

## MONTEREY COUNTY PLANNING COMMISSION

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|---|--|
| <b>Meeting:</b> December 11, 2013 Time: 10:00 a.m.  | <b>Agenda Item No.:</b> 6  |
| <b>Project Description:</b> Consider an Amendment to a previously approved Use Permit (PC7065) to allow a change of a legal non-conforming use (a box distribution and office complex) to a legal non-conforming use of a similar nature (roofing supply and distribution of materials utilized by roofing professionals); and to modify Condition #25 which states that materials shall not be stored outside of the building over 24 hours, and that stacking shall not exceed 12' 6" in height and does not allow storing of pallets along the southern portion of the property or any location that would be visible from Highway 1. The Amendment will allow outdoor storage of roofing materials in designated areas not to exceed 60 inches in height. |  |
| <b>Project Location:</b> 10450 Tembladera Street, Castroville   | <b>APN:</b> 030-157-002-000 and 030-157-003-000  |
| <b>Planning File Number:</b> PLN130482  | <b>Owner:</b> Cypress Packing and Supply Corporation<br><b>Agent:</b> Shandell Clark<br><b>Applicant:</b> R & S Supply Company |
| <b>Planning Area:</b> Castroville Community Plan  | <b>Flagged and staked:</b> No  |
| <b>Zoning Designation:</b> CP - MU [Community Plan, Mixed Use]  |  |
| <b>CEQA Action:</b> Previously adopted Negative Declaration   |  |
| <b>Department:</b> RMA - Planning Department  |  |

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Consider the Previously adopted Negative Declaration; and
- 2) Approve PLN130482, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

### PROJECT OVERVIEW:

In August 9, 1989, the Planning Commission approved (PC-7065) in Resolution No. 89-250 for a Combined Development Permit for a box distribution and office complex, and General Development Plan for an existing 20,000 square foot commercial building. This application is for a modification of a previously approved condition of this Combined Development Permit to allow outdoor storage not to exceed 60" high.

The existing use of the building is considered legal non-conforming because since the adoption of the Castroville Community Plan the property is now zoned Mixed Use. Uses allowed within current zoning regulations have a residential component and are light commercial in nature such as florist shops or convenience stores. The current commercial use of the property was approved in 1989. Under the current zoning designation, commercial uses such as commercial warehouses and wholesale sales and storage are not allowed uses. (See **Exhibit B** for further discussion)

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

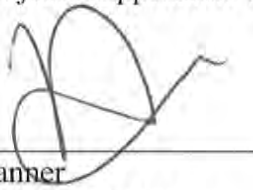
- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ North County Fire Protection District

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by RMA – Planning Department, RMA - Public Works Department, Environmental Health Bureau, Water Resources Agency, and North County Fire Protection District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The proposed Amendment was not referred to the Castroville Community Citizens Advisory Committee (CAC) for review because there is currently no LUAC.

Note: The decision on this project is appealable to the Board of Supervisors.

/S/ Valerie Negrete



Valerie Negrete, Assistant Planner  
(831) 755-5227, negretev@co.monterey.ca.us  
(November 13, 2013)

cc: Front Counter Copy; Planning Commission; North County Fire Protection District; RMA-Public Works Department; Environmental Health Bureau; Water Resources Agency; Bob Schubert, Senior Planner; Valerie Negrete, Project Planner; Cypress Packing and Supply Corporation, Owner; Shandell Clark, Agent; R & S Supply Company, Applicant; The Open Monterey Project; LandWatch; Planning File PLN130482

|              |           |   |
|--------------|-----------|---|
| Attachments: | Exhibit A | Project Data Sheet  |
|              | Exhibit B | Project Discussion  |
|              | Exhibit C | Draft Resolution, including: <ul style="list-style-type: none"><li>• Conditions of Approval</li><li>• Site Plan</li></ul> |
|              | Exhibit D | Vicinity Map  |
|              | Exhibit E | Original Permit, Resolution (PC-7065)   |

This report was reviewed by Bob Schubert, Senior Planner



## EXHIBIT A

### Project Information for PLN130482

**Application Name:** Cypress Packaging & Supply Corporation  
**Location:** 10450 Tembladera St, Castroville  
**Applicable Plan:** Castroville Community Plan  
**Advisory Committee:** NA  
**Permit Type:** Permit Amendment  
**Environmental Status:** Negative Declaration  
**Zoning:** CP

**Primary APN:** 030-157-002-000  
**Coastal Zone:** No  
**Final Action Deadline (884):** 5/7/2014  
**Land Use Designation:** Castroville Community Plan

#### Project Site Data:

**Lot Size:** 1.93  
**Existing Structures (sf):** 20000  
**Proposed Structures (sf):** 0  
**Total Sq. Ft.:** 20000

**Coverage Allowed:** 50%  
**Coverage Proposed:** NA  
**Height Allowed:** GDP  
**Height Proposed:** NA  
**FAR Allowed:** NA  
**FAR Proposed:** NA

**Special Setbacks on Parcel:**

#### Resource Zones and Reports:

**Seismic Hazard Zone:** VI  
**Erosion Hazard Zone:** Low  
**Fire Hazard Zone:** None  
**Flood Hazard Zone:** AE  
**Archaeological Sensitivity:** high  
**Visual Sensitivity:** None

**Soils Report #:** NA  
**Biological Report #:** NA  
**Forest Management Rpt. #:** NA  
**Geologic Report #:** NA  
**Archaeological Report #:** NA  
**Traffic Report #:** NA

#### Other Information:

**Water Source:** Public  
**Water Purveyor:** Castroville Community Service District  
**Fire District:** North County FPD  
**Tree Removal:** None

**Grading (cubic yds.):** 0  
**Sewage Disposal (method):** Public  
**Sewer District Name:** Castroville Community Service District

## EXHIBIT B DISCUSSION

### Project Description and Background

The subject site is an approximate 4 acre property located off of Tembladera Street in Castroville. In August 9, 1989, the Planning Commission approved (PC-7065) in Resolution No. 89-250 for a Combined Development Permit for a box distribution and office complex. The 20,000 square foot building was built in 1990. The site is partially within the Floodway (Tembladero Slough) and the subject permit was conditioned by the Water Resources Agency to not allow outdoor storage for longer than 24 hours or over 60" high.



Today, the site is proposed to be used by a roofing company. The company desires to purchase the building and be able to store roofing materials outdoors. Because there were limitations of the previous Combined Development Permit of not allowing outdoor storage for a period longer than 24 hours and to a height not more than 12'6" (Condition #25), the potential buyer has been working with Water Resources Agency to determine where any storage would be allowed. The applicant, submitted a request for a modification to this Condition on August 2, 2013. The Water Resources Agency agreed to allow outdoor storage as long as it is located outside of the floodway and have added an ongoing condition to this amendment.

**Visibility** - The property is visible from Highway 1 and the applicant is proposing screening of the outdoor storage by planting a row of Cypress trees along the northern property line. Part of the subject modification of this permit will include the landscaping condition (**Condition 3**) which will require the planting of 15 Cypress trees. The trees will serve to screen the outdoor storage from Highway 1.

**Legal Non-Conforming Use** - Since the approval of the Combined Development Permit, the Castroville Community Plan was adopted and changed the zoning of the property to Mixed Use (a mixture of residential & commercial). The subject commercial use on the property is considered legal non-conforming. In accordance with Table B-2 of the Castroville Community Plan, a legal non-conforming use that was established prior to the adoption of this Community

Plan and has continued to operate continuously on the property is an allowed use, not subject to additional discretionary approval.

**Outdoor Storage** – The Castroville Community Plan states that uses that create an unappealing pedestrian environment, are not compatible with residential use or that have unattractive outdoor storage requirements are not appropriate. The subject modification does not involve a residential development on the site and is legal non-conforming. While the site is visible from Highway 1, the applicant has included screening of the proposed outdoor storage along the northern property line. Screening will include 15 Cypress trees, which will blend in with the existing Cypress trees along the southern boundary of the property.

#### Environmental Review

The original Combined Development Permit was approved with a Negative Declaration which was adopted on August 9, 1989 by the Planning Commission in Resolution No. 89-250. The Amendment does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162 as there are no substantial changes warranting further review. All of the conditions of approval for the original project were complied with. The subject amendment will include the modification of an ongoing condition.

#### Recommendation

Staff recommends the Planning Commission consider the previously adopted Negative Declaration and approve the Permit Amendment including modifications to Condition 25, to allow outdoor storage (at the locations indicated in the Site Plan), with the updated condition from the Fire Department and updated condition from Planning regarding landscaping.

**EXHIBIT C  
DRAFT RESOLUTION**

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**Cypress Packaging & Supply Corp  
(PLN130482)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission:

- 1) Considering the previously adopted Negative Declaration; and
- 2) Approving an Amendment to a previously approved Use Permit (PC7065) to allow a change of a legal non-conforming use (a box distribution and office complex) to a legal non-conforming use of a similar nature (roofing supply and distribution of materials utilized by roofing professionals); and to modify Condition #25 which states that materials shall not be stored outside of the building over 24 hours, and that stacking shall not exceed 12' 6" in height and does not allow storing of pallets along the southern portion of the property or any location that would be visible from Highway 1. The Amendment will allow outdoor storage of roofing materials in designated areas not to exceed 60 inches in height.

[PLN130482, Cypress Packaging & Supply Corp, 10450 Tembladera Street, Castroville, Castroville Community Plan, North County Area Plan (APN: 030-157-002-000 and 030-157-003-000)]

**The Cypress Packaging & Supply Corp application (PLN130482) came on for public hearing before the Monterey County Planning Commission on December 11, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **AMENDMENT** - The County has received and processed an amendment to PLN100550.  
**EVIDENCE:** a) An application for a Permit Amendment was submitted on August 2, 2013.

- b) The property is located at 10450 Tembladera Street, Castroville (Assessor's Parcel Number 030-157-002-000 and 030-157-003-000), Castroville Community Plan, North County Area Plan. The property is zoned CP - MU [Community Plan, Mixed Use], which allows commercial uses. Therefore, the project is an allowed land use for this site.
- c) On August 9, 1989, the Planning Commission approved (PC-7065) in Resolution No. 89-250 for a Combined Development Permit for a box distribution and office complex. The 20,000 square foot office building and office was built and finalized on October 1990.
- d) The Castroville Community Plan was adopted in April 2004 and the zoning on the property was changed to CP-MU, Community Plan, Mixed Use. Mixed Uses in this designation are those that include residential and commercial. In this instance, the commercial building is built and no additional changes to the building footprint are proposed with this amendment.
- e) Legal Non-Conforming. The use on the property is considered legal non-conforming as it was legally established prior to the adoption of the Castroville Community Plan. In accordance with Table B-2 of the Castroville Community Plan, a legal non-conforming use that was established prior to the adoption of this Community Plan and has continued to operate continuously on the property since that time is an allowed use.
- f) According to the Castroville Community Plan Concept for the MU designation, Section 3.2.5 states that mixed-use development in this district is characterized by a combination of non-residential and residential uses in the same building or on a single building site. Appropriate nonresidential development would consist primarily of commercial retail and professional office uses. The subject property was approved for a commercial use and is consistent with the intent of the current zoning of the district.
- g) The proposal is an Amendment to previously approved, PC-7065 to amend to Condition #25 which states that materials shall not be stored outside of the building over 24 hours at 60", whereas stacking is allowed at no more than 12', 6". This modification shall be in addition to the previously applied findings, evidence and conditions of the Combined Development Permit (PC-7065).
- h) The Castroville Community Plan states that uses that create an unappealing pedestrian environment, are not compatible with residential use or that have unattractive outdoor storage requirements are not appropriate. The subject modification does not involve a residential development on the site.
- i) Castroville Community Plan Site Design Standards 7.1.3 provide that service access areas including, loading areas and docks, service yards, and refuse/recycling enclosures should be located out of public view and must not front onto a primary street. The loading and service area will remain behind the building and is not in public view. The existing office fronts onto Tembladera Street.
- j) The southern portion of the property is located within the Tembladero Slough, 100 year floodway. No structures are allowed in the floodway

and the original permit placed a condition of approval prohibiting outdoor storage. The applicant has worked with the Water Resources Agency to place any outdoor storage outside of the floodway. Outdoor storage will be sited to the rear of the building and along the building and along the northern fence line. Water Resources Agency has added an ongoing condition to reflect current standard conditions applied to projects in this area. The updated conditions do not change the circumstances of the original project.

- k) Visibility. While the site is visible from Highway 1 and the applicant has included screening of the proposed outdoor storage along the northern property line to reduce the visibility of roofing materials storage. Screening will include 15 Cypress trees, which will blend in with the existing Cypress trees along the southern fence border.
- l) All applicable conditions of approval from PC-7065 have been carried forward to permit PLN130482. All of the previous conditions for issuance of building and grading permits have been complied with. The amendment has been incorporated into the attached Conditions of Approval and will allow the applicant to store roofing materials along the southern property line and immediately along the rear of the existing 20,000 building (Building Permit BPH042155).
- m) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed Amendment found in Project Files PC-7065 and PLN130482.

2. **FINDING:** **CONSISTENCY** - The project as proposed is consistent with the previously approved permit(s) pursuant to Monterey County Code Section 20.70.105.A/20.76.115.A and does not cause impacts not already assessed in original permit action. As approved and amended, permit number PLN130458 will become and be referred to as the approved permit.

- EVIDENCE:**
- a) The proposal is an Amendment to previously approved Combined Development Permit (PC-7065) which will modify an existing Condition of Approval which limited outdoor storage and the height of outdoor storage. There will be no new impacts associated with new construction. The proposed use of the building is similar in nature to the previously permitted use.
  - b) The proposed Amendment is consistent with the Findings, Evidence and Conditions of Approval contained in Planning Commission Resolution No. 89-250 dated August 9, 1989. All of the other conditions of approval have been complied or are ongoing and the subject modified condition will be carried forward with this Amendment.
  - c) The project planner conducted a site inspection on July 12, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
  - d) The project was not referred to the Castroville Community Citizens Advisory Committee (CAC) LUAC for review as the LUAC does not currently exist.
  - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning



Department for the proposed development found in Project File PLN130482.

3.       **FINDING:**       **CEQA** - The Permit Amendment does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162. The original CEQA action on the project was not categorically exempt and a Negative Declaration was adopted.
- EVIDENCE:**   a)   The project amendment has been reviewed by the following departments and agencies: RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the modification is not suitable for the proposed development. Conditions recommended have been incorporated by the Fire Department to ensure the outdoor storage meets Fire standards and the RMA – Planning Department for aesthetics. There is currently an ongoing condition for landscaping and this condition has been updated with this amendment to reflect the proposed landscape screening.
- b)   No changes to the site are proposed and the 20,000 square foot building already exists therefore no additional ground disturbance or site disturbance will occur with this modification.
- c)   Staff conducted a site inspection on July 12, 2013 to verify that the site is suitable for this use.
- d)   The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130482.
4.       **FINDING:**       **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:**   a)   Section 21.80.040 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

1. Consider the previously adopted Negative Declaration; and
2. Approve an Amendment to a previously approved Use Permit (PC7065) to allow a change of a legal non-conforming use (a box distribution and office complex) to a legal non-conforming use of a similar nature (roofing supply and distribution of materials utilized by roofing professionals); and to modify Condition #25 which states that materials shall not be stored outside of the building over 24 hours, and that stacking shall not exceed 12' 6" in height and does not allow storing of pallets along the southern portion of the property or any location that would be visible from Highway 1. The Amendment will allow outdoor storage of roofing materials in designated areas not to exceed 60 inches in height, in general conformance with the attached and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 11th day of December, 2013 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

# Monterey County Planning Department

## DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN130482

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Amendment to a previously approved Use Permit (PC7065) to allow a change of a legal non conforming use (a box distribution and office complex) to a legal non conforming use of a similar nature (roofing supply and distribution of materials utilized by roofing professionals); and to modify Condition #25 which states that materials shall not be stored outside of the building over 24 hours, and that stacking shall not exceed 12' 6" in height and does not allow storing of pallets along the southern portion of the property or any location that would be visible from Highway 1. The Amendment will allow outdoor storage of roofing materials in designated areas not to exceed 60 inches in height. The property is located at 10450 Tembladera Street, Castroville (Assessors Parcel Numbers 030-157-002-000 and 030-157-003-000), Castroville Community Plan, North County Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file and in file No. PC7065. 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 RMA - Planning. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Permit Amendment to PC-7065 (Resolution Number \*\*\*) was approved by the Planning Commission for Assessor's Parcel Number 030-157-002-000 and 030-157-003-000 on December 11, 2013. Prior conditions of approval for PC7065 were complied with and are ongoing. PC7065 was approved subject to 31 conditions of approval and the subject Amendment will be subject to was granted subject to 4 updated conditions of approval which run with the land and 5 ongoing prior conditions. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

## 3. PD012(G) - LANDSCAPE PLAN & MAINTENANCE (OTHER)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of RMA - Planning. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf, and low-flow, water conserving irrigation fixtures."

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be installed and inspected.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

## 4. WRSP1 - FLOODWAY ENCROACHMENT

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall ensure that all outdoor storage shall remain outside the FEMA-defined regulatory floodway.

**Compliance or Monitoring Action to be Performed:** Ongoing condition

**5. CONDITION 5**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The location, type, and wattage must be approved by the Director of Planning and Building Inspection (RMA Planning).

(PC-7065 former Condition #5)

**Compliance or Monitoring Action to be Performed:** Ongoing condition

**6. CONDITION 6**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** That a minimum of ten percent of the site be landscaped, including land sculpturing and fencing, where appropriate, by the applicant and that a plan for such improvements be approved by the Director of RMA Planning. Landscaping plans to be approved by the Director of RMA Planning. Landscaping shall include the screening of the property from state Highway 1. (RMA Planning)

(PC-7065 former Condition #6)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits.

**7. CONDITION 13**

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** If required, dedicate to the County 30 feet from centerline of Tembladera Street (Public Works).

(PC-7065 former Condition #13)

**Compliance or Monitoring Action to be Performed:** On-going condition

**8. CONDITION 24**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The developer shall record with the Monterey County Recorders Office notice that the property is within or partially within a flood plain and is subject to building and/or use restrictions and may also be subject to a hold harmless agreement with the County of Monterey. The form and content of said notice shall be approved by the Director of RMA Planning prior to recordation. (RMA Planning)

(PC-7065 former Condition #24)

**Compliance or Monitoring Action to be Performed:** Ongoing condition

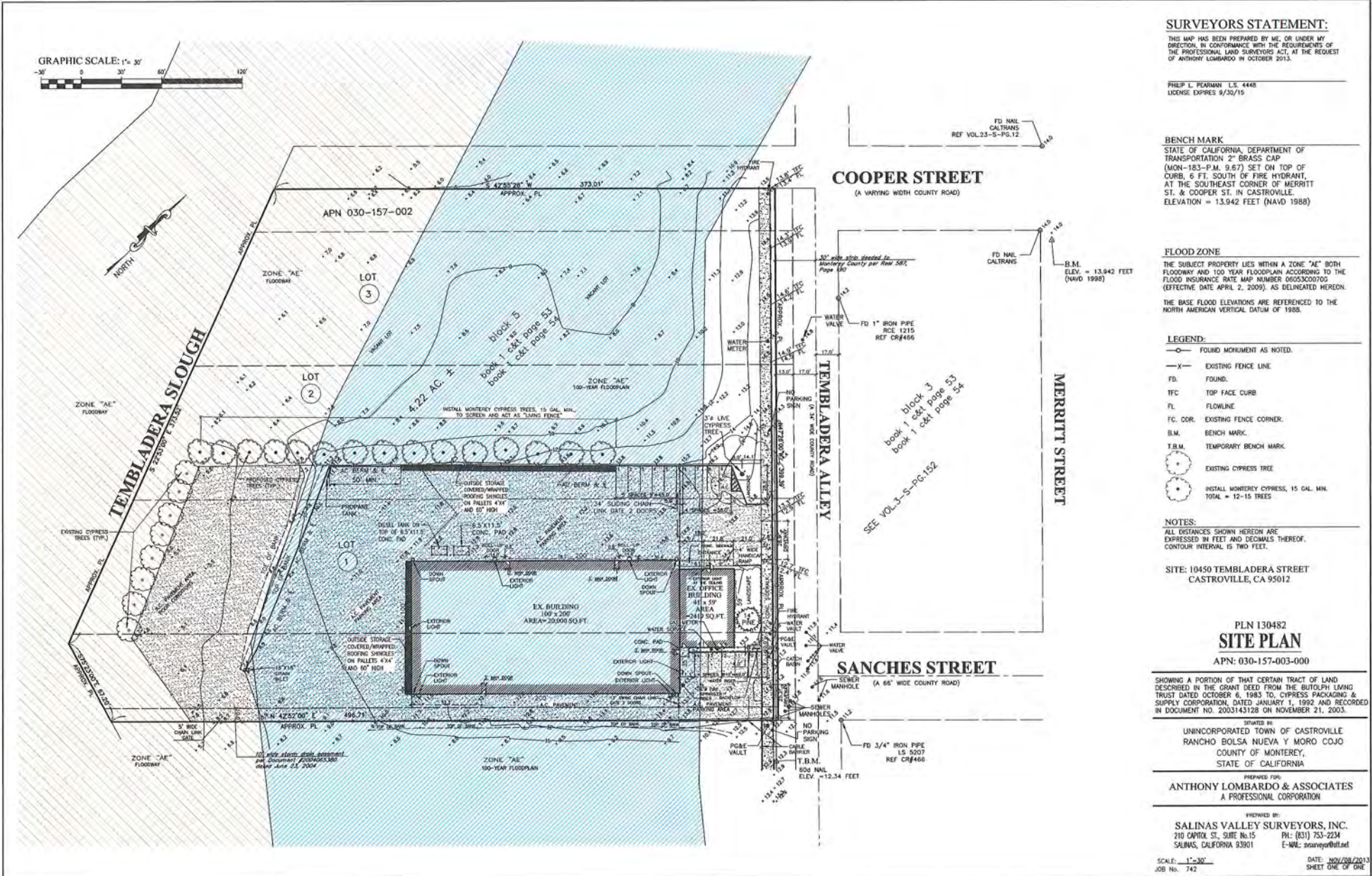
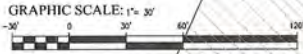
**9. CONDITION 30**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** That unpaved areas be landscaped, subject to the requirements of condition number 6. (RMA Planning)

(PC-7065 former Condition #30)

**Compliance or Monitoring Action to be Performed:** On-going condition



**SURVEYORS STATEMENT:**

THIS MAP HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS ACT, AT THE REQUEST OF ANTHONY LOMBARDO IN OCTOBER 2013.

PHILIP L. PEARMAN L.S. 4448  
LICENSE EXPIRES 9/30/15

**BENCH MARK**

STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION 2" BRASS CAP (MON-183-P.M. 9.67) SET ON TOP OF CURB, 6 FT. SOUTH OF FIRE HYDRANT, AT THE SOUTHEAST CORNER OF MERRITT ST. & COOPER ST. IN CASTROVILLE. ELEVATION = 13.942 FEET (NAVD 1988)

**FLOOD ZONE**

THE SUBJECT PROPERTY LIES WITHIN A ZONE "AE" BOTH FLOODWAY AND 100 YEAR FLOODPLAIN ACCORDING TO THE FLOOD INSURANCE RATE MAP NUMBER 06053C00700 (EFFECTIVE DATE APRIL 2, 2009). AS DELINEATED HEREON. THE BASE FLOOD ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988.

**LEGEND:**

- FOUND MONUMENT AS NOTED.
- X- EXISTING FENCE LINE
- FD. FOUND.
- TFC TOP FACE CURB
- FL FLOWLINE
- FC COR. EXISTING FENCE CORNER
- B.M. BENCH MARK.
- T.B.M. TEMPORARY BENCH MARK.
- EXISTING CYPRESS TREE
- INSTALL MONTEREY CYPRESS, 15 GAL. MIN. TOTAL = 12-15 TREES

**NOTES:**

ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF. CONTOUR INTERVAL IS TWO FEET.

SITE: 10450 TEMBLADERA STREET  
CASTROVILLE, CA 95012

PLN 130482  
**SITE PLAN**

APN: 030-157-003-000

SHOWING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN THE GRANT DEED FROM THE BUTOLPH LIVING TRUST DATED OCTOBER 6, 1983 TO CYPRESS PACKAGING & SUPPLY CORPORATION, DATED JANUARY 1, 1992 AND RECORDED IN DOCUMENT NO. 2003143128 ON NOVEMBER 21, 2003.

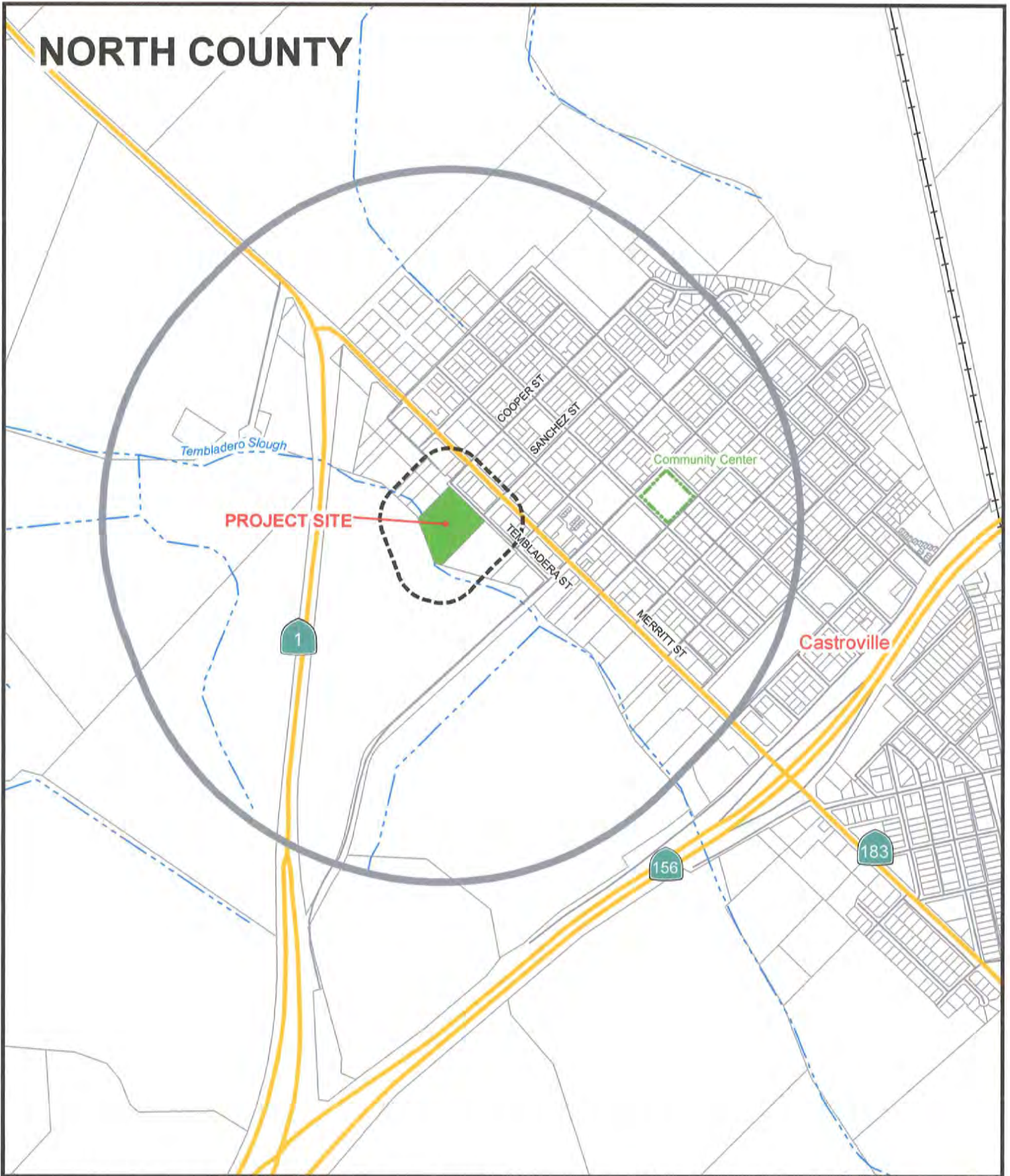
PREPARED BY:  
UNINCORPORATED TOWN OF CASTROVILLE  
RANCHO BOLSA NUEVA Y MORO COJO  
COUNTY OF MONTEREY,  
STATE OF CALIFORNIA

PREPARED FOR:  
ANTHONY LOMBARDO & ASSOCIATES  
A PROFESSIONAL CORPORATION

PREPARED BY:  
SALINAS VALLEY SURVEYORS, INC.  
210 CAPITOL ST., SUITE 105 PH: (831) 753-2234  
SALINAS, CALIFORNIA 93901 E-MAIL: svsurveyor@att.net

SCALE: 1"=30'  
JOB No. 742 DATE: NOV/09/2013  
SHEET ONE OF ONE

# NORTH COUNTY

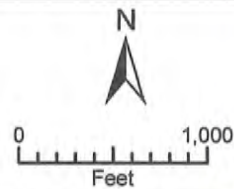


APPLICANT: CYPRESS PACKAGING & SUPPLY CORPORATION

APN: 030-157-002-000 & 030157-003-000

FILE # PLN130482

2500' Limit 300' Limit Water City Limits



PLANNER: NEGRETE

EXHIBIT D



EXHIBIT "A"  
PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 89-250

A. P. # 030-157-02/03

## FINDINGS AND DECISION

In the matter of the application of Carlee Investments (PC-7065)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located on Lots 1, 2 and 3, Block 4 and Lots 1, 2 and 3, Block 5, South of Merritt Street, Map of Castroville, Castroville area, fronting on and southerly of Templadera Street, came on regularly for hearing before the Planning Commission on August 9, 1989.

WHEREAS: Said proposal includes:

- 1) Adoption of the Negative Declaration prepared for the project, and
- 2) Reclassification from "T-J-B-5 2.5 Acre Minimum Building Site" District to "PCC" (Planned General Commercial) District or to some other classification to allow a box distribution and office complex, and
- 3) General Development Plan; Use Permit for a box distribution and office complex, and
- 4) Variance for reduction in front yard setback requirements, and

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

FINDINGS OF FACT

1. Findings: The proposed use is consistent with the North County Area Plan which designates this property as "Commercial" and with the policies contained in the Area Plan and General Plan.  
Evidence: The proposed use will be located on a legal lot of record. The North County Area Plan designates this property as "Commercial".
2. Findings: The site of the proposed use is physically suitable for the type of development proposed.  
Evidence: As determined by staff review of the project, the site appears to be suitable for the use as proposed. A preliminary geologic report was prepared by Grice Engineering, with recommendations presented and included as conditions of approval. A traffic study was prepared for the project by James Jeffrey, P.E., and reviewed by Public Works.
3. Findings: That the proposed development will not have a significant environmental effect.  
Evidence: As evidenced in the initial study prepared for the project, no potential significant environmental impacts are expected to result from this project and a Negative Declaration has been filed accordingly.
4. Findings: This project conforms to the zoning requirements of the Monterey County Zoning Ordinance.

Exhibit E

Evidence: The Use Permit has been reviewed by Planning Department staff to determine that the development conforms to the requirements of the County Zoning Ordinance. Box Distribution facilities are consistent with the allowed uses of the "PGC" zoning district.

5. Findings: The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of this particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or the general welfare of the County.

Evidence: This is evidenced by the above findings and supporting evidence.

6. Findings: That because of special circumstances applicable to subject property, the strict application of this Ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

Evidence: The Variance would allow a reduction in front yard setbacks for a lot severely restricted by flood plain construction. The buildings will still be holding setbacks compatible with the surrounding neighborhood.

7. Findings: That the grant of a variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject properties are located.

Evidence: The setbacks will be consistent with those of the surrounding commercial, many of which are located in the "C-1" (Retail Commercial) which does not require a front yard setback.

#### DECISION

THEREFORE, it is the decision of said Planning Commission to recommend to the Board of Supervisors that said Negative Declaration be adopted and said application be granted as shown on the attached sketch, subject to the following conditions:

1. That the color and roofing materials of the proposed structure be subject to approval by the Director of Planning. (Planning and Building Inspection)
2. That prior to the issuance of a building permit or initiation of the use, the applicant shall cause to be removed from the property all junk, including scrap metals, scrap materials, dismantled or wrecked vehicles or machinery, garbage, debris or similar materials. (Planning and Building Inspection)
3. That all cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)
4. That the parking layout be approved by the Director of Planning and Building Inspection, prior to the issuance of building permits or commencement of the approved use. (Planning and Building Inspection)

Exhibit E

5. That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The location, type, and wattage must be approved by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)
6. That a minimum of ten percent of the site be landscaped, including land sculpturing and fencing, where appropriate, by the applicant and that a plan for such improvements be approved by the Director of Planning and Building Inspection. Landscaping plans to be approved by the Director of Planning and Building Inspection prior to the issuance of building permits. Landscaping shall include the screening of the property from State Highway 1. (Planning and Building Inspection)
7. That all landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)
8. That the applicant meet the requirements of the current adopted edition of the Uniform Fire Code in a manner approved by the North County Fire Protection District. (North County Fire Protection District)
9. That the applicant provide fire apparatus access as approved by the North County Fire District. (North County Fire Protection District)
10. That the applicant provide fire hydrants of a type (James Jones Model #J-3740 or approved Equivalent) and at locations as approved by the North County Fire Protection District. (North County Fire Protection District)
11. Provide to the Director of Environmental Health certification and any necessary documentation from State agencies that Castroville County Water District can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Health Department)
12. Provide certification to the Director of Environmental Health that Monterey Regional Water Pollution Control Agency can and will provide sewer service on the proposed project. (Health Department)
13. If required, dedicate to County 30 feet from centerline of Tembladera Street. (Public Works)
14. Subject to the approval of Public Works, improve Tembladera Avenue, curb to curb, on the surface and both sides, including vertical curb, gutter and commercial sidewalk, between Cooper and Preston Streets. (Public Works)
15. That the applicant pay their proportionate share of widening the Merritt Street over-crossing at Highway 156 to a 5 lane bridge. (Public Works)
16. Obtain a sewer connection permit from Castroville County Sanitation District and Monterey Regional Water Pollution Control Agency and pay all applicable fees. (Public Works)
17. That the internal circulation and parkway be approved by the Director of Planning. (Public Works)
18. The floodway portion of the 100-year flood plain shall be shown and noted on a revised plot plan, as shown on FIRM panel 0055F, dated August 5, 1986. (Flood Control)


Exhibit E

19. A grading plan shall be submitted to the Flood Control District. No net increase in fill or structures shall be allowed in the floodway. (Flood Control)
20. The proposed office building shall have the lowest floor at least 11.5 feet above mean sea level which shall be certified by a licensed land surveyor or registered civil engineer. A copy of the certification shall be provided to the County Flood Control District. (Flood Control)
21. The proposed storage building shall be floodproofed in accordance with Ordinance No. 3272. (Flood Control)
22. The owner shall record a notice stating that the parcel is located within a flood plain and may be subject to building and/or land use restrictions. (Flood Control)
23. It is recommended that the County require the standard Hold Harmless Agreement, and that the agreement be recorded. (Flood Control)
24. That prior to the issuance of building permits, the developer shall record with the Monterey County Recorders Office notice that the property is within or partially within a flood plain and is subject to building and/or use restrictions and may also be subject to a hold harmless agreement with the County of Monterey. The form and content of said notice shall be approved by the Director of Planning and Building Inspection prior to recordation. (Planning and Building Inspection Department)
25. That all materials (i.e. pallets, boxes) not be stored outside of buildings over 24 hours, and that stacking shall not exceed 12' 6" in height. No storing of pallets shall be allowed along the southern portion of the property or any location that would be visible from State Highway 1. (Planning and Building Inspection Department)
26. Applicant agrees to improve or pay his proportional share of Sanchez Street, between Merrit and Tembladera Avenue, as determined by the Director of Public Works prior to occupancy of the project. (Public Works)
27. Prior to the improvement of Sanchez Street, it shall be posted to prohibit truck traffic. (Public Works)
28. That the southern driveway be eliminated. (Planning and Building Inspection Department)
29. That no unpaved areas be used for storage. (Planning and Building Inspection Department)
30. That unpaved areas be landscaped, subject to the requirements of condition number 6. (Planning and Building Inspection Department)
31. That a drainage plan be prepared. The drainage plan shall be subject to the approval of the County Flood Control District. (Flood Control)

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PASSED AND ADOPTED this 9th day of August, 1989, by the following vote:

AYES: Calcagno, Evans, Glau, Jimenez, Moore, Reaves, Riddle  
NOES: None  
ABSENT: Orrett, Stallard

  
NICHOLAS CHIULOS, ACTING SECRETARY  
OF THE PLANNING COMMISSION

Copy of this decision mailed to applicant on August 23, 1989.

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 SEPTEMBER 1, 1989.

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 one year after the above date of granting thereof unless construction or use is started within this period.

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