

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: December 13, 2007	Time:	Agenda Item No.:
Project Description: Use Permit to allow the conversion of 458 square feet of commercial office space to a 458 square foot apartment for on-site security.		
Project Location: 10161-A Reese Circle, Salinas		APN: 125-022-026-000
Planning File Number: PLN070387		Name: Al Sammut, Property Owner
Plan Area: North County Area Plan		Flagged and staked: No, existing structure
Zoning Designation: : “LC/B-6” [Light Commercial with a B-6 overlay]		
CEQA Action: Categorically exempt per Section 15311 of the CEQA guidelines.		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Use Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW:

The proposed 458 square foot apartment is to be located within an existing commercial building on a 1 acre parcel (Assessor’s Parcel Number 125-022-026-000) located at 10161-A Reese Circle in Salinas, within the North County Area Plan. The property is zoned Light Commercial with a B-6 overlay or “LC/B-6”. On March 30th, 2007 a code enforcement case (CE070099) was opened on the subject parcel for the conversion of 458 square feet of commercial office space to an apartment without permits. The owner removed the un-permitted unit and the case was closed on July 27th, 2007.

The applicant applied for the subject permit on August 22, 2007. The application originally consisted of a Use Permit to allow the conversion of a 458 square foot office into a Caretaker Unit for on-site security in accordance with The Monterey County Zoning Ordinance (Title 21) Section 21.18.060.K. Detailed review of the application revealed project infeasibility for a Caretaker Unit due to Section 21.64.030.C.3 of Title 21 which mandates two acres for a Caretaker Unit where public sewer does not exist, as mentioned previously the parcel is 1 acre (and is not connected to public sewer). A project alternative of an apartment was suggested by staff and accepted by the applicant in accordance with Section 21.18.060.L of the Title 21 which allows for a residential use provided the gross square footage of the residential use does not exceed the gross square footage of the commercial use which is the case for this project. The Monterey County Health Department – Division of Environmental Health had no objections to the project.

Staff has found this project to be consistent with the Monterey County General Plan, the North County Area Plan, the North County Inventory and Analysis and the Monterey County Zoning Ordinance (Title 21).

OTHER AGENCY INVOLVEMENT:

- ✓ North County Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project is exempt from CEQA per Section 15311.

Note: The decision on this project is appealable to the Planning Commission.

Brittanyann C. Nicholson
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October 23, 2007

cc: Zoning Administrator; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Bob Schubert, Acting Planning Services Manager; Brittany Nicholson, Planner; Carol Allen, Al Sammut, Applicants; Planning File PLN070387.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Site Plan, Elevations, Floor Plans

This report was reviewed by Bob Schubert, Acting Planning Services Manager

EXHIBIT B
RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, North County Area Plan, North County Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The property is located at 10161-A Reese Circle, Salinas (Assessor's Parcel Number 125-022-026-000), North County Area Plan. The parcel is zoned Light Commercial with a B-6 overlay ("LC/B-6"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.

(c) The Monterey County Zoning Ordinance (Title 21) Section 21.18.060.L allows for residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use. This project is in compliance with the specified requirements.

(d) The project planner conducted a site inspection on October 19, 2007 to verify that the project on the subject parcel conforms to the plans listed above.

(e) The Dunsford Subdivision Planning File No. MS-83-03 allowed the division of a four-acre parcel into four one acre parcels. The subject parcel is one of these four parcels.

(f) The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project is exempt from CEQA per Section 15311.

(g) 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 PLN070387.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

(b) Staff conducted a site inspection on October 19, 2007 to verify that the site is suitable for this use.

(c) Materials in Project File PLN070387.

3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15311, categorically exempts the construction, conversion or replacement of accessory structures accessory to existing commercial buildings.
(b) No adverse environmental effects were identified during staff review of the development application during a site visit on October 19, 2007.
(c) See preceding and following findings and supporting evidence.
4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** (a) Preceding findings and supporting evidence.
6. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.
- EVIDENCE:** Section 21.80.040.B of Monterey County Zoning Ordinance (Title 21) states, "The Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Zoning Administrator made pursuant to this title. The decision of the Planning Commission shall be final and may not be appealed, except as provided for in Section 21.80.040.C."

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Sammut File No: PLN070387 Approved by: Zoning Administrator	APNs: 125-022-026-000 Date: December 13, 2007
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<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>
1.		PD001 - SPECIFIC USES ONLY This Use permit (PLN0070387) allows the conversion of 458 square feet of commercial office space to a 458 square foot apartment for on-site security. The property is located at 10161-A Reese Circle, Salinas (Assessor's Parcel Number 125-022-026-000), North County Area Plan. 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 the RMA - Planning Department. 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 Department)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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2.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the (The Zoning Administrator) for Assessor's Parcel Number 125-022-026-000 on (December 13, 2007). The permit was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.</p> <p>(RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>All exterior lighting shall be unobtrusive, down-lit, 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 applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits.</p> <p>(RMA – Planning Department)</p>	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	

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			Proof of recordation of the document shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to occupancy or commencement of use	
4.		<p>FIRE011 - ADDRESSES FOR BUILDINGS</p> <p>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</p>	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	<i>Applicant or owner</i>	Prior to issuance of building permit.	

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		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-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)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
5.		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	
6.		FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING) Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. (North County Fire Protection District)	Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
7.		EHSP01 – ALTERNATIVE SEPTIC SYSTEM 1) Enter into a service contact with a licensed contractor for the life of the system, give a copy to the Health Department – Environmental Health Division. 2) Record a deed restriction and give a copy to the Environmental Health Division. 3) The licensed contractor must inspect the system every 6 months and give a copy of the inspection report to the Division of Environmental Health. 4) The property must comply with all existing and future regulations pertaining to alternative septic systems. (Environmental Health Department)	Applicant shall comply with the stated requirements.	Applicant or Owner	Ongoing	
8.		WR22 - FLOODPLAIN RECORDATION The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: “The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.” (Water Resources Agency)	Submit the recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County’s standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Prior to issuance of any grading or building permits	

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9.		<p>WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.</p> <p>(Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
10.		<p>SHERIFF001 – SAFETY AND SECURITY The project shall comply with the Safety and Security guidelines of the Monterey County Sheriff’s office. (Sheriff’s Office – Dave Crozier)</p>	Comply with the Safety and Security guidelines of the Monterey County Sheriff’s office.	Owner/Applicant	Prior to final inspection.	