

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

RESOLUTION NO. 05035

APN# 207-131-004-000 and 207-131-005-000

FINDINGS & DECISION

In the matter of the application of
GRAEBER GEORGE W & CLAUDIA A TRS (PLN050366)

Amendment to a previously approved Use Permit (PC95110) for an Existing Retail Nursery and Accessory Ornamental Landscape Material Business. The properties are located at 115 & 117 Monterey – Salinas Highway, Salinas, Greater Salinas Area. The project came on regularly for hearing before the Planning Commission on July 27, 2005.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY - The subject Use Permit (PLN050366), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County General Plan, Greater Salinas Area Plan and the Chapter 21.68 (Legal Non Conforming Uses) of the Monterey County Zoning Ordinance (Title 21). The properties are located at 115 & 117 Monterey-Salinas Highway, Salinas. The parcels are zoned “F/40” (Farmlands, 40 Acres Minimum). On November 14, 1984, a Use Permit (Permit No. 3042 [Assessor’s Parcel Number 207-131-005-000]) was approved by the Planning Commission. The permit granted the expansion of the existing retail nursery to established, on the adjacent 1.99 acre parcel, an accessory landscape materials business. This use permit (Permit No. 3042) expired on November 14, 1994. On February 28, 1996, the Planning Commission approved a Use Permit (PC 95110), that recognized the two legal non-conforming uses under one use permit.

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

- a) The Monterey County General Plan
- b) The Greater Salinas Area Plan
- c) Chapter 21.68 (Legal Non-Conforming Uses) of Monterey County Zoning Ordinance (Title 21).

EVIDENCE: The Use Permit has been reviewed by the Monterey County Planning and Building Inspection Department, Salinas Rural Fire District, Public Works, California Department of Transportation, Environmental Health Division, and the Water Resources Agency. There has been no indication from these department or agencies that the site is not suitable for the proposed use. Necessary public facilities are available to the project site. The Salinas Rural Fire District has recommended conditions of approval in addition to the conditions recommended by the Planning and Building Inspection Department.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the Planning Commission.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the use permit found in the project file (PLN050366).

2. **FINDING: CATEGORICAL EXEMPTION** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15301 of the California Environmental Quality Act (CEQA) Guidelines Categorically exempts the subject development from environmental review. No adverse environmental impacts were identified during review of the established uses.

EVIDENCE: Use Permit PC 95110 and Permit No. 3042 we approved under a Categorical Exemption.

3. **FINDING: SITE SUITABILITY** - The site is physically suitable for the uses proposed. The subject properties are in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21, and any zoning violation abatement costs have been paid.

EVIDENCE: The Use Permit has been reviewed by the Monterey County Planning and Building Inspection Department, Salinas Rural Fire District, Public Works, California Department of Transportation, Environmental Health Division, and the Water Resources Agency. There has been no indication from these department or agencies that the site is not suitable for the proposed uses. Necessary public facilities are available to the project site.

4. **FINDING: NO VIOLATIONS** - The subject properties are 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: .Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

5. **FINDING: HEALTH AND SAFETY** - 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 Monterey County Planning and Building Inspection Department, Salinas Rural Fire Department, Public Works, California Department of Transportation, Environmental Health Division, and the 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: Materials in file PLN050366

6. **FINDING: APPEALABILITY** - The project is appealable to the Monterey County Board of Supervisors.

EVIDENCE: Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

DECISION

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

PASSED AND ADOPTED this 27th day of July, 2005 by the following vote:

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

DALE ELLIS, SECRETARY

Copy of this decision mailed to the 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 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.

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: Graeber

File No. PLN050366 **APN:** 207-131-004-000 & 207-131-005-000

Approval by : Planning Commission

Date: July 27, 2005

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verificati on of Complian ce (name/dat e)</i>
1.		<p>PBD029 - SPECIFIC USES ONLY This Use Permit (PLN050366) allows the continuance of a legal non-conforming use of a nursery (Graeber Gardens) and accessory ornamental landscape material business (Deco Rock). The nursery, located on, Assessor's Parcel Number 207-131-004-000, consists of the main nursery building and greenhouse, annuals and perennial bedding flowers, various ornamental shrubs and trees, demonstration gardens and staging areas containing soil, soil amendment blends, bark, mulches and decorative rock, a storage and mixing</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant		

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		<p>area. The ornamental landscape material business, (Assessor's Parcel Number 207-131-005-000); consist of large quantities of bark, decorative rock and other landscape materials. The properties are located at 115 & 117 Monterey – Salinas Highway, Salinas (Assessor's Parcel Numbers 207-131-004-000 and 207-131-005-000).</p> <p>This Use Permit was approved 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 Department)</p>			Ongoing	

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2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Use Permit (Resolution 05035) was approved by the Planning Commission for Assessor's Parcel Number 207-131-004-000 and 207-131-005-000 on July 27, 2005. The permit was granted subject to 11 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 Department)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	30 days from Planning Commission Approval.	
3.		NON-STANDARD CONDITION The property owner(s) shall maintain off-street parking. Within one year of approval, the parking area shall be base rocked. Within three years, the parking area shall be surfaced with asphalt or concrete. (Planning and Building Inspection Department)	Submit parking plan to the Department of Public Works and Planning and Building Inspection that includes a scheduled of improvements.	Owner/ Applicant	As approved in parking plan.	
4.		NON-STANDARD CONDITION No additional structures shall be erected, excepted for the reconstruction of structures that existed at the time that the legal non-conforming use was established upon, Assessor's Parcel Number 207-131-004-000. No permanent structures shall be erected upon the accessory parcel containing the ornamental landscape material business, located on Assessor's Parcel Number 207-131-005-000. (Planning and Building Inspection Department)	.	Owner/ Applicant	On-going	

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5.		LANDSCAPE MATERIALS & LIGHTING All landscaped areas and fences shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. 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. (Planning and Building Inspection Department)	Submit a lighting plan for any changes to exterior lights.	Owner/ Applicant	On-going	
6.		ENCROACHMENT PERMIT The applicant shall obtain an encroachment permit from the California Department of Transportation (CalTrans) and define and maintain the driveways. To state Highway 68. (Planning and Building Inspection Department)	Provide a copy of the encroachment permit to the Planning and Building Inspection Department.	Owner/ Applicant	Within 90 days of Planning Commission Approval	
7.		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant/ Owner	On-going	

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			<i>Applicant shall schedule fire dept. clearance inspection</i>	<i>Applicant/owner</i>	Prior to final building inspection.	
8.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. Responsible Land Use Department: Salinas Rural Fire District.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection	Applicant/Owner Applicant/Owner	On-going On-going	
9.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance	Applicant shall schedule fire dept. clearance inspection.	<i>Applicant/Owner</i>	On-going.	

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		<p>with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: Salinas Rural Fire District.</p>	<p><i>Applicant shall schedule fire dept. clearance inspection</i></p>	<p><i>Applicant/Owner</i></p>	<p>On-going</p>	
<p>10.</p>		<p>FIRE30 – NON-STANDARD CONDITONS – EMERGENCY ACCESS KEY BOX- Emergency access keybox shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access keybox can be maintained with current keys. Responsible Land Use Department: Salinas Rural Fire District.</p>	<p><i>Applicant shall schedule fire dept. clearance inspection.</i></p>	<p><i>Applicant/Owner</i></p>	<p>Prior to final building inspection.</p>	

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11.		FIRE30-NON-STANDARDS CONDITIONS-PORTABLE FIRE EXTINGUISHERS Portable fire extinguishers shall be installed and maintained in accordance with the Uniform fire Code Standard 10-1. Responsible Land Use Department: Salinas Rural Fire District.	<i>Applicant shall schedule fire dept. clearance inspection.</i>	<i>Applicant /Owner</i>	On-going.	

End of Conditions.