

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 010151

A. P. # 261-041-010-000

In the matter of the application of

Joseph H. & Marline J. Welcome (PLN010151)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of a Use Permit for auto and truck towing and storage operations, contractor's yard and offices, and contractor's equipment storage facility; a Use Permit for three single-family residential units. The first Use Permit is for three towing operations, which occupy a majority of the property; for outdoor vehicle and equipment storage; for incidental indoor storage and office space (400 sq. ft.) for the largest of the three towing operations within an existing 5,600 sq. ft. warehouse building; and for offices located in two modular buildings for the other two towing operations. The second Use Permit is for three existing legal non-conforming single-family residential units, located at 1132, 1134, 1136 and 1138 Madison Lane, Salinas, Boronda area, Greater Salinas area, came on regularly for meeting before the Zoning Administrator on February 13, 2003.

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

- 1. FINDING:** The subject Use Permit, File No. PLN010151, Joseph Welcome, as described in Condition No. 1, and as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, the Greater Salinas Area Plan, the Boronda Neighborhood Improvement Plan, and the Monterey County Zoning Ordinance (Title 21 of the Monterey County Code). The property is located on 1132-1134-1136-1138 Madison Lane, Boronda, Salinas area. The parcel is designated as "General Commercial" in the Boronda Neighborhood Improvement Plan, and is zoned "HC/UR" (Heavy Commercial, Urban Reserve).

EVIDENCE: Application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development are located in project File No. PLN010151.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as set forth in the application and accompanying materials, for conformity with the General Plan, the Greater Salinas Area Plan, the Boronda Neighborhood Improvement Plan, and Chapter 21.20 of the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: The project planner conducted an on-site inspection of the project on October 4, 2002, to verify that the project on the subject parcel conforms to the plans listed above.

EVIDENCE: The Zoning Administrator considered any written and verbal public testimony submitted at the public hearing on the subject Use Permit.
- 2. FINDING:** The project site is physically suitable for the proposed use as described in the project file.

EVIDENCE: The proposed development was reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental

Health Division, Parks and Recreation Department, Salinas Rural Fire District, and the City of Salinas. There was no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.

- 3. FINDING:** On the basis of the whole record before the Zoning Administrator, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Initial Study/Mitigated Negative Declaration prepared for the project reflects the independent judgment and analysis of the County.

EVIDENCE: The Monterey County Planning and Building Inspection Department prepared an Initial Study on the project pursuant to the California Environmental Quality Act (CEQA). The Initial Study identified several potentially significant environmental effects, but the applicant has agreed to proposed mitigation measures that avoid or reduce the potential effects to a less than significant level. The Initial Study/Mitigated Negative Declaration was circulated for public review from January 24, 2003, to February 12, 2003. The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study/Mitigated Negative Declaration. The Initial Study/Mitigated Negative Declaration is on file at the Planning and Building Inspection Department in File No. PLN010151, and is hereby incorporated by reference.

EVIDENCE: Evidence that has been received and considered in preparation of the Initial Study/Mitigated Negative Declaration includes:

- A. Application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the project and located in project File No. PLN010151.
- B. Reports and technical studies for the project including those submitted by the applicant:
 - 1. Project Application, Plans and Interdepartmental Correspondence located in Project File No. 010151;
 - 2. "Monterey County General Plan," Monterey County, 1982;
 - 3. "Greater Salinas Area Plan," Monterey County, July, 1985;
 - 4. "1997 Air Quality Management Plan," Monterey Bay Unified Air Pollution Control District;
 - 5. Department of Conservation, Division of the Mines and Geology. Communication with Project Consultant;
 - 6. Site Visit by Project Planner, October 4, 2002; and

7. “Boronda Neighborhood Improvement Plan,” Monterey County, July 1987.

C. Staff report to the Zoning Administrator that reflects the County’s independent judgment, and information and testimony presented at the public hearing before the Zoning Administrator.

EVIDENCE: A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation. The Applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan” as a condition of project approval (Condition No. 6).

4. **FINDING:** With approval of the subject Use Permit, the subject property will be in compliance with all rules and regulations pertaining to zoning uses, and any other applicable provisions of Title 21, and all zoning violation abatement costs have been paid.

EVIDENCE: Application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development located in project File No. PLN010151 and staff review of other Monterey County Planning and Building Inspection Department records.

5. **FINDING:** 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 759.2 and 711.2 of the Fish and Game Code.

EVIDENCE: The subject parcel is already fully developed including lots used for vehicle and equipment storage, a 5,600 square foot warehouse building, two modular buildings, and three single-family residences. The subject Use Permit would recognize but would not change any of these existing uses. The subject parcel is not located near any environmentally sensitive habitats.

6. **FINDING:** 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 Planning and Building Inspection Department, Environmental Health Division, Public Works Department, Water Resources Agency, Salinas Rural Fire District, Monterey County Redevelopment Agency, and the City of Salinas. 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, or the County in general.

EVIDENCE: Condition 3 requires the applicant to provide certification, and any necessary certification from State agencies, that California Water Service Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards; and Condition 4 requires the

applicant to provide certification that Boronda County Sanitation District can and will provide sewer service to the property.

7. **FINDING:** This project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.B of Title 21 (Zoning) of the Monterey County Code sets forth the procedures for an appeal.

DECISION

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

1. This Combined Development Permit consists of a Use Permit for auto and truck towing and storage operations, contractor's yard and office, and contractor's equipment storage facility; and a Use Permit for three single-family residences. The first Use Permit is for three auto and truck towing and storage operations which occupy a majority of the property; for outdoor vehicle and equipment storage; for indoor equipment storage, incidental storage, and a 400 square-foot office for the largest of the three towing and storage operations located within an existing 5,600 square-foot warehouse building; and for offices located in two separate modular buildings for the other two towing and storage operations. The second Use Permit is for three legal non-conforming single-family residential units. This Permit is 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)

Prior to Commencement of Use, or Within Six Months or One Year of Approval:

2. Prior to the commencement of use, the applicant shall dedicate to the County of Monterey 30 feet from the centerline of Madison Lane. (Public Works)
3. Prior to the commencement of use, the applicant shall enter into a Mitigation Monitoring Agreement with and pay a fee of \$840.00 to the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
4. Prior to the commencement of use, and pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$25.00. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The

project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection Department)

5. Within six months of the approval of this permit, the applicant shall obtain an encroachment permit from the Department of Public Works and construct one driveway connection to Madison Lane as approved by the Director of Public Works for the commercial uses. (Public Works)
6. Within six months of approval of this permit, the applicant shall comply with the following conditions of the Salinas Rural Fire District unless waived by the Fire District: (Salinas Rural Fire District)
 - a. Fire department access shall be provided.
 - 1) Road Width - Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
 - 2) Road Access - Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access.
 - 3) Roadway Surface - The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus.
 - 4) Roadway Turnarounds - Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roads shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.
 - 5) Gate Entrances (Gate Width) - Gate entrances shall be at least the width of the 20 foot traffic lane.
 - 6) Gate Entrances (Obstructing Traffic) - 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 that road.
 - 7) Gate Entrances (Locked) - Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment.
 - 8) Vertical Clearance - Unobstructed vertical clearance shall be not less than 13'6" feet for all access roads.
 - b. Due to the change of occupancy classification from greenhouse (Group U, Division 3) to warehouse for vehicle storage (Group S, Division 3), the existing 5,600 square-foot warehouse shall be protected with an approved automatic fire sprinkler system and an approved fire alarm system as follows:
 - 1) The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted

- and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection.
- 2) The building shall be fully protected with an approved central station, proprietary station or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1996 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing agency prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be done in accordance with Chapter 7 of NFPA 72 - 1996
- c. One on-site hydrant for fire protection shall be provided at a location approved by the Salinas Rural Fire District and shall conform to the following requirements:
- 1) Fire Flow - Pursuant to Uniform Fire Code Appendix III-A, the basic minimum fire flow requirement for commercial facilities is 1,500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. Applicant shall submit to the Salinas Rural Fire District with a hydrant flow test report proving the current fire flow available at the hydrant nearest to the project location. The test shall be conducted by an entity approved by the Salinas Rural Fire District.
 - 2) Timing of Installation - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.
 - 3) General Standards - Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan.
 - 4) Hydrant/Fire Valve (Location) - The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.
 - 5) Hydrant/Fire Valve (Spacing) - The hydrant serving any building shall not be less than 50 feet or more than 1000 feet by the road from the building it is to serve.
 - 6) Hydrant Size - The hydrant shall have a minimum of two (2) 2-1/2 inch outlets NST and one (1) 4-1/2 inch outlet NST. The riser shall be a minimum of six (6) inches and shall be wet barrel type with a coefficient of 0.9.
 - 7) Signing of Water Sources - Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.
- d. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys.
- e. Addresses shall be posted and issued as follows:
- 1) Addresses for Buildings - 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.

- 2) Size of Letters, Numbers and Symbols for Addresses - When construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the background colors of the sign.
- f. The outdoor vehicle and equipment storage and towing operations shall comply with the requirements of Article 34 of the Uniform Fire Code, 1997 edition.
7. Within one year of approval of this permit, the applicant shall submit to the Director of Planning and Building Inspection a General Development Plan for the property consistent with Section 21.20.030 of Title 21 (Zoning) of the Monterey County Code, and with the goals and policies of the Boronda Neighborhood Improvement Plan and/or any successor general or specific plan. Such a plan shall be prepared in consultation with the staff of the Monterey County Redevelopment Agency and with the Citizens Advisory Committee for the Boronda Redevelopment Area. (Planning and Building Inspection)
8. This permit is approved for a period of four years, to expire on February 13, 2007, for the towing operations and related storage uses, but this permit is approved without a time limit for the residential uses.
9. The applicant shall record a notice which states: "A Permit (Resolution # 010151) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 261-041-010 on February 13, 2003. The permit was granted subject to 14 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)

Continuous Permit Conditions:

10. The applicant shall comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. (Environmental Health)
11. The applicant shall comply with Title 22, Division 4.5 of the California Code of Regulations and Chapter 6.50 of the California Health and Safety Code (Hazardous Waste Control) as approved by the Director of Environmental Health. (Environmental Health)
12. Storage of any wrecked, inoperative, dismantled vehicles including vehicle parts or vehicles under repair must occur on an impervious surface properly graded and bermed for surface drainage into an approved oil/water separator. This requirement also applies to storage/parking (in excess of 72 hours) of vehicles owned by others

as a commercial business venture. An impervious surface is not required for stored vehicles or parts once all fluids (fuel, lubricants and coolants) have been drained and properly handled as hazardous waste. **The applicant has six months from the date of approval to install the impervious surface and oil/water separator. In the interim, and prior to commencement of use, an alternative and temporary method of leak control must be approved by the Division of Environmental Health and implemented by the applicant.** [Mitigation Measure 1] (Environmental Health)

13. The property and all improvements 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)
14. 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)

PASSED AND ADOPTED this 13th day of February, 2003.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO 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 2 years after the above date of granting thereof unless construction or use is started within this period.