

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

RESOLUTION NO. 02034

A. P. # 173-121-010-000

In the matter of the application of
Leonard McIntosh (PLN020096)

FINDINGS AND DECISION

for a Standard Subdivision in accordance with Chapter 19.03, Title 19 (Subdivisions) of the County of Monterey Code, to allow a condominium conversion of two 2-story office buildings, approved under PLN000413 and under construction, to create eleven office condominiums for separate ownership; located at 9699 Blue Larkspur Lane (Lot 10), Laguna Seca Office Park, Greater Monterey Peninsula area, came on regularly for hearing before the Planning Commission on June 12, 2002.

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

1. **FINDING:** The subject tentative map, as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The parcel is located in a "Visitor Serving/Professional Office" (VO/B-6-UR-D-S) zoning district. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 19 and Title 21.
EVIDENCE: The Monterey County Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
 - a) The Greater Monterey Peninsula Area Plan.
 - b) Chapters 19.02 and 19.03 of the Monterey County Subdivision Ordinance.
 - c) Chapters 21.22, 21.42, 21.44, 21.45, 21.50, 21.58, 21.64.260 and 21.74 of the Monterey County Zoning Ordinance.**EVIDENCE:** The project 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, Public Works, Water Resources, Environmental Health, Sheriff's Department, Parks Department, and Salinas Rural Fire District. There has been no indication from these agencies that the site is unsuitable for the proposed development. Each agency has recommended conditions for project approval.
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: Planning Commission Resolution No. 01036.

2. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15301 of the Monterey County CEQA Guidelines categorically exempts the proposed subdivision from environmental review. No adverse environmental impacts were identified during review of the proposed project. No new uses or ground disturbance are proposed, or are necessary, as part of the application to convert the office building into condominiums.

3. **FINDING:** The site is physically suitable for the proposed use.
EVIDENCE: The site has been found to be physically suitable for the proposed development, subject to

the conditions cited in a Site Development Feasibility report prepared by Landset Engineers, Inc., dated February 8, 2001.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Sheriff's Department, Parks Department, Salinas Rural Fire District, and the Greater Monterey Peninsula Land Use Advisory Committee (Voted for approval 2-0). There has been no indication from these agencies that the site is unsuitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: Planning Commission Resolution No. 01036.

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

EVIDENCE: Section 19.03.025E of the Monterey County Subdivision Ordinance (Title 19).

5. FINDING: Adequate services are available to serve the proposed project.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Sheriff's Department, Parks Department and Salinas Rural Fire District. There has been no indication from these agencies that the site is unsuitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: Water service is provided to the office park by Cal Am Water Company, and sewer service is provided by Monterey County (CSA #10).

EVIDENCE: Planning Commission Resolution No. 01036.

EVIDENCE: Memorandum from Roger Beretti, Monterey County Environmental Health Division dated April 30, 2002, that states the County has received letters from the water and sewer providers that they will provide the office buildings with service.

6. FINDING: The proposed project will not create a substantially adverse visual impact when viewed from a common public viewing area.

EVIDENCE: The project does not propose any physical changes to the existing buildings. During the review of the previously approved Combined Development Permit (PLN000413) for the project, the applicant flagged and staked the proposed buildings. Staff performed a site visit at that time and determined that although the building will be seen from Highway 68 for a brief moment by the traveling public, the mature trees and vegetation within the buffer area significantly screen the building from Highway 68 and will not create a substantial adverse visual impact. The project will not be visible from any other public viewing areas.

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

EVIDENCE: The project as described in the application and the accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, the County Sheriff, Salinas Rural Fire Protection District and Greater Monterey Peninsula Land Use Advisory Committee. These departments and agencies 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: Planning Commission Resolution No. 01036.

DECISION

It is the decision of the Planning Commission of the County of Monterey that said application for a Standard Subdivision be granted as shown on the attached sketch and subject to the following conditions:

1. This permit is a Tentative Map to allow the subdivision of two 8,064 sq. ft office buildings on an existing 1.85-acre parcel into eleven condominium units for individual ownership, and create a common area parcel on the remaining portion of the property, in accordance with County ordinances and land use regulations, and subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to Recordation of the Parcel Map:

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the parcel map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. **(Planning and Building Inspection)**
3. File Parcel Map delineating all existing and required easements or rights-of-way and monument new lines. The Parcel Map shall include all required condominium information. **(Public Works)**
4. Provide for all existing and required easements or rights-of-way. **(Public Works)**
5. A note shall be placed on the parcel map or a separate sheet to be recorded with the parcel map indicating that: *"Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code."* Such facilities shall be installed or bonded prior to filing the parcel map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. **(Planning and Building Inspection; Public Works)**

6. A note shall be placed on the parcel map or a separate sheet to be recorded with the parcel map stating that: *“A geotechnical report dated February 8, 2001 has been prepared on this property by Landset Engineers, and is on file in the Monterey County Planning and Building Inspection Department. The recommendations contained in said report shall be followed in all further development of this property.”* The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. **(Planning and Building Inspection; Public Works)**
7. Thirty days prior to the expiration of the Tentative Map, Step A (8 items) of the County Surveyor’s Check Off List for Parcel Map Processing shall be completed. **(Public Works)**
8. A note shall be placed on the Parcel Map stating the following: *“The Planning Commission approved a Combined Development Permit (PLN000413) for the construction of the two office buildings, which are the subject of this Parcel Map, on June 27, 2001 (Resolution 01036 and Permit Approval Notice, recorded as document #2001079622 at the Monterey County Recorder). The permit was issued subject to 41 conditions of approval, which run with the property included within this parcel map.”* **(Planning and Building)**

Prior to Occupancy:

9. A condominium owners association shall be legally formed and maintained. The association shall be responsible for the maintenance of site and system plans and/or information, maintenance and repair of all fire protection systems and their appurtenances, including but not limited to fire sprinklers and fire alarm. The association shall also maintain fire department access (driveway, parking lot, etc.), as well as building/suite addresses and other required signage. A representative of the condominium owners association shall be designated as an emergency contact person. The association shall send to the fire department written notification of any change in association representatives and/or emergency contact persons. The fire department shall be provided a copy of the fully executed and recorded documentation for the formation of the condominium owners association. **(Fire District)**
10. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. **(Fire District)**

Continuous Permit Conditions:

11. Due to the unavailability of a common, normally attended location for the supervision of the fire alarm system annunciator, the fire alarm system shall be a UL Certificated Central Station Fire Alarm System with Central Station monitoring service. The UL Certification and monitoring service shall be maintained by the condominium association. **(Fire District)**
12. The fire department shall be notified when ownership of condominium units change so that the emergency access key box can be maintained with current keys. **(Fire District)**

PASSED AND ADOPTED this 12th day of June, 2002 by the following vote:

Ayes: Errea, Sanchez, Hawkins, Pitt-Derdivanis, Brennan, Diehl, Classen, Wilmot

Noes: None

Absent: Parsons, Hernandez

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.