

RESOLUTION NO. 010176

A.P.# 187-432-004-000

In the matter of the application of
Walter N. Georis (PLN010176)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, and Design Approval for development of a one story, 2,160 sq. ft. building on an existing 23,070 sq. ft. vacant lot located in the "LC" (Light Commercial) Zoning District, including nine parking spaces, a septic system and signage; the proposed building would be used for a range of "Light Commercial Uses" as defined in Chapter 21.18.050 of Title 21 (Zoning Ordinance) of the Monterey County Code; located at 4 Pilot Road, Carmel Valley, Carmel Valley Village area, came on regularly for meeting before the Zoning Administrator on September 26, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. FINDING: The subject Administrative Permit (File PLN01076) as described in Condition No. 1 and as conditioned conforms with the plans, policies, requirements and standards of the General Plan, Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 4 Pilot Road (Assessor's Parcel Number 187-432-004-000), northerly of Carmel Valley Road. The parcel is zoned "LC-D-S", or Light Commercial with Design Control and Site Review overlay zoning districts. The property is 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 Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The Carmel Valley Master Plan
- b) The Carmel Valley Village Development Criteria
- c) Chapters 21.18 (Light Commercial Zoning District Regulations), 21.44 (Design Control Regulations) and 21.45 (Site Plan Review Zoning Regulations) of the Monterey County Zoning Ordinance.

EVIDENCE: 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 and the Carmel Valley Fire Protection District. There has been no indication from those agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: The proposed use is consistent with the development standards for Light Commercial zoning districts, pursuant to Title 21, Monterey County Zoning Ordinance.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

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.

EVIDENCE: The on-site inspection by the project planner to verify that the proposed project complies with the applicable regulations.

- 2. FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Negative Declaration has been adopted. 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 and mitigated, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. Mitigation measures identified in the Initial Study have been incorporated into the project, and agreed to by the applicant, to reduce any impact to an insignificant level. All applicable mitigation measures are included in the conditions of approval, which are hereby adopted as a mitigation monitoring and reporting program.

Studies, data, and reports prepared by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department, 2120 1st. Avenue, Marina, CA 93933. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinions supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

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 Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on August 22, 2002, and noticed for public review. 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. Monterey County Zoning Ordinance, Title 21
2. Carmel Valley Master Plan
3. Carmel Valley Village Design Criteria
4. Higgins and Associates, Civil and Traffic Engineers, *Pilot Road Retail Development Trip Generation Study, Carmel Valley, CA, November 29, 2001.*

- 3. FINDING:** For purposes of the Fish and Game Code, the project will have a potential for changes to 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 may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.

- 4. FINDING:** The site is suitable for the use proposed.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Health Department and the Carmel Valley Fire Protection District. 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 or similar areas that would indicate the site is not suitable for the use proposed.

5. FINDING: The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to health, safety, comfort, and general welfare of persons residing or working 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 Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency and the Carmel Valley Fire Protection 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.

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that the Negative Declaration be adopted and said application for an Administrative Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This Administrative Permit allows for development of a one story, 2,160 sq. ft. commercial building on an existing 23,070 sq. ft. vacant lot located in the "LC" (Light Commercial) Zoning District, and including 9 parking spaces, a septic system and signage. The property is located at 4 Pilot Road, north of Carmel Valley Road, Carmel Valley Village area. 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)

Prior to Issuance of Demolition, Grading or Building permits

2. The applicant shall record a notice which states: "A Permit (Resolution No. 010176) was approved by the Zoning Administrator for Assessor's Parcel Number 187-432-004-000 on September 26, 2002. The permit was granted subject to **21** 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)
3. The applicant shall document a water use credit from the Monterey Peninsula Water Management District (MPWMD) sufficient to offset the construction and use of the proposed building. In addition, the applicant shall obtain a water permit from the MPWMD prior to issuance of a building permit by the Planning and Building Inspection Department. (Planning and Building Inspection Department)
4. All new utilities and distribution lines shall be placed underground. (Planning and Building Inspection Department)
5. The site plan shall be revised to include a trash enclosure and a path along the frontage of the property on Carmel Valley Road and Pilot Road as required by the Carmel Valley Village Development Criteria. In addition, all skylights on the building shall be screened as recommended by the Carmel Valley Land Use Advisory Committee. (Planning and Building Inspection)
6. All exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit a copy of an exterior lighting plan indicating the type and location of all light fixtures for review and approval by the Planning and Building Inspection Department. (Planning and Building Inspection Department)
7. The parking and internal circulation plan shall be approved by the Department of Public Works. The parking area shall be mud free and dust free. (Public Works Department)
8. Obtain an Encroachment Permit from the Department of Public Works and construct a driveway connection to Pilot Road. (Public Works Department)
9. The applicant shall pay the Carmel Valley Road Traffic Impact Fees pursuant to Board of Supervisors Resolution No. 95-140, adopted September 12, 1995. (Public Works)
10. A drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact from impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency/Planning and Building Inspection)
11. The applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. (Water Resources Agency)
12. The applicant shall submit a detailed disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, the Prohibitions of the Basin Plan, RWQCB and the Carmel Valley Wastewater Management Study. The Carmel Valley Waste Management Study requires a septic system leach field to be designed for an application rate of .2 (two tenths) of a gallon of effluent per square foot of leaching area for this particular parcel. (Environmental Health)

Prior to Final Building Inspection/Occupancy

13. The applicant shall comply with Ordinance No. 3539, 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 native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)
14. The colors and materials of the building shall match the colors and materials reviewed and approved by the Carmel Valley Land Use Advisory Committee and which are contained in the project file. (Planning and Building Inspection Department)
15. Development of the project shall include landscaping. A landscaping plan shall be submitted that conforms to Chapter 18.50, Residential, Commercial and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. The proposed landscaping shall comply with all provisions of Policies (A) 7.0, (A) 8.0 and (B) of the Carmel Valley Village Development Criteria. The plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. The landscaping shall be installed before occupancy of the building. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. Landscape plan review fees shall be paid at the time of landscape plan submittal. (Planning and Building Inspection Department)
16. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. (Carmel Valley Fire District)
17. All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface, shall require Class A roof construction. (Carmel Valley Fire District)

On Going Conditions

18. Tenancy or occupancy shall be limited to those uses that do not generate excessive amounts and/or high concentrations of sewage to be disposed on-site. The total amount of sewage allowed to be disposed on-site is 300 gallons per day. This equates to a maximum of 20 employees in an office setting. (Environmental Health)
19. The use of the proposed building under this Administrative Permit shall be limited to the "Light Commercial" uses listed under Chapter 21.18.050 of the Zoning Ordinance and other uses of similar character and intensity. However, the following uses **shall not be permitted** in the building: barber and beauty shops, florists, convenience markets, pet shops, wine tasting, restaurants and day care centers. (Planning and Building Inspection Department)
20. No use shall be established in the building before approval by the Monterey Peninsula Water Management District, the Planning and Building Inspection Department and the Division of Environmental Health. Prior to the establishment of a new use in the building, the applicant shall submit a request for review and approval by these agencies. All changes of use in the building shall be consistent with the uses allowed under this Administrative Permit (Condition No. 19). (Planning and Building Inspection Department)
21. All landscaped areas and/or fences 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)

PASSED AND ADOPTED this **26th** day of **September, 2002**.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

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