

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 020365

A.P.# 113-081-003-000

In the matter of the application of
Clarksons California Property (PLN020365)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for the construction of an 8,005 sq. ft. office/warehouse structure consisting of; an Administrative Permit for the construction of 1,937 sq. ft. of warehouse area and demolition of an existing 3,765 sq. ft. office; a Use Permit for 6,068 sq. ft. of office space. The project includes a 27 sq. ft. (aggregate area) single-faced sign on the structure frontage and a 48 square foot double faced pole sign eighteen feet in height; 46 designated parking spaces; a septic system; and grading (490 cubic yards of cut and 380 cubic yards of fill with 110 cubic yards of cut to be disposed of off site). The property is located at 589 El Camino Real Salinas, west of highway 101 north of Espinosa Road, Greater Salinas's area., came on regularly for hearing before the Zoning Administrator on March 25, 2004.

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

1. FINDING: **CONSISTENCY AND SITE SUITABILITY**-The proposed Combined Development Permit for the construction of an 8,005 SF office/warehouse structure consisting of; an Administrative Permit for the construction of 1,937 SF of warehouse area and demolition of an existing 3,765 SF office; a Use Permit for 6,068 SF of office space. The project includes a 27 sq. ft. (aggregate area) single-faced sign on the structure frontage-and a 48 square foot double faced pole sign eighteen feet in height; 46 designated parking spaces; a septic system; and grading (490 cubic yards of cut and 380 cubic yards of fill with 110 cubic yards of cut to be disposed of off site. The project as described in Condition #1, and as conditioned, conforms to the plans, policies, requirements, and standards of the Monterey County General Plan, the Greater Salinas Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 589 El Camino Real Salinas, (Assessor's Parcel Number 113-081-003-000) west of Highway 101 North of Espinosa Road, Greater Salinas Area. The parcel is zoned "HC" (Heavy Commercial). The site is physically suitable for the proposed Office/Warehouse facility.

EVIDENCE: (a) The application and project plans submitted in project file PLN020365 at the Monterey County Planning and Building Inspection Department.

(b) The project planner conducted a site visit on August 20, 2003 to verify that the proposed project complies with Title 21, The General Plan, and Greater Salinas Area Plan.

(c) The Clarkson Project has been reviewed by the Monterey County Planning and Building Inspection Department, Salinas Rural Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department and Monterey County Health Department and Parks Department, Monterey County Sheriff's Department, California Department of transportation. There has been no indication from these agencies that the site is not suitable for the project. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate

the site is not suitable for the project. The Initial Study demonstrates that no physical or environmental constraints exist that could not be mitigated, and therefore would indicate that the site is suitable for the proposed development.

(d) Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject properties.

(e) The Geotechnical Report prepared by HP Inspections Inc, dated March, 2003 concludes that for the Clarkson Office Warehouse project on (Assessor's Parcel Number: 113-081-003-000) site is suitable for development, provided recommendations in the report are followed.

(f) The Traffic Impact Study conducted by Higgins and Associates Civil & Traffic Engineers, dated April 2003 identify associated impacts with conclusion and recommendations.

(g) Following Findings and supporting Evidence.

2. FINDING

CEQA –The proposed project, including all permits and approvals, will not have a significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File PLN020365) in the Planning and Building Inspection Department. Mitigation measures identified in the Initial Study and the Mitigated Negative Declaration have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter “the Program”) has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit “D” and is incorporated herein by reference. 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, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process

EVIDENCE:

(a) County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts.

(b) A Negative Declaration was filed with the County Clerk on February 12, 2004 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:

- Monterey County Zoning Ordinance, Title 21
- Greater Salinas Area Plan
- Monterey County Code, 1993. Noise Control
- Monterey Bay Unified Air Pollution Control District CEQA Guidelines

- Traffic Impact Study by Higgins and Associates Civil & Traffic Engineers
 - Geotechnical Report prepared by HP Inspections Inc
- (c) The Monterey County Planning and Building Inspection Department, located at 2620 First Avenue, Marina is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based
- (d) Preceding and following Findings and supporting Evidence.

3. **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 753.5 (d) of the Fish and Game Code.
- EVIDENCE:** (a) The project site is located in an urbanized area and does not support biological resources. Development of the proposed project will not result in changes to the resources listed under Section 753.5.
- (b) Preceding and following Findings and supporting Evidence.
4. **FINDING:** **NO VIOLATIONS** – The subject properties are in compliance with all rules and regulations pertaining to zoning uses, subdivisions and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** (a) Sections 21.84.040(A) and 21.84.070 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
- (b) Preceding and following Findings and supporting Evidence.
5. **FINDING:** **PUBLIC NOTICE** – Public notice of the pending Combined Development Permit was provided pursuant to Sections 21.70.040, Title 21, Monterey County Code (Inland Zoning).
- EVIDENCE:** (a) The application, plans, and supporting materials in the project file.
- (b) Preceding and following Findings and supporting Evidence.
6. **FINDING:** **HEALTH AND SAFETY** – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, 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 Department of Planning and Building Inspection, Health Department, Public Works Department, and the Water Resources 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.
7. **FINDING:** **APPEALABILITY** – The decision on this project is appealable to the Planning Commission.
- EVIDENCE:** Section 21.80.040 of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Zoning Administrator to adopt the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and approve said application for a Use Permit as shown on the attached

sketch, and subject to the following conditions:

1. This Combined Development Permit for the construction of an 8,005 SF office/warehouse structure consisting of; an Administrative Permit for the construction of 1,937 SF of warehouse area and demolition of an existing 3,765 SF office; a Use Permit for 6,068 SF of office space. The project includes a 27 sq. ft. (aggregate area) single-faced sign on the structure frontage-and a 48 square foot double faced pole sign eighteen feet in height; 46 designated parking spaces; a septic system; and grading (490 cubic yards of cut and 380 cubic yards of fill with 110 cubic yards of cut to be disposed of off site). 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)**

Prior to Issuance of Demolition, Building or Grading Permits

2. The applicant shall record a notice that states: "A permit, Resolution No.020365, was approved by the Zoning Administrator for Assessor's Parcel Numbers 113-081-003-000 on March 25, 2004. The permit was granted subject to 30 conditions of approval that 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. Prior to obtaining a demolition permit for an existing 3,765 SF office the applicant shall provide proof to the Monterey County Planning and Building Inspection Department that the Monterey Bay Unified Air Pollution Control District, Compliance Division, has been notified of the impending demolition. **(Planning and Building Inspection Department)**
4. 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. That 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 Department)**
5. Hours of operation shall be 8 AM to 5 PM, Monday through Saturday. **(Planning and Building Inspection)**
6. That the parking layout and circulation shall be reviewed by the Director of Public Works. That the parking requirements shall meet the standards of Title 21 and approved by the Director of Planning and Building Inspection prior to the issuance of building permits or commencement of the approved use. **(Public Works and of Planning and Building Inspection)**

7. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. **(Planning and Building Inspection)**
8. Prior to obtaining building permits for the new structure the project proponent shall contribute fair share financial contribution for the needed improvements identified within the project traffic study (Higgins Associates, April 2003) and Public Works. The applicant shall pay the following Traffic mitigation fees:
 - a. \$53,019 for future improvements to highway 101 in the Prunedale Area.
 - b. \$313 for the lengthening of the northbound left turn lane on Highway 101 at Espinosa road.
 - c. \$5,291 toward future signalization and eastbound left turn Channelization at the intersection of Espinosa road and el Camino Real. **(Public Works MM#1)**
9. Prior to issuance of any grading and/or building permits, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer addressing on-site and off-site impacts with supporting calculations and construction details. The plan shall include detention facilities and oil-grease water separators to mitigate the impact of impervious surface storm-water runoff. Pond(s) shall be fenced for public safety. Necessary improvements shall be constructed in accordance with plans approved by the Water Resources Agency. **(Water Resources Agency)**
10. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
11. Prior to issuance of building permit, submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions" Central Coast Basin Plan, RWQCB. **(Environmental Health)**
12. FIRE SPRINKLER SYSTEM - The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for: *"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."* **(Salinas Rural Fire District)**
13. Hydrants for fire protection shall be provided at locations approved by the Salinas Rural Fire District and shall conform to the following requirements:
 - a. FIRE FLOW - Pursuant to Uniform Fire Code Appendix III-A, the minimum fire flow requirement for 8,005 square foot commercial facilities protected with automatic fire sprinkler systems and built with Type III-N construction is 1,500 gallons per minute with a residual pressure of 20 phis under normal operating conditions for a duration of 2 hours.
 - b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.

- c. 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.
 - d. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in Uniform Fire Code Appendix III-B and in accordance with the following specifications:
 - e. 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.
 - f. 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. **(Salinas Rural Fire District)**
14. Prior to the issuance of building or grading permits, obtain a well destruction permit from the Monterey County Health Department and properly destruct the existing well(s) on the property. **(Environmental Health)**

Prior to Final Building Inspection/Occupancy

15. The applicant shall comply with Ordinance No. 3932, 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)**
16. The site shall be landscaped. At least 60 days 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. The landscaping shall be installed and inspected prior to occupancy. 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)**
17. It is highly recommended that any and all buildings be equipped with burglar alarm systems. This should include exterior door contacts and motion detectors. Window contacts are optional if door contacts and motion detectors installed. Its recommend that any rooftop openings have locks and also be connected to a burglar alarm. Extra coverage should be given to those areas housing pesticides. **(Sheriff)**
18. It is recommended that a monument sign be installed at the entrance. This sign should clearly note the name and address of the business. It is also recommended that this sign be illuminated from dusk until dawn. This will insure that any and all emergency service personnel (firefighters, paramedics, & sheriff's deputies) and equipment (patrol vehicles, fire engines, paramedic's vans/ambulances) that are dispatched to the facility are able to immediately locate the appropriate buildings. **(Sheriff)**

19. All exterior doors should have adequate locks. Locking mechanisms should be installed on all windows. **(Sheriff)**
20. Recommend that landscaping be adequate and not create a safety hazard. It should allow patrol vehicles unobstructed views around the buildings during routine patrols. As plants, trees, shrubs etc. grow they should be kept trimmed so as not to create a safety hazard. **(Sheriff)**
21. If there are any lockable gates surrounding the property etc., the code/combination shall be provided to Monterey County Communications for access by law enforcement, fire, and emergency medical personnel. This insures immediate access in the event of an emergency during or after business hours. **(Sheriff)**
22. A hazardous material storage plan shall be submitted to the Salinas Rural Fire District. Evidence shall be submitted to the Salinas Rural Fire District that the business response plan, which includes the hazardous materials storage information, has been approved by the Division of Environmental Health. **(Salinas Rural Fire District)**
23. Signage and placarding shall be installed and maintained in accordance with the Uniform Fire Code. **(Salinas Rural Fire District)**
24. 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. **(Salinas Rural Fire District)**
25. The building(s) 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 - 1999 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 - 1999. **(Salinas Rural Fire District)**
26. Privacy gates shall conform to the following requirements:
 - a GATE ENTRANCES (GATE WIDTH) - Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide.
 - b 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.
 - c 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. **(Salinas Rural Fire District)**
27. The access roadway shall conform to the following requirements:
 - a 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.
 - b 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. (Fire District)
- c 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.
 - d 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 centerline of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. **(Salinas Rural Fire District)**

Continuous Permit Conditions:

- 28. 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)**
- 29. If, during the course of construction, cultural, archaeological, historical or 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 Department)**
- 30. The property owner shall continuously maintain all landscaped areas and/or fences 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 25th day of March 2004.

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

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.