

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

RESOLUTION NO. 02063

A.P. # 261-041-020-000

FINDINGS AND DECISION

In the matter of the application of
John James and Priscilla Grider (PLN000531)

for an appeal of an Administrative Interpretation of the Zoning Code (PLN000531) Grider) which requires separate use permits for a vehicle two yard and liquid waste hauling operation on property in a zoning district previously classified General Commercial (C-2), and presently zoned Heavy Commercial (HC), located at 1128-1130 Madison Lane in the Boronda area, Greater Salinas Area, came on regularly for hearing before the Planning Commission on October 30, 2002.

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

FINDINGS OF FACT

1. **FINDING:** R&R Towing Service (R&R) and Green Line Liquid Waste Haulers (Green Line) located at 1128-1130 Madison Lane (APN 261-041-020) are legal nonconforming uses. Continued operation of these businesses does not require use permits from the Planning and Building Inspection Department. R&R Towing Service and Green Line Liquid Waste Haulers are similar uses to permitted uses enumerated in § 20.34.020 USES PERMITTED FOR GENERAL COMMERCIAL DISTRICTS (1982) of Title 20 and neither use is detrimental or obnoxious to the neighborhood. Therefore, both uses constitute legal non-conforming uses requiring no use permit under Title 21.
EVIDENCE: Materials in project file PLN000531 demonstrate that R&R and Green Line were established in approximately 1982 under the General Commercial zoning regulations.
EVIDENCE: The following regulations allow similar uses to permitted uses in the General Commercial regulations also to be classified permitted uses: TITLE 20 § 20.06.040(A)1 EFFECT OF ESTABLISHMENT OF DISTRICTS (1982); § 20.34.020 USES PERMITTED FOR GENERAL COMMERCIAL DISTRICTS (1982) of Title 20.
EVIDENCE: Since R&R Towing Service and Green Line Liquid Waste Haulers are similar uses to those enumerated in § 20.34.020 USES PERMITTED FOR GENERAL COMMERCIAL DISTRICTS (1982) in Title 20, they were legally established in the General Commercial zoning district.
EVIDENCE: As legally established uses, Green Line and R&R are legal non-conforming uses as defined in § 21.68.010 ESTABLISHMENT OF LEGAL NONCONFORMING USES (2002) in Title 21.
EVIDENCE: Testimony from the October 9, 2002 Planning Commission hearing demonstrates that neither business is detrimental nor obnoxious to the neighborhood.

2. **FINDING:** Green Line Liquid Waste Haulers and R&R Towing Service are subject to the regulations in Chapter 21.68 LEGAL NONCONFORMING USES in Title 21. As a legal nonconforming use, neither R&R Towing Service nor Green Line Liquid Waste Haulers shall be expanded, enlarged, increased, or extended to occupy a greater area than that occupied

when the legal nonconforming use was established. As a legal nonconforming use, neither R&R Towing Service nor Green Line Liquid Waste Haulers shall be intensified over the level of use that existed at the time the legal nonconforming use was established. The baseline level of use for R&R Towing Service and Green Line Liquid Waste Hauling shall be as described on pages A-4, B-9, and B-23 of the Staff Report for PLN000531 submitted to the Planning Commission on October 9, 2002.

EVIDENCE: Title 21, Chapter 21.68 LEGAL NONCONFORMING USES

EVIDENCE: Staff Report for PLN000531 before the Planning Commission on October 9, 2002

DECISION

THEREFORE, it is the decision of said Planning Commission to affirm the appeal of the Administrative Interpretation of the Zoning Code to classify R&R Towing Service and Green Line Liquid Waste Haulers as legal non-conforming uses requiring no use permit.

PASSED AND ADOPTED this 30th day of October , 2002, by the following vote:

AYES: Errea, Sanchez, Brennan, Parsons, Diehl, Wilmot

NOES: Engell

ABSENT: Pitt-Derdivanis, Hernandez

ABSTAIN: Hawkins

Original Signed By:

ALANA KNASTER, SECRETARY PRO TEM

Copy of this decision mailed to applicant on

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.