

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

RESOLUTION NO. 03038

A. P. # 133-211-003-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Roy Hamlin (PLN020479)**

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 7981 Moss Landing Road on the east side of Moss Land Road at Sandholt Road, North County, Moss Landing Community Plan, Coastal Zone, came on regularly for hearing before the Planning Commission on July 9, 2003.

WHEREAS: Said proposal includes a:

- 1) General Development Plan to establish development and operation standards for a 1.76-acre site with nine existing buildings and one replacement building totaling 14,598 square feet including five residential units, four retail buildings and one mixed use building (commercial and residential);
- 2) Coastal Administrative Permit and Design Approval for constructing a 2,400 square foot, two-story building with a residential unit above commercial space (to replace a 3,200 square foot commercial building with an attached residential unit destroyed by fire on August 3, 2002); and
- 3) Coastal Development Permit to allow a residential unit on the second floor of a commercial building.

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

**FINDINGS OF FACT**

1. **FINDING – CONSISTENT WITH PLAN/POLICIES:** The proposed Combined Development Permit PLN020479/Hamlin conforms to the plans, policies, requirements and standards of the North County Coastal Land Use Plan and the Monterey County Coastal Implementation Plan, Part 2 (Chapter 20.144 MCC).

**EVIDENCE:** The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) North County Coastal Land Use Plan.
- b) Chapter 20.144 of the Monterey County Coastal Implementation Plan.

There would be no conflict or inconsistencies with the regulations of these plans or policies.

**EVIDENCE:** Visual Resources (Section 20.144.030 NC LUP). The site is located west of Moro Cojo Slough. An on-site inspection by the project planner on October 21, 2002 determined that the proposed building is located wholly or partially within a public viewshed as defined by Section 20.144.020.SSS. Although structures in Moss Landing screen views of the coastline from Highway 1, the area is a historic and architectural community that creates a visual resource. The project consists of replacing a building that was destroyed by fire with a building of similar size and near the same location. This structure is consistent with height and design guidelines for the Moss Landing community.

**EVIDENCE:** Environmentally Sensitive Habitat (Section 20.144.040 NC LUP). The project is consistent with policies of the North County Implementation Plan (NC CIP) dealing with environmentally sensitive habitat. Review of County resource maps and an on-site investigation by the project planner on October 21, 2002 determined that there are no biological resources that would be

impacted by the proposed project. The proposed replacement building (Building #10) would be located in an area that has been disturbed for previous development. The building site is outside of the 100-foot set back from Moro Cojo Slough so no native vegetation would be removed.

**EVIDENCE:** Shoreline Structures (Section 20.144.060 NC LUP). These regulations are designed to preserve and protect coastal estuaries and wetlands. The Moro Cojo Slough cuts across the east side of the subject property. A 100-foot structure set back is required from the edge of this slough. The General Development Plan includes parking plus four existing structures that are located within the set back area. Parking areas will be maintained with impervious materials such as gravel.

**EVIDENCE:** Hazards (Section 20.144.100 NC LUP). County resource maps identify the site as “Urban” for fire and level VI-Very High/Tsunami for seismic hazards. A geotechnical report was prepared for the project based on criteria in Section 20.144.100.A.1. North County Fire reviewed the project and their recommended conditions have been included. The proposed new structure is not located within the 100-year floodway or within 100 feet of the Moro Cojo Slough.

**EVIDENCE:** Archaeology (Section 20.144.110 NC LUP). County resource maps identify that the site has a high archaeological sensitivity. A preliminary reconnaissance was performed for the site in 1992 for the adjacent structure and determined that the site was negative. Moss Landing has a number of historic building and is itself a historic community. Although the development area has been previously disturbed with a former building that was destroyed by fire, a standard condition to watch for archaeological resources during grading has been included.

**EVIDENCE:** Transportation (Section 20.144.120 NC LUP). A traffic study was not required for this project since the new development will create the same amount of commercial floor area and the same number of residential units as the destroyed building. With no new traffic generated, there would be no potential to significantly impact the level of service of or traffic safety along Highway One or Moss Landing Road. Public Works and Health Departments have reviewed the project and recommend approval subject to conditions.

**EVIDENCE:** Wastewater Management (Section 20.144.130 NC LUP). The site is currently serviced by public sewer under the Moss Landing County Sanitation District. Proposed development is to replace a destroyed building with a new structure of approximately the same size and intensity. Therefore, this project will not generate a need to expand the service area or to provide additional new service.

**EVIDENCE:** Public Access (Section 20.144.150 NC LUP). See Finding #5.

**EVIDENCE:** Moss Landing Community Development Standards (Section 20.144.160 NC LUP). Proposed development has been designed in accordance with the guidelines for buildings in the Moss Landing Community. The design incorporates an early American style, reflecting the existing character of Moss Landing Road. Wood features (siding, trim, etc.) are included with finish colors of tan or soft peach tones. Wooden posts are used to frame a wide covered porch with a second floor balcony. Siting the replacement building in generally the same location as the destroyed building will maintain a similar view of the Moss Landing community. Also, the new structure will not obstruct any new views that were not already obstructed by the previous building.

**EVIDENCE:** Design Approval. The applicant has provided the Planning Commission with a Design Approval Request, drawings, and a statement of materials and colors to be used.

**EVIDENCE:** LUAC. On April 21, 2003, the North County Coastal Land Use Advisory Committee voted 6-0 to recommend approval of the project as designed. The Committee found that the applicant had met all requirements.

**EVIDENCE:** No testimony, either written or oral, was received during the course of the public hearing

process to indicate that there is any inconsistency with these plans or policies.

2. **FINDING – COMPLY WITH REGULATIONS:** The proposed Combined Development Permit PLN020479/Hamlin complies with all applicable requirements of Chapter 20.16 of Title 20 of Monterey County Codes.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) Chapter 20.20 of the Monterey County Zoning Ordinance regulations for development in the Moss Landing Commercial zone including the preparation of General Development Plans and design standards.
- b) Chapter 20.70 of the Monterey County Zoning Ordinance regulations for Coastal Development Permits.
- c) Chapter 20.76 of the Monterey County Zoning Ordinance regulations for Coastal Administrative Permits.

There would be no conflict or inconsistencies with the regulations of these regulations.

**EVIDENCE:** The subject site is located within the “MLC(CZ)” or Moss Landing Commercial zoning district in the coastal zone.

**EVIDENCE:** The project site is approximately 1.76 acres (76,560 square feet) in size and the zoning designation requires a minimum of 10,000 square feet for parcels in this district.

**EVIDENCE:** The Moss Landing Commercial zone allows administrative review of Coastal Administrative Permits for retail shops (Section 20.20.050.D MCC), unless combined with a permit that requires review by the Planning Commission (Section 20.82.030.A MCC). The Moss Landing Commercial zone authorizes the Planning Commission to consider Coastal Development Permits for second story dwellings (Section 20.20.060.E MCC) and General Development Plans for lot in excess of one acre or with more than one use on the lot (Section 20.20.030 MCC).

**EVIDENCE:** The site has been graded flat from a prior building located in generally the same place as the proposed structure. There are no trees located within the project area.

**EVIDENCE:** No Violation. Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any have been paid.

**EVIDENCE:** Materials in project file PLN020479/Hamlin.

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

**EVIDENCE:** The project planner conducted an on-site inspection on October 21, 2002. The proposed improvements will not present an unsightly appearance, impair the desirability of residences in the same area, limit the opportunity to obtain the optimum use and value of land improvements or impair the desirability of living conditions of the same or adjacent area.

**EVIDENCE:** The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, North County Fire District, Parks Department, and Environmental Health Division. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated to the project conditions.

**EVIDENCE:** A report by the project Geotechnical Engineer indicate that there are no physical or environmental constraints that would indicate the site is not suitable for the proposed use. Recommendations by the engineer for design and soil have been incorporated to the project conditions.

**EVIDENCE:** Materials in project file PLN020479/Hamlin.

4. **FINDING – CONDITIONS OF APPROVAL:** The conditions of approval comply with the provisions of Title 20, Chapter 20.144.  
**EVIDENCE:** The conditions are based on the recommendations of the local fire district, the Monterey County Water Resources Agency, Monterey County Health Department and Monterey County Department of Public Works. The conditions incorporate the concerns and recommendations of those various agencies (**Exhibit D**). Additional conditions are required for approval in order to assure that the proposed use and site amenities are compatible with other developments in the area.  
**EVIDENCE:** Materials in project file PLN020479/Hamlin.
5. **FINDING – PUBLIC ACCESS:** The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 and Section 20.144.150 of the North County Coastal Land Use Plan and Coastal Implementation Plan.  
**EVIDENCE:** The site is located seaward of the first public road, but there is no historic access from any coastal areas including the Moro Cojo Slough.  
**EVIDENCE:** The Shoreline Access/Trails Map illustrated in Figure 6 of the North County Coastal Land Use Plan does not indicate any access/trails within or near the project site. However, the General Development Plan for the property includes public access to Moro Cojo Slough from Moss Landing Road through the main parking area.
6. **FINDING- WATER IMPACT-NORTH COUNTY:** There presently exists in the North Monterey County area a serious overdraft in the aquifers, together with seawater intrusion problems in the North County Coastal Zone and nitrate pollution problems throughout the area. The North County Land Use Plan, Coastal Implementation Plan, and Area Plan recognize the existence of these problems and direct that studies be made to determine the safe-yield of the North Monterey County aquifers and that procedures thereafter be adopted to manage development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.  
**EVIDENCE:** There is no expansion of use. The area of commercial use and number of residential units of the proposed structure is the same as the building that was destroyed by fire.  
**EVIDENCE:** Materials in project file PLN020479/Hamlin.
7. **FINDING - CEQA:** The proposed project will not have a significant environmental impact.  
**EVIDENCE:** Section 15302(b) 2 is a Categorical Exemption (Class 2) for replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.  
**EVIDENCE:** Based on available information, there is no reasonable possibility that the proposed activity will have a significant effect on the environment due to unusual circumstances. There are no slopes greater than 25% (North County) within the proposed building envelope.  
**EVIDENCE:** Materials in project file PLN020479/Hamlin.
8. **FINDING –APPEAL:** The decision on this project may be appealed to the Board of Supervisors.  
**EVIDENCE:** Section 20.86.030 of the Monterey County Zoning Ordinance (Board of Supervisors).  
**EVIDENCE:** Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission).

### **DECISION**

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The Combined Development Permit (PLN020479/Hamlin) consisting of: General Development Plan to establish development and operation standards for a 1.76-acre site with nine existing buildings and one replacement building totaling 14,598 square feet including five residential units, four retail buildings; and one mixed use building (commercial and residential); Coastal Administrative Permit and Design Approval for constructing a 2,400 square foot, two-story building with a residential unit above commercial space [to replace a 3,200 square foot commercial building with an attached residential unit destroyed by fire in August 3, 2002]; and Coastal Development Permit to allow a residential unit on the second floor of a commercial building. The project is 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 Issuance of a Building and/or Grading Permit**

2. The applicant shall record a notice which states: "A Permit (Resolution # 03038) was approved by the Monterey County Planning Commission for Assessor's Parcel Number **133-211-003-000** on **July 9, 2003**. The permit was granted subject to **25** 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 July 9, 2003 Planning Commission staff report discussion for a General Development Plan shall be copied onto the Final Site Plan.
4. The applicant shall submit three copies of an exterior lighting plan that addresses the following:
  - a. Indicate the location, type, and wattage of all light fixtures including catalog sheets for each fixture for review and approval of the Director of Planning and Building Inspection.
  - b. 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.
  - c. Provide adequate security lighting over doorways, along any pathways and in parking lot areas. These areas should be illuminated from dusk until dawn.
  - d. Lighting shall be designed and/or screened (e.g. landscape) to not create a nuisance, disturb any nearby resident, or disrupt nighttime views from public areas.**(Planning and Building Inspection/Sheriff)**
5. The applicant shall copy control measures onto the building plans for review and approval of the Planning and Building Inspection Department. The applicant shall also submit a program for how these measures will be implemented during construction activities:
  - a. Water all active construction areas for dust control. Frequency should be based on the type of operation, soil condition, and wind exposure.
  - b. Cover stockpiles of debris, soil, sand or other materials that may be blown by the wind.
  - c. Sweep adjacent streets of all mud and dust daily or as needed.
  - d. Landscape or cover completed portions of the site as soon as construction is complete in that area.**(Planning and Building Inspection)**

6. Owner shall record a notice stating that “the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.” A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency, S.C.)**
7. 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. **(Water Resources Agency, S.C.)**

#### **During Grading/Construction**

8. Before construction begins, temporary or permanent address numbers for all structures on the property shall be posted. Permanent address numbers shall be posted on the property and on each building prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road in all weather/light conditions. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. **(Fire District/Sheriff)**
9. The applicant and inspectors shall monitor the site for cultural materials in the soils. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 150 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)**

#### **Prior to Final Inspection and/or Occupancy**

10. The exterior colors and roofing materials shall be subject to approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

11. The site shall be landscaped as follows:
- At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval with the appropriate landscape plan review fee.
  - 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 materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan.
  - The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species are identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations and is also available in brochure form (*Suggested Native Species List – North County Coastal Zone*) from the Planning and Building Inspection Department.
  - Landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department prior to final release.
  - Landscape may be used to screen lighting, but shall not create safety hazard.
  - Design and maintain landscape in such a manner that allows patrolling vehicles an unobstructed view around buildings from the road during routine patrols.
- (Planning and Building Inspection/Sheriff)**
12. All new utility and distribution lines shall be placed underground. **(Planning and Building Inspection)**
13. The property owner shall enter into an agreement with the County of Monterey to install curb, gutter, sidewalk and pave-out along the frontage of Moss Landing Road in accordance with the Moss Landing Storm Drain Master Plan. **(Public Works)**
14. 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)**
15. The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard (NFPA) 72 - current Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72. **(Fire District)**
16. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:
- "The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection."* **(Fire District)**
17. All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface, shall require a minimum of Class B roof construction. **(Fire District)**

18. The applicant shall provide a keyed entry box ("knox" type) or other acceptable means to immediate access for emergency equipment. **(Fire District)**
19. The applicant shall install fire extinguishers per National Fire Protection Association Standard (NFPA) 10 - current Edition. **(Fire District)**
20. All doors and windows shall have adequate locking mechanisms. In addition rooftop hatches/openings shall have adequate locks. **(Sheriff)**
21. The retail building shall be equipped with a burglar alarm system including exterior door contacts, rooftop opening contacts, and motion sensors/detectors. Window sensors are optional if motion sensors are installed. If applicable, alarm contacts should be installed on safes or windows of any area(s) (other than cash register) where monies would be kept over night. **(Sheriff)**
22. 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:
  - 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, S.C.)**

**Continuous Permit Conditions:**

23. All landscaped areas 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 Department)**
24. The applicant shall comply with parking regulations of Title 20, Chapter 20.58 and as illustrated on the approved General Development Plan for the property. Parking areas may use impervious material such as gravel and shall be maintained to the satisfaction of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
25. The property owner shall maintain adequate space for any emergency service vehicle to gain access to the property. **(Sheriff)**

**PASSED AND ADOPTED** this 9th day of July, 2003 by the following vote:

AYES: Errea, Parsons, Hawkins, Padilla, Sanchez, Diehl, Gonzalves, Rochester, Wilmot  
NOES: None  
ABSENT: Brennan

Original Signed By: \_\_\_\_\_



JEFF MAIN, SECRETARY

Copy of this decision mailed to applicant on

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 90<sup>th</sup> 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.