

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

RESOLUTION # 04018

A.P. # 030-118-002-000-M

FINDINGS & DECISION

In the matter of the application of

Redevelopment Agency of the County of Monterey (PLN040087)

for an Amendment to a previously approved Combined Development Permit (PLN020142) in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of (1) a Use Permit for the construction of a 17,835 sq. ft. community center consisting of a library, child care facility, meeting room and office; public plaza with a fountain, bandstand, and informational kiosk; grading (3,850 cu. yds. of cut and 850 cu. yds. of fill with 3,000 cu. yds. of export); and (2) an Administrative Permit for the reduction of the front setback for the childcare facility and the reduction in side setbacks for the childcare facility and library building. The above replaces the previously approved but not constructed Use Permit for the construction of a 13,880 square foot community center consisting of a library, child care facility, museum, meeting room & office; grading; and a modification of parking standards. The property is located in Castroville and is described by the block consisting of Speegle, Pomber, Preston and, came on regularly for meeting before the Planning Commission on May 12, 2004.

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

FINDINGS OF FACT

1. FINDING: The subject amendment: Combined Development Permit (File PLN040087) as described in Condition No. 1 and as conditioned conforms with the plans, policies, requirements and standards of the General Plan, North County Area Plan and the Monterey County Zoning Ordinance (Title 21). The property is in Castroville and is described by the block consisting of Speegle, Pomber, Preston, and McDougall (Assessor Parcel Number's 030-118-002-000 and 030-118-003-000). The parcel is zoned "HDR/*-Z" (High Density Residential, Improvement Zoning District). The site is physically suitable for the proposed subdivision.

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

1. General Plan
2. The North County Area Plan
3. Chapter 21.40 of the Monterey County Zoning Ordinance
4. Chapter 21.58 of the Monterey County Zoning Ordinance

(b) The project site is suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, the North County Park and Recreation District and the North County Fire District. There has been no indication from those agencies that the site is not suitable for the proposed development. Several agencies recommended conditions for project approval. The Initial

Study and subsequent Addendum demonstrates that no physical or environmental constraints exist that could not be mitigated, and therefore would indicate that the site is suitable for the proposed development.

(c) The proposed use is consistent with the development standards for Public/Quasi public zoning districts, pursuant to Title 21, Monterey County Zoning Ordinance.

(d) The on-site inspection by the project planner to verify that the proposed project complies with the applicable regulations.

(e) On June 10, 2002, the Monterey County Planning Commission approved the North County Recreation and Parks District Use Permit (PLN020142). This project (PLN040087) is an amendment to that original approval. Changes to the project are described in condition 1. Conditions and mitigations adopted for the original permit are incorporated in this project.

(f) 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 PLN040087.

(g) Following Findings and supporting Evidence.

2. FINDING: **CEQA** - The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration and subsequent Addendum was completed and is on file (File PLN040087) in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter "the Program") has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. 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 the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 2620 First Avenue, Marina 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: (a) 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 Guidelines. 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 June 6, 2001 and noticed for public review. A subsequent Initial Study Addendum was completed and included in with the project file. All comments received on the Initial Study have been 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:

1. Certified Monterey County Zoning Ordinance, Title 21
2. North County Area Plan
3. Monterey County Code, 1993. Noise Control
4. Monterey Bay Unified Air Pollution Control District, 1995. CEQA Guidelines
5. *Preliminary Archaeological Reconnaissance of Assessor's Parcel 030-118-001, The Castroville Community Plaza Project, Castroville, Monterey County, California*, Archaeological Consulting, March 7, 2001
6. *Castroville Recreation Feasibility Study*, October 1998
7. *Merritt Street Corridor Revitalization Strategy*, May 1998

(b) Preceding and Following Findings and supporting Evidence.

3. FINDING: WILDLIFE - Considering the record as a whole, there is no evidence that the project will have potential for adverse effect either individually or cumulatively on wildlife resources as defined under Section 753.5 (d) of the Fish and Game Code.

EVIDENCE: (a) The project site is located in an urbanized area and does not support biological resources. Development of the proposed project will not result in changes to the resources listed under Section 753.5.

(b) Preceding and following Findings and supporting Evidence.

4. FINDING: PARKING - Parking will be adequate to accommodate all parking needs generated by the use and the parking needs of the residents in the immediate vicinity.

EVIDENCE: (a) Based on the location of the facility in a residential area with enough surplus on-street parallel parking spaces within proximity of the facility to absorb any need for excess parking that may arise, staff from Planning and Building Inspection and the Department of Public Works have determined that the number of spaces would be adequate to accommodate the needs of the park and of the residents of the immediate area. The proposed facility will serve the community and will be walkable from much of the community. Sufficient on-street area for parking to accommodate the calculated need of the facilities is provided. The property is unique in that the project is one entire city block and parking along the project's street frontages will not interfere with other uses, as there are no other uses on the block.

(b) A diagonal parking plan has been submitted that meets all County requirements, is substantially conformant with the previous approval.

(c) Preceding and following Findings and supporting Evidence.

5. FINDING: HEALTH, SAFETY, AND WELFARE - 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: (a) The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, North County Fire District and the North County Parks and Recreation District. 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.

(b) Preceding and following Findings and supporting Evidence.

- 6. FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations on subject property.

- 7. FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

- 8. FINDING:** The current site conditions, proposed changes, and more detailed description do not change the analysis and conclusions in the Mitigated Negative Declaration adopted by the Planning Commission on June 10, 2002, and therefore a subsequent Mitigated Negative Declaration is not required. An Addendum has been prepared to address the changes in the project.

EVIDENCE: The Administrative Record.

- 9. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80 of the Monterey County Zoning Ordinance, Title 21.

DECISION

THEREFORE, it is the decision of the Planning Commission that said application for a Combined Development Permit be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 12th day of May, 2004, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Vandever, Parsons, Diehl, Salazar, Rochester, Wilmot

NOES: None

ABSENT: None

Original Signed By:

JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO 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 two years after the above date of granting thereof unless construction or use is started within this period.