

LYNNE MOUNDAY
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 020592

A.P. # 133-492-001-000

In the matter of the application of
Christopher & Brenda Fitzjohn (PLN020592)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for development of a 14,484 sq. ft. manufacturing and warehouse facility for production and storage of air freshener products, including a 12,320 sq. ft. manufacturing/warehouse building and 2,164 sq. ft. office space, located at 11420 Commercial Parkway, Castroville, North County area, Non-Coastal, came on regularly for hearing before the Zoning Administrator on May 29, 2003.

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

FINDINGS OF FACT

1. FINDING: The subject Use Permit as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County General Plan, North County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 11225 Commercial Parkway, Castroville. The parcel is zoned "HI/B6" (Heavy Industrial). The site is physically suitable for the use proposed. The subject 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 Monterey County General Plan;
- b) The North County Area Plan; and
- c) Chapter 21.28 of the Monterey County Zoning Ordinance (Title 21) for the "HI" Zoning District.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Department and Parks Department. There has been no indication from these agencies that the site is not suitable for the proposed use. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property, as conditioned. Each agency has reviewed the application and some have recommended conditions of approval.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the Zoning Administrator.

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, found in file PLN020592.

EVIDENCE: The on-site inspection by the project planner on March 31, 2003 to verify that the proposed

project complies with the plan policies and County Code regulations.

- 2. FINDING:** The proposed project is categorically exempt from the California Environmental Quality Act.
EVIDENCE: Section 15332 of the County CEQA Guidelines categorically exempts the proposed development from environmental review. The subject property is situated within an existing, developed industrial park, surrounded by urban industrial uses.
- 3. FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.
EVIDENCE: Materials in file PLN020592.
- 4. FINDING:** Adequate road and transportation facilities exist for the use.
EVIDENCE: The property is located on Commercial Parkway, which is the main access road to the site.
EVIDENCE: The Public Works Department reviewed the proposed project, and has indicated no adverse traffic impacts will occur.
EVIDENCE: Materials in file PLN020592.
- 5. 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 Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, 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: Adequate road and drainage infrastructure exists for the project.
EVIDENCE: Site inspection by Planner on March 31, 2003.
EVIDENCE: The project was recommended for approval by the North County – Non Coastal Land Use Advisory Committee (4-0, 2 absent).
EVIDENCE: Materials in file PLN020592.
EVIDENCE: Preceding findings and supporting evidence.
- 6. FINDING:** The 23 parking spaces proposed will be adequate to serve the project.
EVIDENCE: The Environmental Health Department restricts the number of employees on sites in the Castroville Industrial Park. This is done because the buildings are served by septic systems, and the Health Department seeks to limit the amount of nitrates produced by establishing 300 gallons of sewage per day per acre as the maximum level of nitrates allowed. Table "C" of Title 15, Chapter 15.20 establishes that 15 gallons of sewage per day are produced per factory

worker or office employee. In accordance to the sewage limitation above, the one-acre site is allowed 300 gallons of sewage per day. 15 gallons of sewage per employee divided into the 300 gallons permitted yields a maximum number of 20 employees for the site. The 23 spaces proposed will therefore be adequate to accommodate up to 20 employees, with three additional spaces for occasional visitors to the property.

EVIDENCE: Email in the project file from John Silva, dated April 10, 2003

EVIDENCE: Materials in file PLN020592

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

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

DECISION

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

1. The subject Use Permit is for a 14,484 square-foot warehouse for an industrial scent and packaging operation including a 12,320 square foot manufacturing/warehouse building and 2,164 square foot office space. The project is located 11225 Commercial Parkway, Castroville (Assessor's Parcel Number 133-492-001). 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)**
2. The applicant shall record a notice which states: "A permit (Resolution 020592) was approved by the Zoning Administrator for Assessor's Parcel Number 133-492-001 on May 29, 2003. The permit was granted subject to 24 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)**

Prior to issuance of Building Permits:

3. Any freestanding signs shall be subject to review and approval by the Planning Department. **(Planning and Building Inspection)**
4. Twenty-three parking spaces, including one handicapped-accessible space, shall be provided. No uses requiring in excess of 23 parking spaces shall be permitted, unless adequate parking is provided for the use, in accordance with Section 21.58 of the Zoning Regulations. **(Planning and Building Inspection Department)**
5. One bicycle rack space shall be provided for each 10 parking spaces. Said spaces shall be located near the main entrance of the building. **(Planning and Building Inspection Department)**

6. 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. The applicant shall submit 3 copies of an exterior lighting plan which 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. **(Planning and Building Inspection)**
7. Prior to issuance of a building permit, provide to the Director of Environmental Health written certification, and any necessary certification from State agencies that Castroville Water District can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health)**
8. The project shall comply with the current, adopted Uniform Fire Code **(Fire Dept.)**
9. The project shall include appropriate fire sprinkler coverage for they and storage configuration of commodity per NFPA 13 **(Fire Dept.)**
10. A fire alarm shall be included for the building per NFPA 72. **(Fire Dept.)**
11. The future 20' x 80' metal canopy shall include fire sprinklers. **(Fire Dept.)**
12. Prior to issuance of a building permit, submit a detailed wastewater 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, and Prohibitions of the Basin Plan, RWQCB. **(Environmental Health)**
13. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include oil-grease/water separators for the paved parking areas. Impervious surface storm water runoff shall be directed to the existing Castroville Industrial Park drainage improvements. **(Water Resources Agency)**
14. The applicant shall provide a copy of the Initial Water Use and Nitrate Questionnaire to the Water Resources Agency **(Water Resources Agency)**
15. 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)**

Prior to issuance of Final Occupancy:

16. Front yard landscaping shall be mounded similarly to that of abutting properties. The site shall be landscaped. 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. 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, landscaping shall be either 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. **(Planning and Building Inspection Department)**

17. One tree per 1,000 square feet of landscaping shall be included in the front yard area, at a minimum size of 36-inch box, or equivalent, at planting. **(Planning and Building Inspection Department)**
18. Certification that storm water detention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**

Continuous Permit Conditions:

20. 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)**
21. Inoperative vehicles, parts and unused equipment and material shall not be stored outdoors on the site. **(Planning and Building Inspection)**
22. Tenancy or occupancy shall be limited to those uses that do not generate excessive amounts and/or high concentrations of sewage to be disposed of on-site. Tenancy and the uses shall be subject to the review and approval of the Director of Environmental Health. Prohibited uses are: bars; all restaurants/food preparation (bakery only is allowed); barber shops/beauty shops/salons; commercial or self serve laundry (dry-cleaning only allowed); motels/boarding rooms/bed and breakfast facilities; nursing homes; gym/spa/fitness center; public rest-rooms; day care centers; other similar high volume or high concentration sewage uses. **(Environmental Health)**
23. The owner 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)**
24. All vehicles or parts stored for longer than 72 hours that contain gasoline, oils, lubricants, coolants, or any other hazardous materials/wastes shall be stored in impervious areas properly graded and bermed for surface drainage into an approved oil/water separator. **(Environmental Health)**

PASSED AND ADOPTED this 29th day of May, 2003.

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 Salinas.

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