

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

RESOLUTION NO. 04026

A.P. # 133-023-042-000

In the matter of the application of
LH & JB Enterprises LLC (PLN030439)

FINDINGS & DECISION

for a Use Permit and General Development Plan in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to establish a used car sales lot with 72 outside display-parking spaces with lighting and landscaping on a 1.79 acre light commercial zoned parcel, including demolition of the former nightclub structure and construction of a 2,800 square foot sales office and detail shop; and grading of 3,075 cu. yds. (200 cu. yds. cut/2,875 cu. yds. fill). The existing residential structure along Prunedale South Road will be retained. The project is located at 1031 North El Camino Real, Salinas, on the immediate southwest intersection of Highway 156 and Highway 101, Prunedale area, North County Non-Coastal., came on regularly for hearing before the Planning Commission on June 9, 2004.

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

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY.** The proposed project and/or use, as described in Condition #1 is consistent with the policies of the Monterey County General Plan, the North County Area Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21).
- EVIDENCE:**
- (a) The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist.
 - (b) Project planner conducted on-site inspections to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in PBI File No. PLN030439.
 - (c) The use/project, which is the demolition of the former nightclub structure and construction of a 2,800 sq. ft. sales office and detail shop for purposes of allowing a used car sales lot, in the LC Light Commercial district is a conditional use as may be allowed use in accordance with County Code Sections 21.18.060 D, 21.18.030 and 21.74.
 - (d) The parcel is zoned LC Light Commercial. Exhibit A indicates compliance with Site Development Standards in accordance with 21.18.070 of Title 21.
 - (e) The project has been designed so that customer parking will be available on site in accordance with Chapter 21.58 of the County Code.
 - (f) The project, as conditioned, is consistent with standards of the Zoning Code for signs, customer parking, and lighting.
- 2. FINDING: SITE SUITABILITY.** The site is suitable for the use proposed.
- EVIDENCE:**
- (a) The project has been reviewed by the Monterey County Planning and Building

Inspection Department, Water Resources Agency, North County Fire District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

- (b) The proposed use has been reviewed by the Monterey County Department of Public Works, who also referred the Project to CalTrans for review. There is no indication from these departments that the site is not suitable.
- (c) Customer parking will be provided on site for the project, so that off site business and street circulation will not be encumbered by the new use.
- (d) Vehicle delivery of cars for sale will occur on site in a designated location, during a specified hour of delivery. This time is “off-peak” for traffic concerns and specified in the conditions of approval.
- (e) Lighting for the subject property is subject to a detailed photometric analysis and complete area lighting plan with catalog cuts, dimensions and fixture performance statistics to be reviewed and approved by the Planning and Building Inspection Department, prior to issuance of a building permit. Review of such plan will assure that light is cut off at the property lines and does not intrude into neighbors’ properties or interfere with highway safety.
- (f) The applicant has agreed to a restricted red-curb no parking area along the subject property’s Prunedale South Road frontage. This restriction is meant to direct the applicant’s customers into the subject used car sales lot property where customer parking has been provided. This will keep Prunedale South Road clear of parked vehicles along the business frontage allowing ease of vehicle movements to and from Hwy 101 along this road.

3. FINDING: **CEQA (Exempt):** - The project is Categorically Exempt under Section 15303 (c) of the CEQA Guidelines: New Construction or Conversion of Small Structures.

- EVIDENCE:**
- (a) The project consists of the construction and location of limited new, small facilities or structures.
 - (b) The project consists of a small 2,800 square foot commercial structure not involving the use of significant amounts of hazardous substances and does not exceed 10,000 square feet in a relatively urbanized area (Prunedale).
 - (c) The Used car sale lot Use is conditionally permitted in the LC Light Commercial District in which it is located.
 - (d) All necessary public services are available (with the allowance of on-site septic treatment) and the area is not environmentally sensitive.

4. FINDINGS: **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, and all zoning violation abatement cost, if any, have been paid.

- EVIDENCE:**
- (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on the subject property.

5. 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: (a) Preceding findings and supporting evidence.

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

EVIDENCE: (a) Section 21.80.041 C of the Monterey County Zoning Code.

DECISION

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

PASSED AND ADOPTED this 9th day of June, 2004, by the following vote:

- AYES: Errea, Sanchez, Vandevere, Diehl, Salazar, Wilmot, Hawkins
- NOES: Padilla, Rochester
- ABSENT: Parsons
- ABSTAIN: None

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 SECRETARY 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.