyor	Prior to Recordation of Parcel Map	
11		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	

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)
		<p>greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (North County Fire Protection District)</p>				
12		<p>FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	

<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>
		way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (North County Fire Protection District).				
13		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (North County Fire Protection District).	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
14		FIRE016 - SETBACKS All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre,	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

<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>
		alternate fuel modification standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. (North County Fire Protection District).	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
15		FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL) For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (North County Fire Protection District).	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
16		FIRE026 - ROOF CONSTRUCTION (STANDARD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. (North County Fire Protection District).	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

<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>
17		FIRE030 - (NON STANDARD) All structures to be evaluated for conditions during construction plan review. (North County Fire Protection District).		Applicant or owner	Prior to issuance of building permit.	

END OF CONDITIONS.