

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

RESOLUTION NO. 03039

A. P. # 133-212-001-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Roy Hamlin (PLN000629)**

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 7902 Sandholt Road (building #6) at the southwest corner of Moss Landing Road and Sandholt Road, Moss Landing, Moss Landing Community Plan, Coastal Zone, came on regularly for hearing before the Planning Commission on July 30, 2003.

WHEREAS: Said proposal includes:

- 1) General Development Plan to establish development and operation standards for a 1.5 acre site with seven existing buildings totaling 11,428 square feet including one residential unit, five commercial buildings and one mixed use (commercial/residential) building; and
- 2) Coastal Development Permit for a change of use from all retail (antique store) to a restaurant (café) with outside patio dining and retail

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 PLN000629/Hamlin-Solano 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:**

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

1. North County Coastal Land Use Plan.
2. 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.

(b) Visual Resources (Section 20.144.030 NC LUP). An on-site inspection by the project planner on October 21, 2002 determined that the proposed building is not located within a public viewshed as defined by Section 20.144.020.SSS. A change of use will not create any new issues relative to visual resources.

(c) 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.

(d) 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.

(e) Archaeology (Section 20.144.110 NC LUP). County resource maps identify that the site has a high archaeological sensitivity. No new development is included as part of this permit.

(f) Transportation (Section 20.144.120 NC LUP). A traffic study was required for this project since the change in use requires additional parking. This study found that 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.

(g) Wastewater Management (Section 20.144.130 NC LUP). This site is currently serviced by public sewer under the Moss Landing County Sanitation District. The subject restaurant is currently in operation and has created no negative impact to the sewer system. The applicant has obtained permits and is required to meet all health standards for grease traps and filters associated with a restaurant use. Public Works has reviewed the project and find that there is adequate capacity in this area to support this restaurant operation.

(h) Public Access (Section 20.144.150 NC LUP). See Finding #5.

(i) Moss Landing Community Development Standards (Section 20.144.160 NC LUP). The Land Use Plan includes a policy to improve the pedestrian flow in the Moss Landing area. A condition is included that requires installation of sidewalks along Moss Landing Road.

(j) LUAC. On April 21, 2003, the North County Coastal Land Use Advisory Committee voted 5-0-1 to recommend approval of the project as proposed. The Committee found that the applicant had met all requirements.

(k) 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 PLN000629/Hamlin-Solano complies with all applicable requirements of Chapter 20.16 of Title 20 of Monterey County Codes.

**EVIDENCE:**

(a) 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.

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

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

(c) The project site is approximately 1.348 acres (65,992 square feet) in size and the zoning designation requires a minimum of 10,000 square feet for parcels in this district.

(d) The Moss Landing Commercial zone authorizes the Planning Commission to consider Coastal Development Permits for restaurants (Section 20.20.060.D 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).

(e) No Violation. A violation currently exists on the property. Upon approval of this Coastal Development Permit, the property will be in compliance with all rules and regulations pertaining to the use of the property. The applicant has requested waiver of the zoning abatement costs; however, these costs are required as a condition of approval.

(f) Materials in project file PLN000629/Hamlin-Solano.

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

**EVIDENCE:**

(a) 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.

(b) 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.

(c) Materials in project file PLN000629/Hamlin-Solano.

4. **FINDING – CONDITIONS OF APPROVAL:** The conditions of approval comply with the provisions of Title 20, Chapter 20.144.

**EVIDENCE:**

(a) 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. 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.

(b) Materials in project file PLN000629/Hamlin-Solano.

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:**

(a) The site is located seaward of the first public road, but there is no historic access from any coastal areas.

(b) 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.

6. **FINDING - CEQA:** The proposed project will not have a significant environmental impact.

**EVIDENCE:**

(a) Section 15301 is a Categorical Exemption (Class 1) for a change of use.

(b) Based on information contained herein and specifically the project description and Finding #1, there is no reasonable possibility that the proposed activity will have a significant effect on the environment due to unusual circumstances.

(c) Materials in project file PLN000629/Hamlin-Solano.

7. **FINDING –APPEAL:** The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:**

(a) Board of Supervisors. Section 20.86.030 of the Monterey County Zoning Ordinance.

(b) Coastal Commission. Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1.

### **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 (PLN000629/Hamlin-Solano) consisting of: General Development Plan to establish development and operation standards for a 1.5-acre site with seven existing buildings totaling 11,428 square feet including one residential unit, five commercial buildings and one mixed use (commercial/residential) building; and Coastal Development Permit for a change of use from all retail (antique store) to a restaurant (cafe) with outside patio dining and retail at 7902 Sandholt Road (building #6).* 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 Permit Becoming Effective/Change in Occupancy**

2. The applicant shall record a notice which states: "A Permit (Resolution # 03039) was approved by the Monterey County Planning Commission for Assessor's Parcel Number **133-212-001-000** on **July 30, 2003**. The permit was granted subject to **9** 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 pay violation fees in the amount of \$2,046 to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**
4. The July 30, 2003 Planning Commission staff report discussion for a General Development Plan shall be copied onto a Final Site Plan. **(Planning and Building Inspection)**
5. 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 and Sandholt Road in accordance with the Moss Landing Storm Drain Master Plan. **(Public Works)**
6. All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval. **(Environmental Health)**
7. As applicable, the applicant/owner shall bring Building 6 into compliance with all requirements of Section 102.2.1 of the Uniform Fire Code for the new occupancy classification (e.g. hood and duct extinguishing systems, exiting, fire extinguishers, etc.). **(North County Fire)**

**Continuous Permit Conditions:**

8. 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**)
9. 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**)

**PASSED AND ADOPTED** this 30th day of July, 2003 by the following vote:

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

Original Signed By:

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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.