

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040027

APN# 173-071-054-000
FINDINGS & DECISION

In the matter of the application of
CALIFORNIA-AMERICAN WATER COMPANY (PLN040027)

Combined Development Permit consisting of: a Use Permit to allow for the demolition of a 100,000 gallon bolt-up water storage tank and the construction of a 200,000 gallon water storage tank; a Use Permit for development on a 30% slope; and Design Approval. The property is located off of 9385 York Road, Monterey, northeast of the intersection of York Road and Determine Lane, Greater Monterey Peninsula Area.

FINDINGS OF FACT

1. FINDING: CONSISTENCY, SITE SUITABILITY AND PUBLIC ACCESS - The subject Combined Development Permit as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 9385 York Rd Monterey. The parcel is zoned "LDR/2.5-UR-D-S" (Low Density Residential, Urban Reserve, Design Approval and Site Review). 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:** (a) The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with: The Monterey County General Plan; the Greater Monterey Peninsula Area Plan; and Chapter 21.14 of the Monterey County Zoning Ordinance (Title 21) for the "LDR" Zoning District.
- (b) The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, and Environmental Health 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 none have recommended conditions of approval.
- (c) The Geotechnical Report prepared by D&M Consulting Engineers, Inc. (July 16, 2002) concludes that the site is suitable for the project, providing the recommendations made in the report are followed.
- (d) Written and verbal public testimony submitted at public hearings before the Zoning Administrator.
- (e) 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 PLN040027.
- (f) The biologist report for this project by Vern Yadon dated September 27, 2003 and subsequent letters of June 27, 2004, July 2, 2004, and July 9, 2004, identify the two species of

listed manzanita (*Arctostaphylos pumila* and *A. montereyensis*). Also described is the agreed upon methods and success criteria for the re-establishment of these species on this site.

(f)The on-site inspection by the project planner on April 3, 2003 to verify that the proposed project complies with the plan policies and County Code regulations.

2. FINDING: **CEQA** - The proposed project is categorically exempt from the California Environmental Quality Act.

EVIDENCE: a. Section 15061 of the CEQA Guidelines categorically exempts the proposed development from environmental review where the subject property is such that there is no possibility that the project will have significant environmental impact.

b. The planner's determination of initial study demonstrates that there is no possibility of significant environmental effect.

c. Materials in file PLN040027.

3. FINDING: There is no feasible alternative which would allow development to occur on slopes of less than 30%.

EVIDENCE: a. The site is a tank lot parcel of 10,000 square feet and the replacement tank will have a footprint of less than 2,000 square feet. The tank footprint size is controlled by seismic considerations and volume requirements. To attain the same fire flow volume and have a smaller footprint, the tank must be considerably taller. That would bring in issues of visibility from the Highway 68 Corridor and the height would put the tank at risk in this moderately active seismic zone. Since this is a parcel which is highly constrained by use and size, there are no other building sites on this lot.

b. Site visit by the project planner on April 3, 2003.

c. Materials in file PLN040027.

4. FINDING: **NO VIOLATIONS** – The subject property is 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: Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

5. 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 improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: The tank replacement 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 with a site visit by the planner.

EVIDENCE: Materials in file PLN040027.

EVIDENCE: Preceding findings and supporting evidence.

- 6. FINDING:** APPEAL ABILITY - The project is appealable to the Planning Commission.
EVIDENCE: Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

DECISION

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

PASSED AND ADOPTED this 14th day of April, 2005.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF 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.

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: CalAm York Tank Project

File No: PLN040027 APNs: 173-071-054-000

Approval by: Zoning Administrator Date: April 14, 2005

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Numbe r</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsibl e Party for Complianc e</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>PBD029 - SPECIFIC USES ONLY This Combined Development Permit (PLN040027 CalAm York Tank Replacement) consisting of: a Use Permit to allow for the demolition of a 100,000 gallon bolt-up water storage tank and the construction of a 200,000 gallon water storage tank; a Use Permit to allow for this development on a 30% slope; and Design Approval. The property is located off of 9385 York Road, Monterey (Assessor's Parcel Number 173-071-054-000), northeast of the intersection of York Road and Determine Lane, Greater Monterey Peninsula Area. This permit was approved 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)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2		<p>PBD025 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A Combined Development Permit (Resolution 040027) was approved by the Zoning Administrator for Assessor's Parcel Number 173-071-054-000 on April 14, 2005. The permit was granted subject to 6 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)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		<p>PBD030 - STOP WORK - RESOURCES FOUND</p> <p>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 a qualified professional archaeologist can evaluate it. 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)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.	Owner/ Applicant/ Archaeologist	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
4		<p>NON-STANDARD - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING)</p> <p>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 plan shall also include the listed species rooted cuttings that will be incorporated to meet the biologist requirement. The landscaping shall be installed and inspected prior to final inspection. 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)</p>	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
5		<p>PBD036 - WATER TANK APPROVAL</p> <p>The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)</p>	1) Submit proposed color of water tank and landscaping to PBI for review and approval.	Applicant/ Owner	Prior to the issuance of grading and building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
			2) Provide evidence to PBI that the water tank is painted as approved by PBI and that landscaped was installed as approved by PBI.	Applicant/ Owner	Prior to final inspection or occupancy.	
6		PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN 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)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
		End of conditions				