

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

RESOLUTION NO. 03042

A.P. # 211-202-001-000

**FINDINGS AND
DECISION**

In the matter of the application of
Dennis and Kori Spencer (PLN010512)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, and General Development Plan for development of a 15,448 square foot indoor skate board facility adjacent to an existing 13,943 square foot retail building; the project includes a skate board area, seating and retail areas, restrooms and an additional 51 parking spaces, located at 340 San Juan Grade Road, Salinas at Rogge Road, Santa Rita area, Greater Salinas area, came on regularly for hearing before the Planning Commission on August 13, 2003.

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

FINDINGS OF FACT

1. FINDING: This project consists of a Use Permit and General Development Plan for development of a 15,448 sq. ft. indoor skate board facility located adjacent to an existing 13,943 square foot retail building. The project includes a skate board area, sitting and retail areas, restrooms and an additional 51 parking spaces. The project site is located at 340 San Juan Grade Road, Salinas (Assessor's Parcel Number 211-202-001-000), at Rogge Road, Santa Rita Area, Greater Salinas Area. The project is in accordance with county ordinances and land use regulations subject to the conditions of approval. 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. The project, as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, the Greater Salinas Area Plan, and the Monterey County Zoning Ordinance (Title 21) which designates this area as appropriate for light commercial uses. The subject site is in compliance with all rules and regulations pertaining to zoning uses, and any other applicable provisions of Title 21.

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

- a. Monterey County General Plan
- b. Greater Salinas Area Plan
- c. Monterey County Zoning Ordinance (Title 21)

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, the Salinas Rural Fire Protection District and the Monterey County Sheriff's Department. There has been no indication from these agencies that the site is unsuitable 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 provided recommended conditions to ensure compliance with policies and zoning regulations.

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 project file PLN0010512.

2. **FINDING:** The project will not have a significant adverse impact on the environment. An Initial Study was prepared for the project and it was determined that the project would have no significant impacts. A Mitigated Negative Declaration was filed with the County Clerk on May 16, 2003, noticed for public review and circulated to the State Clearinghouse. The public review period ended June 16, 2003. 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 during the public review process. The Monterey County Planning and Building Inspection Department, located at 2620 1st Avenue, Marina, CA 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: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on May 16, 2003, and noticed for public review. The public review period ended June 16, 2003. All comments received on the Initial Study will be considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed 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:

- a. Project Application/Plans and Technical Reports within project file PLN010512, including Traffic and Geotechnical investigation
- b. General Plan, Greater Salinas Area Plan, Monterey County Zoning Ordinance Chapter 21)
- c. Inter Departmental Review Comments and Conditions

EVIDENCE: The Monterey County Planning and Building Inspection Department prepared an Initial Study pursuant to CEQA. The Initial Study identified several potentially significant impacts, and mitigation measures that would reduce those impacts to levels of insignificance are incorporated into the project. The Initial Study is on file in the office of Planning and Building Inspection and is hereby incorporated by reference in project file (PLN010512). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.

EVIDENCE: A Mitigation Monitoring and Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation. Applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition #3).

3. **FINDING:** For Purposes of the Fish and Game Code, the project will have not a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Initial Study and the record as a whole indicate the project will not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.

EVIDENCE: Initial Study and Mitigated Negative Declaration contained in the project file.

- 4. FINDING:** The project is consistent with and meets the intent of regulations contained in Section 21.58.030 of Title 21 pertaining to parking requirements for the project.
- EVIDENCE:** The existing shopping center (retail use) is served by 56 parking spaces. An additional 51 parking spaces will be created attendant to this permit for a total of 107 spaces on site. The proposed use is a “recreational enterprise” and not a “skating rink.” Recreational enterprises require a minimum of 1 parking space per 4 occupants, or a minimum of 20 parking spaces. The applicant shall construct 51 parking spaces, which is 31 parking spaces more than that required by Section 21.58.040 of the Monterey County Zoning Code.
- EVIDENCE:** The materials and project plans in File PLN010512 establish that 56 parking spaces currently exist on site.
- EVIDENCE:** The General Development Plan adopted herein as part of this permit requires the creation of 51 new parking spaces to serve the proposed “recreational enterprise” use.
- EVIDENCE:** The Initial Study and Operational Statement in the General Development Plan establish that the proposed use is demonstrably and substantially different than a “skating rink.”
- EVIDENCE:** The Initial Study and Operational Statement in the General Development Plan establish that the proposed use is a “recreational enterprise.”
- EVIDENCE:** Section 21.58.040 establishes that 1 parking space per 4 occupants is required for the establishment of facilities classified as recreational enterprises.
- EVIDENCE:** The “Skateboard Park Traffic Analysis Report,” by Higgins Associates and dated October 4, 2002, recommends that a parking standard of 2.28 parking spaces per 1,000 sq. ft. of floor area be implemented for skateboarding parks such as that proposed under this permit, which would total 35 additional parking spaces. The project will create 51 total new parking spaces; 16 parking spaces more than the Higgins traffic report recommends and 31 spaces more than Section 21.58.040 of the county code requires.
- 5. 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, Salinas Rural Fire Protection District, Sheriff’s 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 Mitigated Negative Declaration includes mitigation measures that address potential impacts to Transportation/Traffic, Hydrology/Water quality and Noise. No other significant impacts have been identified for the project.
- EVIDENCE:** Application materials in project file PLN010512, Initial Study with mitigation measures, and Mitigated Negative Declaration contained in the project file.

DECISION

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 Use Permit and General Development Plan be granted as shown on the attached sketch and subject to the following conditions:

1. This project consists of a Use Permit and General Development Plan for development of a 15,448 sq. ft. indoor skate board facility located adjacent to an existing 13,943 square foot retail building. The project includes a skate board area, sitting and retail areas, restrooms and an additional 51 parking spaces. The project site is located at 340 San Juan Grade Road, Salinas (Assessor's Parcel Number 211-202-001-000), at Rogge Road, Santa Rita Area, Greater Salinas Area. The project is in accordance with county ordinances and land use regulations 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 or Grading Permit

2. The applicant shall record a notice, which states: "A permit (Resolution #03042) was approved by the Monterey County Planning Commission for Assessors Parcel Number 211-202-001-000 on August 13, 2003. The permit was granted subject to 28 conditions of approval that 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 or grading permits. **(Planning and Building Inspection)**
3. The applicant shall enter into a Mitigation Monitoring Agreement with the County of Monterey and pay a fee to the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
4. A lighting plan shall be submitted subject to the approval of the Director of Planning and Building Inspection Department. Said plan shall demonstrate that lighting on the site is 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. **(Planning and Building Inspection Department)**
5. A written acknowledgement that the property owner has received and reviewed Monterey County Sheriff's Department comments (March 17, 2003 Memorandum) shall be provided to the Planning and Building Inspection Department. It is strongly recommended that the property owner implement the security recommendations contained therein.
6. If, during the course of construction, cultural, historical, or paleontological resources are uncovered at the site (surface or subsurface) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archeologist (i.e., an archeologist registered with the Society of Professional Archeologists) 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 Department)**
7. Prior to issuance of the Building Permit, contribute \$4,196 toward the cost of the San Juan Grade/Russell Road intersection improvements. **(Public Works Department)**
8. Prior to issuance of the Building Permit, relocate boulders from the San Juan Grade right of way to private property. **(Public Works Department)**
9. That the applicant obtain an encroachment permit prior to the removal of the existing driveways on Cornwall

Street. **(Public Works Department)**

10. That the parking layout be approved by the Director of Planning and Building Inspection. **(Public Works Department)**
11. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts, that includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of detention facilities to mitigate the impact of impervious surface stormwater runoff. The drainage plan must be submitted to the Planning and Building Inspection Department and the County Water Resources Agency prior to the issuance of demolition, grading or building permits. The detention pond shall be fenced for public safety. **(Water Resources Agency.)**
12. Prior to issuance of a building permit, provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that California Water Service Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health)**
13. Prior to issuance of a building permit, provide certification to the Division of Environmental Health from the appropriate community services district that it can and will provide sewer service for the proposed property/project. **(Environmental Health)**
14. The fire flow and hydrant for this project shall comply with the following requirements:
 - a) Pursuant to Uniform Fire Code Appendix III-A, the basic minimum fire flow requirement for 16,000 square foot commercial buildings built with either (a) Type V-N construction is 3,500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 3 hours, or (b) Type II-N construction is 2,750 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. With the installation of an approved automatic fire sprinkler system, the flow rate is reduced to 1,500 gallons per minute. The basic requirements for residual pressure and durations for each construction type remain in effect. *Existing fire flow from the existing hydrant has been tested and been found to comply with this requirement.*
 - b) The hydrant shall have a minimum of two (2) 2-1/2 inch outlets NST and one (1) 4-1/2 inch outlet NST. The riser shall be a minimum of six (6) inches and shall be wet barrel type with a coefficient of 0.9. *The existing fire hydrant meets this requirement.*
 - c) The hydrant serving any building shall not be less than 50 feet or more than 1000 feet by the road from the building it is to serve. *The existing fire hydrant meets this requirement.* **(Salinas Rural Fire District)**

Prior to Final Building Inspection/ Occupancy

15. Prior to issuance of Final Occupancy, obtain an encroachment permit from the Department of Public Works and repair sidewalk sections including 1 section on Rogge Road, 2 sections on San Juan Grade Road, 1 section on Cornwall Street and 2 sections on San Juan Grade. **(Public Works Department)**
16. Certification that stormwater detention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
17. 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 systems and timing devices. **(Water Resources Agency)**
18. The building shall be constructed with the following fire protection systems:
- A. 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.”*
 - B. Plans for the underground private fire service main serving the fire sprinkler system shall be submitted to and approved by the Salinas Rural Fire District prior to installation. All plans, system design, installation and testing shall be in accordance with National Fire Protection Association Standard 13 - 1999 Edition. Fire sprinkler systems should be connected to their underground private fire service main as soon as practical after the sprinkler system has been tested and underground line has been tested and flushed.
 - C. 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 72 - 1999 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing agency prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be done in accordance with Chapter 7 of NFPA 72 - 1999 **(Salinas Rural Fire District)**
19. Roof construction shall be Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. **(Salinas Rural Fire District)**
20. Fire department access roads shall comply with the following requirements:
- A. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access.
 - B. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus.
 - C. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. **(Salinas Rural Fire District)**
21. A Knox keybox shall be provided for emergency access at a location approved by the Salinas Rural Fire District. The project is located in Salinas Rural Fire District's "contract area", and therefore, the keybox shall have dual locks for the Salinas Rural Fire District and the City of Salinas. **(Salinas Rural Fire District)**
22. When construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted 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. 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 4 inches with a 3/8 inch stroke, and contrasting with the background colors of the sign. **(Salinas Rural Fire District)**

23. The applicant shall install on site a quantity of bicycle racks with sufficient capacity to store and park patron's bicycles. The location and quantity of bicycle racks shall be approved by the Director of Planning and Building Inspection Department prior to occupancy. **(Planning and Building Inspection Department)**

Continuous Permit Conditions

24. No new development, change or expansion of use, or physical improvements may be implemented without amendment to the General Development Plan adopted herein and approved by the Planning Commission pursuant to Section 21.18.030 of the Monterey County Zoning Code. **(Planning & Building Inspection Department)**

Proposed Mitigation Measures

25. **(Hydrology and Water Quality). MM#1** A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts that includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of detention facilities to mitigate the impact of impervious surface stormwater runoff. The detention pond shall be fenced for public safety. The drainage plan must be submitted to the Planning and Building Inspection Department and the County Water Resources Agency prior to the issuance of demolition, grading or building permits.
26. Certification that the stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. Certification that the stormwater retention facility has been constructed in accordance with approved plans must be submitted to the County Water Resources Agency prior to final inspection and occupancy of the facility. **(Planning and Building Inspection Department) MM#2**
27. The maximum daily hours of operation of the skate park shall be 10:00 a.m. to 9:00 p.m. Prior to occupancy, the applicant shall submit a report on proposed hours of operation to the Director of Planning and Building Inspection consistent with maximum hours indicated in "MM3." The maximum hours of operation will be subject to ongoing monitoring by the Director of Planning and Building Inspection. **(Planning and Building Inspection) MM#3**
28. Prior to the issuance of any building permits, the applicant shall contribute \$4,196 toward the cost of the San Juan Grade Road/Russell Road intersection improvements. The \$4,196 contribution must be paid to the county Public Works Department prior to the issuance of any building permits. **(Planning and Building Inspection) MM#4**

PASSED AND ADOPTED this 13th day of August, 2003, by the following vote:

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

Original Signed By:

JEFF MAIN, 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 Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.