

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 040028

A.P. # 103-011-011-000

In the matter of the application of  
**California-American Water Company (PLN040028)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow for the demolition of a 50,000 gallon water storage tank and the construction of an 80,000 gallon water storage tank. The property is located off Aguajito Road, Monterey, north of the intersection of Aguajito Road and Valenzuela Road, Greater Monterey Peninsula area, came on regularly for hearing before the Zoning Administrator on April 29, 2004.

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

**FINDINGS OF FACT**

1. **FINDING: CONSISTENCY & SITE SUITABILITY** - The Cal-Am (Aguajito) Water Tank Use Permit (PLN040028) as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements, and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located north of the intersection of Aguajito and Valenzuela Roads in the unincorporated Monterey area. The parcel is zoned RDR/5.1-D-S or Rural Density Residential, 5.1 acres per unit, with Design and Site Review requirements. The site is physically suitable for the use proposed.

**EVIDENCE:** (a) The application and plans submitted for the Use Permit in project file PLN040028 at the Monterey County Planning and Building Inspection Department show that there are currently two water tanks owned and operated by Cal-Am on a 10,000 square foot parcel located in the Aguajito area. The redwood tank proposed for demolition has the capacity to store up to 50,000 gallons of water. The applicant proposes to replace this tank with a fabricated steel tank with capacity for storage of up to 80,000 gallons of water. The second existing 120,000-gallon water tank will remain on the site. The applicant has stated that the reason for the 30,000-gallon increase for water storage is for fire protection purposes. The footprint for the proposed water tank would change, moving approximately 30 feet to the northwest so as to accommodate the relocated water drain and supply lines. The height of the tank is approximately 19 feet and the diameter is 30 feet. The proposed drainage line that empties into a small riprap area appears to be off site, but is actually located within the Cal-Am access easement.

(b) The applicant provided the Monterey County Planning and Building Inspection Department with a Design Approval Request, drawings, and a statement of materials and colors to be used.

(c) The project planner conducted a site visit to verify that the proposed project complies with policies in the Greater Monterey Peninsula Area Plan in terms of visual impacts. The

project will not have a significant adverse visual impact when viewed from a public viewshed, including either Aguajito Road and/or Highway 1. The applicant proposes to remove one 24-inch Monterey pine, which would be replaced at a ratio of 2:1. The new small pines could be sited on the parcel so that they would provide maximum screening of the tanks, when viewed from any public road or viewing area, once they grow taller.

(d) The Greater Monterey Peninsula Land Use Advisory Committee reviewed and recommended approval (4 - 0 vote with 1 member absent) of the Use Permit and Design Application on February 4, 2004.

(e) A Geologic and Soil Engineering Report was prepared by D&M consulting Engineers, Inc for the site in October of 2003. The report is on file at the Monterey County Planning and Building Inspection Department. D&M Consulting Engineers, Inc., concludes that "the proposed development is feasible from a geologic and soil engineering standpoint provided the recommendations in the report are incorporated into the project plans."

(f) The project and the site have been reviewed by the Monterey County Planning and Building Inspection Department, Carmel Highlands Fire District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and the Monterey County Health Department. There has been no indication from these agencies that the site is not suitable. 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 use proposed.

(g) Following Findings and supporting Evidence.

**2. FINDING: CEQA (Exempt) -** The project is exempt from environmental review.

**EVIDENCE:** (a) CEQA Guidelines §15301(f); §15301(l); §15303(c); §15303(e) and §15304 categorically exempt demolition of the existing water tank and construction of a new steel water tank from environmental review.

(b) No adverse environmental effects were identified during staff review of the development application and during the site visit.

(c) Development is largely contained in an already disturbed area. Tree removal is minimal. There has been no indication that the water tank proposed for demolition is an historic resource. There are no unusual circumstances related to the project or property.

**3. 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. Zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** Staff reviewed the Monterey County Planning and Building Inspection Department records, conducted a site visit, and are not aware of any violations on subject property.

**4. FINDING: HEALTH AND SAFETY -** 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 improvements in the neighborhood; or to the general welfare of the County.

**EVIDENCE:** Preceding findings and supporting evidence.

**5. FINDING: APPEALABILITY -** The decision on this 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 attached conditions.

**PASSED AND ADOPTED** this 29th day of April, 2004.

Original Signed By:

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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 90<sup>th</sup> 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.