

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

RESOLUTION NO. 02019

A. P. # 257-032-001-000

FINDINGS AND DECISION

In the matter of the application of
San Benito Supply, Inc. (PLN000323)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit located at 32340 Silliman Road, north of the City of Soledad and adjacent to the California Correctional Facility in the Central Salinas Valley Area, came on regularly for hearing before the Planning Commission on March 27, 2002.

WHEREAS: Said proposal includes:

- 1) Use Permit for a concrete batch plant, and
- 2) Use Permit for a construction vehicle and used equipment sales lot, and
- 3) Administrative Permit and General Development Plan to allow existing on site uses.

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

FINDINGS OF FACT

1. **FINDING:** The subject Combined Development Permit (PLN 000323), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 32360 Silliman Road, in the Soledad area. The parcel is zoned "HI" (Heavy Industrial). With the approval of this project, the subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
 - a) The Central Salinas Valley Area Plan
 - b) Chapter 21.28 of the Monterey County Zoning Ordinance regulations for development.**EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.
EVIDENCE: The proposed use is consistent with the development standards for Heavy Industrial, pursuant to Title 21, Monterey County Zoning Ordinance.
EVIDENCE: Section 21.28 of the Monterey County Zoning Ordinance (Title 21). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that violations exist on subject property.
EVIDENCE: Written and verbal public testimony submitted at public hearings before the Planning Commission.

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

EVIDENCE: The on-site inspection by the project planner on August 23, 2001 to verify that the proposed project complies with the Central Salinas Valley Area Plan.

2. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File #000323) in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter “the Program”) has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit “E” and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 240 Church Street, Room 116, Salinas is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

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

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on January 31, 2002. The following evidence has been received and considered: All comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County’s independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

Traffic Report, Higgins and Associates, March 15, 2001

EVIDENCE: The Program for Monitoring and/or Reporting on Conditions of Approval, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.

EVIDENCE: No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

3. **FINDING:** Considering the record as a whole, there is no evidence that the project will have potential for adverse effect either individually or cumulatively on wildlife resources as defined under Section 759.2 and 711.2 of the Fish and Game Code.

EVIDENCE: The administrative record as a whole, which must and does contain the following information, (*See a-e below*), supports the above finding – The project is located on a site already developed with heavy industrial uses, and is zoned “Heavy Industrial,” and designated Industrial by the Central Salinas Valley Area Plan. No impacts to fish and game resources can be anticipated from the proposed uses. Those impacts which were identified in the initial study as potentially significant are not related to potential impacts to fish and game resources.

- a. *Name and Address of Project Proponent*
- b. *Brief description of project and its location.*
- c. *An Initial Study has been prepared so as to evaluate the potential for adverse environmental impact.*
- d. *When considering the record as a whole, there is no evidence that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends.*
- e. *The presumption of the project's adverse effect on fish and wildlife resources or the habitat upon which the wildlife depends, has been rebutted on the basis of substantial evidence.*

4. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, applicable Fire Department, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

EVIDENCE: Adoption of the Negative Declaration includes mitigation measures that mitigate potential Aesthetic, Air Quality and Traffic impacts.

EVIDENCE: File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in the project file.

EVIDENCE: On-site inspection by the project planner on August 23, 2001.

5. **FINDING:** The project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80.040.C of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following

conditions:

1. The subject Use Permit consists of a Combined Development Permit consisting of a Use Permit, Administrative Permit and General Development Permit to allow a concrete batch plant, construction vehicle and used equipment sales lot, and to allow existing on site uses. The project is located at 32360 Silliman Road (Assessor's Parcel Number 257-032-001-000 and 257-032-002-000) in the Soledad Area. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 02019) was approved by the Planning Commission for Assessor's Parcel Number 257-032-001-000 and 257-032-002-000 on March 27, 2002. The permit was granted subject to 30 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)**
3. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan. **(Planning and Building Inspection)**
4. 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 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
6. The applicant shall obtain a building permit for any new construction from the Building Inspection Division. **(Planning and Building Inspection)**
7. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion in coordination with the consulting biologist, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
9. Exterior lighting shall be designed to maintain safety without illuminating adjacent private and public properties, including Silliman Road and Highway 101. Light fixtures shall be shielded and directed downward and away from off-site property. **(MM1) (Planning and Building Inspection)**

10. Light fixtures shall not exceed 25 feet in height and not exceed 2.40 foot-candles at ground level. All exterior fixtures shall contain cut-off optics that precludes light to be emitted above a horizontal plane running through the bottom of the fixture. **(MM2) (Planning and Building Inspection)**
11. The used vehicle and equipment sales lot shall not be illuminated except for minimum security needs. Illumination for sales purposes shall be limited to the hours of operation, 7:00 a.m. to 7:00 pm. Lighting shall be subject to the approval of the Director of Planning and Building Inspection. **(MM3) (Planning and Building Inspection)**
12. The applicant shall submit an application for Authority to Construct and Permit to operate the cement batch Plant to the MBUAPCD and shall receive approval of said application and operate per the requirements of the MBUAPCD. Operation of the batch plant under the direction of the MBUAPCD will mitigate any potential air quality impact relating to the use of cement. **(MM4) (Planning and Building Inspection)**
13. The applicant shall obtain all necessary permits from Monterey Bay Unified Air Pollution Control District and the Environmental Health Department, including paint booths. **(Planning and Building Inspection)**
14. All vehicles for repair shall be located inside the buildings. No vehicles shall be stored outside except those used for the batch plant and equipment sales yard. Outside parking shall be limited to vehicles used for transportation to and from the site, and customer parking. **(Planning and Building Inspection)**
15. All vehicles or parts stored for longer than 72 hours that contain gasoline, oils, lubricants, coolants, or any other hazardous materials/wastes shall be stored in impervious areas with secondary containment features approved by the Division of Environmental Health. The 72 hours storage time limit shall not apply to impounded vehicles. **(Environmental Health)**
16. The project shall comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code. **(Environmental Health)**
17. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, and well logs available, and the number of current hookups. **(Water Resources Agency)**
18. Driveways to Silliman Road shall be approved by Monterey County Department of Public Works. **(Public Works)**
19. The applicant shall submit two sets of plans for approval by the Department of Public Works for parking and internal circulation prior to issuance of permits. **(Public Works)**
20. Install barrier along property frontage to define the driveway openings, subject to the approval of the Monterey County Department of Public Works. **(Public Works)**
21. Signage shall be consistent with the signage provisions of Title 21. A plan for signage, including color, locations, dimensions and size of lettering for the entire site shall be approved by the Director of Planning and Building Inspection. All signs for businesses on the site shall conform to the approved sign program within 90 days of issuance of building permits for the batch plant. **(Planning and Building Inspection)**
22. The site shall be paved and maintained with an all weather surface, subject to the approval of the Planning and Building Inspection Department. **(Planning and Building Inspection)**

23. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, and necessary improvements shall be constructed in accordance with approved plans. **(Planning and Building Inspection Department, Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

24. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
- 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.
 - 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. **(Water Resources Agency & Planning and Building Inspection)**
25. The site shall be landscaped. Prior to issuance of permits, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. 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, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Landscaping shall be either installed prior to occupancy or final of the permits for the batch plant. **(Planning and Building Inspection)**

Continuous Permit Conditions:

26. If during the course of construction activity on the subject property, cultural, archaeological, historical, paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
27. All landscaped areas and replanted trees 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).**
28. Hours of operation shall be 7 a.m. to 7 p.m. However, the Batch plant operation will not have a restriction on the hours of operation. **(Planning and Building Inspection Department)**
29. There shall be no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property. **(Planning and Building Inspection Department)**
30. Prior to the establishment or change in use, the applicants shall provide an updated parking layout for the property to establish adequate parking facilities for the entire site. This plan shall be subject to the approval of the Director of Planning and Building Inspection Department. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 27th day of March, 2002 by the following vote:

AYES: Errea, Sanchez, Hawkins, Parsons, Brennan, Pitt-Derdivanis, Diehl, Hernandez, Wilmot
NOES: None
ABSENT: Lacy

Original Signed By: _____

DALE ELLIS, SECRETARY

Copy of this decision mailed to 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.