

Exhibit G

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DECISION NO. ZA-3629
MONTEREY COUNTY ZONING ADMINISTRATOR
STATE OF CALIFORNIA

WHEREAS: The Zoning Administrator of the County of Monterey, State of California, is considering the *Use Permit application of Francis Ellingwood to allow a parking lot on portion of Lot 23, Carpenteria Rancho, Aromas area, fronting on U.S. Highway 101,*

, and

WHEREAS: Said Zoning Administrator has considered the Assessment of Environmental Effect filed by *Al Ellingwood*, and

WHEREAS: Said Zoning Administrator has considered the comments of the Planning Department of the County of Monterey,

NOW, THEREFORE, THE ZONING ADMINISTRATOR OF THE COUNTY OF MONTEREY FINDS:

1. (a) *That said project will not have the potential to degrade the quality of the environment.*
- (b) *That said project will have no impact on long term environmental goals.*
- (c) *That said project will have no cumulative effect upon the environment.*
- (d) *That said project will not cause substantial adverse effects on human beings, either directly or indirectly.*
2. *That said project will have no significant effect upon the environment.*
3. *That a duplicate original copy of the attached Negative Declaration be executed and filed with the County Clerk of the County of Monterey.*

PASSED & ADOPTED this 15th day of March, 1979.

EXHIBIT ^B
PAGE 31 OF 144 PAGES

COUNTY OF MONTEREY
STATE OF CALIFORNIA

FILED

NEGATIVE DECLARATION

MAR 20 9 15 AM 1979

RESPONSIBLE AGENCY: COUNTY OF MONTEREY
DECISION MAKING BODY: Zoning Administrator
ERNEST A. MAGGINI
MONTEREY COUNTY CLERK
DEPUTY

PROJECT TITLE: Francis Ellingwood
ADDRESS: 1000 Highway 101
CITY: Aromas
COUNTY: Monterey
ZIP: 95004
CONTACT PERSON: Lynne H. Mounday, Senior Planner
AREA CODE: 408
PHONE: 422-9018
EXT.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- (a) That said project will not have the potential to de-grade the quality of the environment.
- (b) That said project will have no impact on long term environmental goals.
- (c) That said project will have no cumulative effect upon the environment.
- (d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

PROJECT DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES

Use permit on portion of Lot 23, Carpenteria Rancho, Aromas area, fronting on U. S. Highway 101, to allow a parking lot.

PROJECT LOCATION:
Aromas area

TIME PERIOD PROVIDED FOR REVIEW:
APR 12 1979

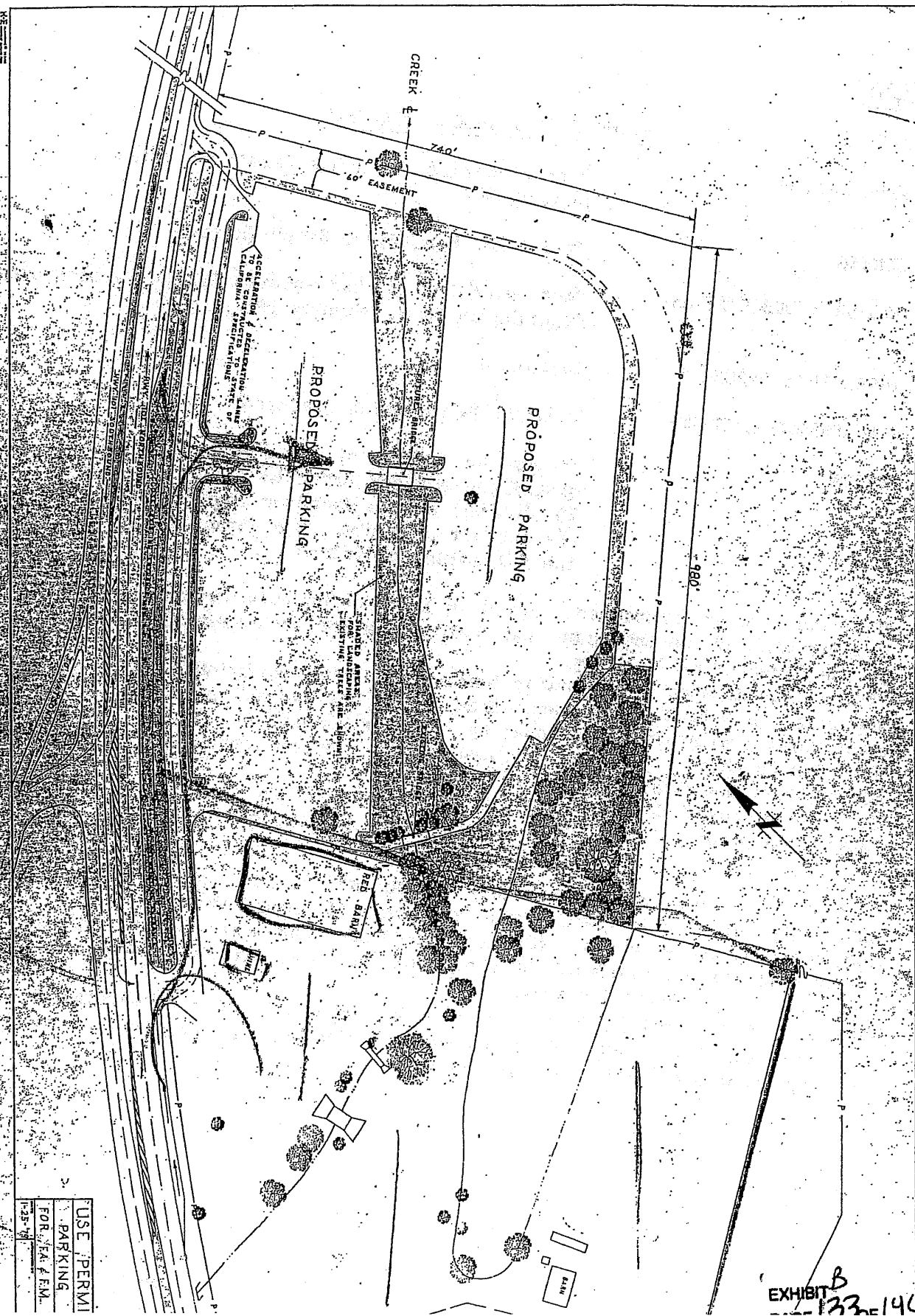
ADDRESS WHERE COPY OF APPLICATION AND INITIAL STUDY IS AVAILABLE.

- Monterey County Planning Department
- Monterey County Department of Building Inspection
- P. O. Box 1208
- Courthouse, Salinas, California 93901

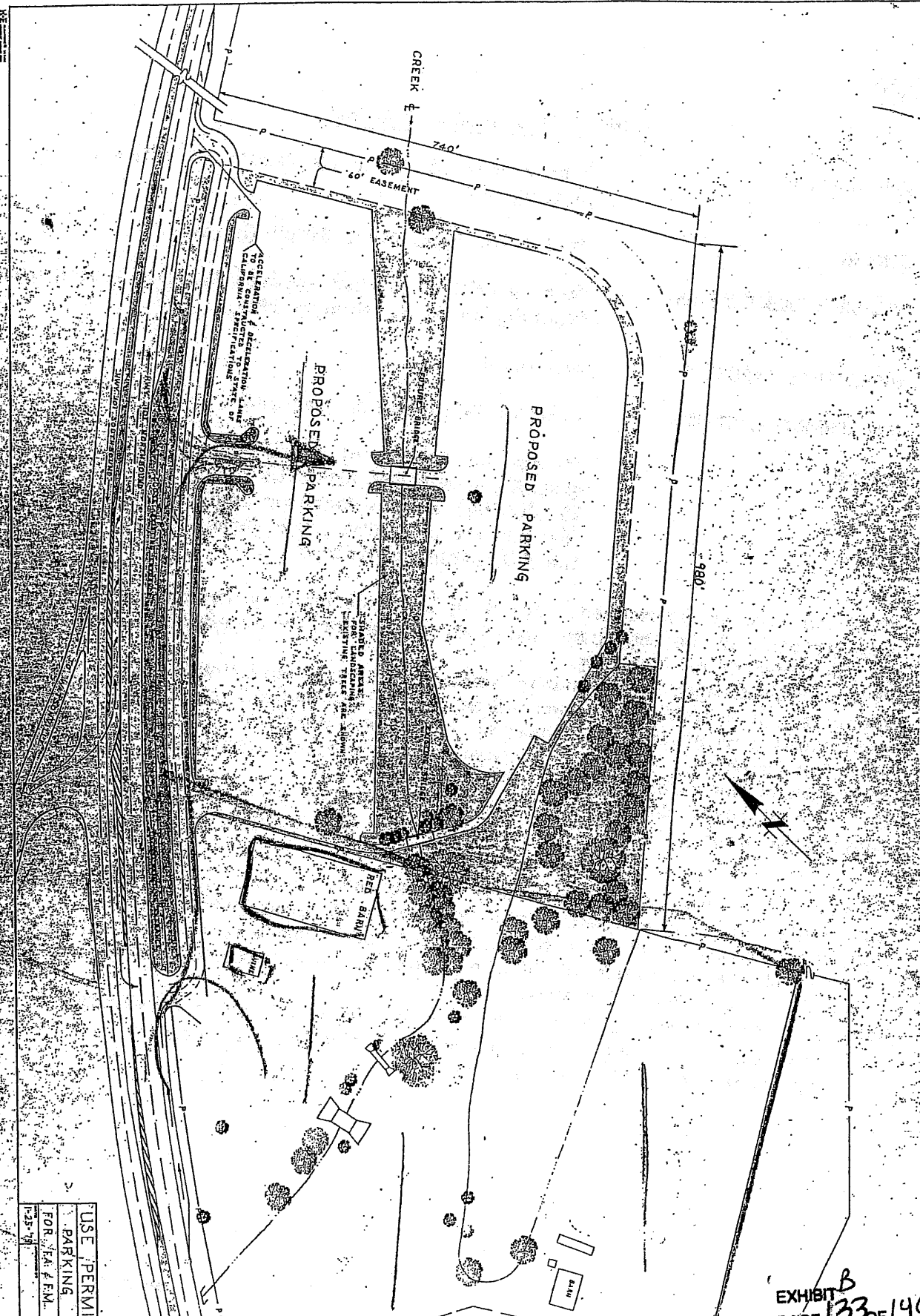
MAR 20 1979

TO BE FILED WITH COUNTY CLERK WHEN NO SIGNIFICANT EFFECT IS FOUND.

DATE FILED



ZA-30029



ZA-3029

USE PERMI
PARKING
FOR FA.F.M.
1-25-77

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Memorandum

MONTEREY COUNTY PLANNING DEPARTMENT



TO: Robert Slimmon, Jr., Zoning Administrator DATE: March 15, 1979

FROM: Dale Ellis *Dale*

SUBJECT: Ellingwood Use Permit Application

THE PROPOSAL

Mr. Ellingwood has applied for a Use Permit for a 17 acre parking lot (950 spaces) adjoining the "Red Barn" flea market property. The flea market property is presently zoned C-Z-P (General Commercial) and is approximately 15 acres in size.

As noted above, the C-Z-P property is utilized for a flea market and parking for that flea market. If the parking can be relocated to adjoining property, the C-Z-P portion would be further developed for various general commercial uses.

BACKGROUND

The flea market has been in operation for several years. Saturdays and Sundays are the days of operation with Sundays drawing large crowds. On Sundays, particularly in the spring and summer, the facility is very crowded and existing parking facilities are barely adequate. A Use Permit was recently approved by the Zoning Administrator for an expanded parking area within the C-Z-P District. Utilization of that additional space should provide adequate parking for quite some time.

PROBLEMS

1. Traffic - The only access to the property is directly from U.S. Highway 101. Although substantial sight distance exists both north and south, both directions are on downgrades (southbound slight; northbound substantial) making slowing, stopping, and turning to enter the property difficult.

Exiting the property is equally difficult, all traffic must leave in a northbound direction. Merging with the highspeed traffic coming off the downgrade noted above is dangerous to all parties involved.

Further, if a person leaving wants to go southbound, he must proceed north to Cole Road and make a "U" turn into the fast lane of southbound traffic on 101.

2. General Plan Consistency - The North County General Plan designates the area as "Rural". Expansion of commercial facilities would not be consistent with that plan.

3. Growth Inducement - An expansion and development of the commercial use at this location would seem to give the area a "community center" nature and would undoubtedly bring requests for additional commercial zoning and uses. Requests for multiple units could also be anticipated.

4. Loss of residential land - The property for the proposed parking lot is presently zoned "N-1 Acre Minimum". Further the property in question, based on terrain would lend itself to 1 acre development. There is short supply of land and zoning for one acre lots in North Monterey County and that land should be preserved for timely development.

RECOMMENDATIONS

1. That the matter be set for a land use hearing without an environmental determination, or that since this would seem to expand the commercial capabilities of this site considerably, this application should be referred to the Planning Commission for study and policy determination as to the future character of the area.
2. That at the land use hearing the application be denied based on the four items above.
3. If the Use Permit is ultimately approved, that a condition be placed on the permit that there be no expansion of commercial use on the C-2-P property. If that condition is deemed to be not viable or illegal, then a substitute condition requiring reclassification to a "PC-D" (Planned Commercial) District should be placed on the Use Permit. (Requiring such a district would require approval of a general development plan and subsequent Zoning Permits for each land use, offering substantially more control than presently exists on the property.)

(It is worthwhile to note that substantial development could occur on the C-2-P property with the only zoning control being that of parking requirements. That potential is a fact as long as the C-2-P District exists and that fact will have to be lived with. The problem should not be aggravated by allowing expansion of the parking area beyond the bounds of the C-2-P District.

DE/jt

Memorandum

MONTEREY COUNTY

PLANNING DEPARTMENT



TO: Members of the Planning Commission

DATE: April 3, 1979

FROM: Dale Ellis *Dale Ellis*

SUBJECT: Zoning Administrator Referral of Ellingwood Use Permit Application

This matter will be considered by your Body at 5:20 p.m. on April 11, 1979.

REQUEST

The Zoning Administrator has received a Use Permit request from Mr. Francis Ellingwood for a 17 acre parking lot adjacent to and northerly of the Red Barn Flea Market. The Zoning Administrator has continued his action on this matter and is asking for the Planning Commission's recommendation.

THE PROPOSAL

Mr. Ellingwood has applied for a Use Permit for a 17 acre parking lot (950 spaces) adjoining the "Red Barn" flea market property. The flea market property is presently zoned C-2-P (General Commercial) and is approximately 15 acres in site. If the parking can be relocated to adjoining property, the C-2-P portion would further developed for various general commercial uses.

BACKGROUND

The flea market has been in operation for several years. Saturdays and Sundays are the main days of operation with Sundays drawing large crowds. On Sundays, particularly in the spring and summer, the facility is very crowded and existing parking facilities are barely adequate. A Use Permit was recently approved by the Zoning Administrator for an expanded parking area within the C-2-P District. Utilization of that additional space should provide adequate parking for quite some time.

PROBLEMS

In reviewing the Use Permit application, staff identified four problems of a significant nature. These problems were recognized by the Zoning Administrator in his referral action.

1. Traffic - The only access to the property is directly from U.S. Highway 101. Although substantial sight distance exists both north and south, both directions are on downgrades (southbound slight; northbound substantial) making slowing, stopping, and turning to enter the property difficult.

Exiting the property is equally difficult, all traffic must leave in a northbound direction. Merging with the highspeed traffic coming off the downgrade noted above is dangerous to all parties involved.

Further, if a person leaving wants to go southbound, he must proceed north to Cole Road and make a "U" turn into the fast lane of southbound traffic on 101.

Memorandum to Planning Commission
April 3, 1979
Page 2

2. General Plan Consistency - The North County General Plan designates the area as "Rural". Expansion of commercial facilities would not be consistent with that plan. The existing commercial zoning is non-conforming and should be allowed to remain, but expansion should not be permitted.
3. Growth Inducement - An expansion and development of the commercial use at this location would seem to give the area a "community center" nature and would undoubtedly bring requests for additional commercial zoning and uses. Requests for multiple units could also be anticipated. This area is not indicated as a community center, therefore, the expansion would change the entire character of the area.
4. Loss of rural residential land - The property for the proposed parking lot is presently zoned "N-1 Acre Minimum". The property in question, based on terrain would better lend itself to 1 acre development. There is short supply of land and zoning for one acre lots in North Monterey County and that land should be preserved for timely residential development.

ACTION

The Planning Commissions' action is to recommend an action to the Zoning Administrator.

RECOMMENDATION

It is the staff's position that the Planning Commission should recommend to the Zoning Administrator that:

- 1) The matter should be set for a land use hearing without making an environmental determination, and
- 2) That the Use Permit permit should be denied based upon traffic hazards, General Plan consistency, growth inducement, and possible loss of rural residential land.

DE/dg

Memorandum •

MONTEREY COUNTY

PLANNING DEPARTMENT



TO: Robert Stimson, Zoning Administrator
FROM: Dale Ellis *Dale*
SUBJECT: ELLINGWOOD USE PERMIT APPLICATION

DATE: May 10, 1979

On March 15, 1979, you received a staff report regarding the Planning Department's concerns on the Ellingwood Use Permit application. Those concerns were:

1. Traffic - The only access to the property is directly from U. S. Highway 101. Although substantial sight distance exists both north and south, both directions are on downgrades (southbound slight; northbound substantial) making slowing, stopping, and turning to enter the property difficult.

Exiting the property is equally difficult, all traffic must leave in a northbound direction. Merging with the highspeed traffic coming off the downgrade noted above is dangerous to all parties involved.

Further, if a person leaving wants to go southbound, he must proceed north to Cole Road and make a "U" turn into the fast lane of southbound traffic on 101.

2. General Plan Consistency - The North County General Plan designates the area as "Rural". Expansion of commercial facilities would not be consistent with that plan.
3. Growth Inducement - An expansion and development of the commercial use at this location would seem to give the area a "community center" nature and would undoubtedly bring requests for additional commercial zoning and uses. Requests for multiple units could also be anticipated.
4. Loss of residential land - The property for the proposed parking lot is presently zoned "N-1 Acre Minimum". Further the property in question, based on terrain would lend itself to 1 acre development. There is short supply of land and zoning for one acre lots in North Monterey County and that land should be preserved for timely development.

After additional review, staff still feels these concerns, particularly growth inducement and inconsistency, to be valid and should be weighed heavily in your decision on this matter.

Your action March 15 was to refer the matter to the Planning Commission for their recommendation.

On April 11, 1979, the Monterey County Planning Commission considered your referral regarding Mr. Ellingwood's Use Permit application for parking lot adjoining the "Red Barn" flea market in the Aromas area.

After receiving the Planning Department's staff report, hearing comments from the applicant's representative and hearing comments from residents in the area, the Planning Commission recommends:

1. That the Use Permit be approved, and
2. That the Use Permit be *conditioned* to require landscaping to lessen the visual impact of the proposed parking lot upon U.S. Highway 101 and
3. That the Use Permit be conditioned to require that the existing "C-2-P-V" (General Commercial) Zoning District be reclassified to some other zoning district that would provide for substantially more control over commercial development than presently exists. The exact district the "C-2-P-V" property is to be reclassified to is to be worked out between the Zoning Administrator and the applicant, but the reclassification is to include a "D" or Design Control designation.

/nm

MONTEREY COUNTY PLANNING DEPARTMENT RECOMMENDATION SHEET
P. O. BOX 1208 SALINAS, CA 93901

TO: Health Department
Division of Highways
Air Pollution Control Board

Department of Public Works
Water Quality Control Board
DEPT. OF TRANSPORTATION ✓

FROM: Chris Adamo

DATE: February 23, 1979

We would appreciate your Department's recommendations on the following application prior to Environmental 3/15/79: Public Hearing 4/12/79

APPLICANT: Francis Ellingwood ZA-3629

TYPE: Use Permit

REQUEST: Parking lot

LOCATION: Aromas

DEPARTMENT COMMENTS:

DEPARTMENT RECOMMENDATIONS:

see attached letter dated 3-28-79

FRANCIS ELLINGWOOD (ZA-3629)

APPLICATION: Public hearing to allow a parking lot
ZONING: "N-J-1 Ac. Min. Bldg. Site" (Rural
PROPERTY DESCRIPTION: Portion of Lot 23, Carpenteria Rancho,
Aromas area, fronting on U.S. Highway 101
APPEARANCES: Mr. Lawry, representing Mr. Ellingwood

Discussion concerning whether or not Mr. Ellingwood had posted notices of Zoning Administrator hearing -- Mr. Lawry stated Mr. Ellingwood had posted the notices so Zoning Administrator Slimmon stated the hearing could be conducted.

Slimmon explained the application. Stated the matter was referred to the Planning Commission informally. The Commission felt it was a land use condition. Slimmon also indicated he did not participate in the Planning Commission discussion on the item.

Slimmon then read a staff report on the application; Public Works conditions; Advisory Committee letter recommending denial; CALTRANS letter; Ronald Ragan letter; Jean Scollard letter; W. R. Coffman letter; George Thompson letter.

Slimmon further stated that when the matter was referred to the Planning Commission and the matter of consistency was brought to their attention, the Commission felt it was a use that was existing on the property prior to the "C2" zoning and that it did comply.

If the Use Permit on the parking lot is approved, a substantial increase in the commercial district could take place. The concerns of the Commission did not necessarily object to the expansion but wanted to be able to see the development.

"N" District does allow a parking lot. Application is therefore proper -- if application is just for the parking lot.

Planning Commission felt "C2" would be an opportunity to get a handle on what is happening.

Slimmon stated he would grant the permit subject to the recommended conditions of CALTRANS, Public Works, landscape screening along Highway 101, plans to be approved by the Director of Planning; maintenance of landscaping; lighting plan to be approved by the Director of Planning; property owned by Mr. Ellingwood now located in the "C2" Zone be reclassified to "H-1" Zoning; and that applicant request rezoning of "C2" property into an H-1-P-D B4 District.

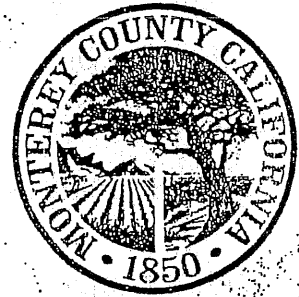
Negative Declaration adopted.

DRAFT EXCERPT
May 10, 1979
bev

EXHIBIT B
1002-100

MONTEREY COUNTY

PLANNING DEPARTMENT



(408) 422-9018 - P. O. BOX 1208 - SALINAS, CALIFORNIA 93902

E. W. DeMARS
DIRECTOR OF PLANNING

September 28, 1981

Mr. Francis Ellingwood
1000 Highway 101
Aromas, California 95004

RE: Parcel Numbers 141-013-07 & 45
ZA-3629-D & 3567-D; I-273; 81-127

Dear Mr. Ellingwood:

By action of the Zoning Administrator you were granted Use Permit ZA-3629-D to allow a parking lot on parcel number 141-031-07 and ZA-3567-D to allow a parking lot on parcel number 141-013-45.

The former parcel is located in a rural zoned district. Neither the above Use Permit nor Section 23.4 Monterey County Zoning Ordinance 911 allows for sales on that parcel. You must discontinue the use of the area for all display and sales activity.

The latter parcel is zoned general commercial only along the highway frontage with the back portion in a rural zoning district. Use Permit ZA-3567-D does not allow a parking lot use of the rural zoned portion of this property. Such use must be discontinued.

Please contact me if you have any questions concerning these requirements.

Sincerely,

CAROLYN C. ANDERSON
Planning Investigator

cc: Planning Technicians
John Knight, Department of Building Inspection
Files ZA-3629-D and ZA-3567-D

CCA/eam

EXHIBIT 8
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