

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 000673

A.P. # 015-012-037-000

In the matter of the application of
Cypress Fire Protection District (PLN000673)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, to allow for development in a site plan review zoning district for the one-story addition of a 682 sq ft exercise room to an existing 5,674 sq. ft. two-story fire station; Variance to allow a reduction in the side yard setback from 20 feet to 10 feet; and Design Approval. The property is located at 3775 Rio Road, Carmel, between Highway One and Carmel Rancho Road, Carmel Valley Master Plan area., came regularly for hearing before the Zoning Administrator on December 11, 2003

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

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY** - The Project, as conditioned is consistent with applicable plans and policies of the Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21) which designates this area as appropriate for public and quasi-public development.

EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent with the Carmel Valley Master Plan that designates this area as appropriate for public and quasi-public development. Staff notes are provided in Project File PLN000673.

(b) Project planner conducted an on-site inspection to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in Project File PLN000673.

(c) The project for the expansion of an existing fire station. Fire stations are allowed in accordance with Sections 21.40.050 of the Zoning Ordinance.

(d) The parcel is zoned Public/Quasi-Public, Design Control District, Site Plan Review District ("PQP-D-S)." The project is in compliance with Site Development Standards for this district as contained in Chapters 21.40, 21.44, and 21.45 of the Zoning Ordinance (Title 21), except for the requirements for side yard setback for which a variance has been requested.

(e) The proposed project is located in a high archeological sensitivity area. An archaeological reconnaissance conducted by The Alaris Group on June 13, 2001 concluded that the project area contains no surface evidence of significant archaeological resources. A condition of approval requires stopping work if any cultural resources are found during the course of construction. Work will not resume until those resources are adequately evaluated by the professional archaeologist.

(f) The proposed project is located in a high geological hazard area. An August 2, 2001 geologic hazard assessment completed by Haro, Kasunich, and Associates, Inc. concluded that the fire station addition can be constructed provided a geotechnical engineering report is

prepared that presents design criteria for seismic shaking based on the 1997 UBC seismic design criteria, is elevated at least one foot above the FEMA Base Flood Elevation of 27 feet, NGVD and utilizes a grid foundation system to compensate for potential liquefaction hazards. This recommendation is contained in a condition of approval.

(g) The Carmel Valley Land Use Advisory Committee voted 7 to 0 to recommended approval of the project. LUAC meeting minutes dated December 3, 2001.

(h) 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 PLN000673.

2. **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, 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 subject property.

3. **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) The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, and Department of Environmental Health. The respective departments and agencies 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

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

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, and Department of Environmental Health. Conditions recommended have been incorporated.

(b) Staff conducted an on-site visit to verify that the site is suitable for this use.

(c) Necessary public facilities are available and will be provided.

5. **FINDING:** There are special circumstances applicable to the subject property, including the size, shape, topography, location, or surroundings that deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

EVIDENCE: (a) The subject property is shaped to allow few options to development of the site. The property is uniquely "cone-shaped," with the front of the property, where it provides access to Rio Road, being a mere 15 feet in width. The depth of the property is approximately 600 feet, and the rear property line is a mere 145 feet. The use of the property necessitates that the front of the fire station be utilized as a vehicular access; due to the parcel's shape this access extends approximately 480 feet. Portions of the rear and eastern side of the fire station currently come within ten feet of these property lines.

(b) Plans and materials found in file PLN000673.

6. **FINDING:** Granting the variance for the reduction of the side yard setback would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.
- EVIDENCE:** (a) The project, as proposed, is to add an addition of approximately 682 sq. ft. to an existing fire station. The proposed remaining 10-foot side yard setback on the western property line would be consistent with the existing rear yard setback and the existing side yard setback on the eastern property line. The addition would not significantly increase the bulk to the structure and is not out of character within the surrounding neighborhood. The property is the only parcel in the surrounding neighborhood that is zoned for public/quasi-public use. Records of the Planning & Building Inspection Department do not show a previous request for a variance within the vicinity.
- (b) Plans and materials found in file PLN000673.
7. **FINDING:** These variances are not being granted for a use or activity, which is not otherwise expressly authorized by the zone regulation governing the parcel of property.
- EVIDENCE:** (a) The use of the property is an existing use and fire stations are allowed within the PQP Zoning District per Section 21.40.050 of the County Zoning Ordinance (Title 21).
8. **FINDING:** **CEQA:** - The project is exempt from environmental review.
- EVIDENCE:** (a) CEQA Guidelines Section 15301(e) categorically exempts small additions to existing structures.
- (b) No adverse environmental effects were identified during staff review of the development application or during a site visit.
- (c) No changes in the project or unusual circumstances exist which would necessitate additional environmental review.
9. **FINDING:** The Project is appealable to the Planning Commission.
- EVIDENCE:** (a) Section 21.80.040.B of the Monterey County Zoning Ordinance.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for an Administrative Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The subject permit consists of an Administrative Permit for development in a site plan review zoning district for the one-story addition of a 682 sq ft exercise room to an existing 5,674 sq. ft. two-story fire station; Variance to allow a reduction in the side yard setback from 20 feet to 10 feet; and Design Approval. The property is located at 3775 Rio Road (APN 015-012-037-000), between Highway One and Carmel Rancho Road, Carmel. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 the Issuance of Grading and Building Permits:

2. A notice shall be recorded with the Monterey County Recorder that states: "A permit (Resolution 000673) was approved by the Zoning Administrator for Assessor's Parcel Number 015-012-037-000 on December 11, 2003. The permit was granted subject to 12 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)**
3. The applicant shall submit 3 copies of an exterior lighting plan that shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. 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)**
4. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. Prior to the issuance of a building permit, 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)**
6. Owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency)**
7. Owner shall provide proof to the Planning & Building Inspection Department that the public utilities easement upon which the improvements are to be constructed has been vacated pursuant to a resolution of the Monterey County Board of Supervisors. **(Planning & Building Inspection Department)**

Prior to Final Building Inspection/Occupancy

8. Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report by Haro, Kasunich, and Associates, dated August 2, 2001. **(Planning and Building Inspection)**

Continuous Permit Conditions:

9. If during the course of construction activity on the subject property, cultural, archaeological, historical, paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) 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)**

10. The site shall be landscaped. At least three weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping 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. Before occupancy, either landscaping shall be installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. 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)**
11. All landscaped areas and replanted trees 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)**
12. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 11th day of December, 2003.

Original Signed By:

MIKE NOVO
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

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 Planning Commission 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.