

JEFF MAIN
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 060355

A.P.# 141-012-005-000

In the matter of the application of
Joe N & Marie A Barros (PLN060355)

FINDINGS & DECISION

for a **Use Permit** in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a Service Center consisting of an 80 square foot storage structure, a 112 square foot storage structure, a 160 square foot storage structure, and a 2,400 square foot storage structure with security room and bathroom. The property is located at 2960 San Juan Road, Aromas, North County Area Plan, and came on regularly for hearing before the Zoning Administrator on April 26, 2007.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, North County Area Plan, North County Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property currently serves as a Service Center (see Section 21.06.1005) for a General Engineer Contractor. There is an 80 square foot storage structure, a 112 square foot storage structure, and a 160 square foot storage structure on the property. The entire parcel is covered with gravel and the open areas are used for construction equipment storage. Two separate Use Permits were approved for a metal building for sales and supplies and a maintenance shop - one in 1980 and one in 1981. A Use Permit for a contract business was approved in 1982. Two building permits associated with the contract business were deemed null and void in 1991. Therefore, although no violation case has been opened on the property, the current use is not permitted. (See Finding 4 for further discussion.)
 - (c) The project planner conducted a site inspection on April 6, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) The property is zoned Light Commercial ("LC"). No General Development Plan is required for Project File No. PLN060355 per Section 21.18.030.A. The property is less than one acre and includes only one use. However, a statement of operation details was submitted (see Exhibit E).
 - (e) The project was not referred to the North County Non-Coastal Land Use Advisory Committee (LUAC) for review. Based on the current review

guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions, does not involve ridgeline/viewshed development, and is exempt from CEQA. Additionally, the project does not involve a Lot Line Adjustment or a variance.

- (f) Condition No. 4 is incorporated to assure compliance with landscaping requirements of Section 21.18.070.D, Monterey County Zoning Ordinance Title 21. Landscaping shall include screening of the property and structures from Highway 101.
- (g) Condition No. 5 is incorporated to assure compliance with lighting requirements of Section 21.18.070.E, Monterey County Zoning Ordinance Title 21, and Policy 26.1.20, Monterey County General Plan.
- (h) Condition No. 6 is incorporated to assure compliance with parking requirements of Chapter 21.58, Monterey County Zoning Ordinance Title 21.
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File No. PLN060355.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Aromas Tri-County Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) The property is located at 2960 San Juan Road (Assessor's Parcel Number 141-012-005-000), North County Area Plan. The parcel is zoned Light Commercial ("LC"), and is therefore suitable for the proposed development.
 - (c) Materials in Project File No. PLN060355.

3. FINDING: CEQA (Exempt) - The project is categorically exempt from environmental review and no unusual circumstances were identified for the proposed project.

- EVIDENCE:**
- (a) CEQA Guidelines categorically exempt permitting of existing facilities per Section 15301 and categorically exempts new construction of limited number of structures per Section 15303.
 - (b) No adverse environmental effects were identified during staff review of the development application during a site visit on April 6, 2007.
 - (c) See preceding and following findings and supporting evidence.

4. 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 costs, if any, have been paid.

- EVIDENCE:**
- (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and no violation has been placed on the property.

- (b) On April 10th, 1980, Use Permit No. ZA-3951 was approved by the Zoning Administrator to allow a metal building for sales and supplies, and a maintenance shop. The permit was to expire one year after the date granted unless construction or use is started within this period. No building permits were found to allow construction of any structure associated with Use Permit No. ZA-3951.
- (c) On September 11th, 1981, Use Permit No. ZA-4594 was approved to allow a metal building for sales and supplies, and a maintenance shop. The permit was to expire one year after the date granted unless construction or use is started within this period. No building permits were found to allow construction of any structure associated with Use Permit No. ZA-4594.
- (d) On December 30, 1982, Use Permit No. ZA-5149 was approved to allow a contract business. The permit was not found in the Planning Department records. Although Use Permits at that time were to expire one year after the date granted unless construction or use is started within this period, two building permits associated with this use were found, Permit No.s 29851 and 29582. However, both building permits were deemed null and void on March 8, 1991.
- (e) Although no violation case has been opened on the property, the current use is not permitted. This Use Permit application is intended to permit the current use (Service Center) and the construction of a 2,400 square foot storage structure with a security room and bathroom.

5. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the 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.

6. FINDING: APPEALABILITY - The decision on this project is appealable to the Planning Commission.

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

DECISION

THEREFORE, it is the decision of the 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 26th day of April, 2007.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON MAY 29 2007

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

JUN - 8 2007

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.

**Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: Barros

File No: PLN060355

Approved by: Zoning Administrator

APN: 141-012-005-000

Date: April 26, 2007

**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. 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>
1.		<p>PD001 - SPECIFIC USES ONLY This Use Permit (PLN060355) allows a Service Center consisting of an 80 square foot storage structure, a 112 square foot storage structure, a 160 square foot storage structure, and a 2,400 square foot storage structure with security room and bathroom. The property is located at 2960 San Juan Road, Aromas (Assessor's Parcel Number 141-012-005-000), North County Area Plan. 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 the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

2.	<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 060355) was approved by the Zoning Administrator for Assessor's Parcel Number 141-012-005-000 on April 26, 2007. The permit was granted subject to 13 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.	<p>PD003(A) – CULTURAL RESOURCES – NON-STANDARD 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 RMA - Planning 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. (RMA - Planning Department)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning 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	
4.	<p>PD012(B) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING) - NON-STANDARD LANGUAGE The site shall be landscaped pursuant to Section 21.18.070.D, Monterey County Zoning Ordinance Title 21, which requires that a minimum of 10% of the</p>	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of building permits	

		developed area have landscaping covering. <u>Landscaping plans shall include screening of the property and structures from Highway 101.</u> Prior to issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. 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 and shall include an irrigation plan. 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. (RMA – Planning Department)	Install landscaping in accordance with landscaping plans approved by the Director of RMA - Planning Department	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to final inspection	
			All landscaped areas and fences, <u>including landscape screening of structures and property from Highway 101,</u> 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.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, 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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
6.		PDSP1– PARKING – NON-STANDARD Parking shall be provided in compliance with Chapter 21.58, Regulations for Parking, Monterey County Zoning Ordinance Title 21. The owner/applicant shall submit a parking site plan delineating where required parking will be provided. The parking site plan shall be reviewed and approved by the Director of RMA - Planning Department prior to the issuance of building permits.	Parking site plan shall be submitted and approved by the Director of RMA - Planning Department.	Owner/Ap plicant	Prior to issuance of building permit	

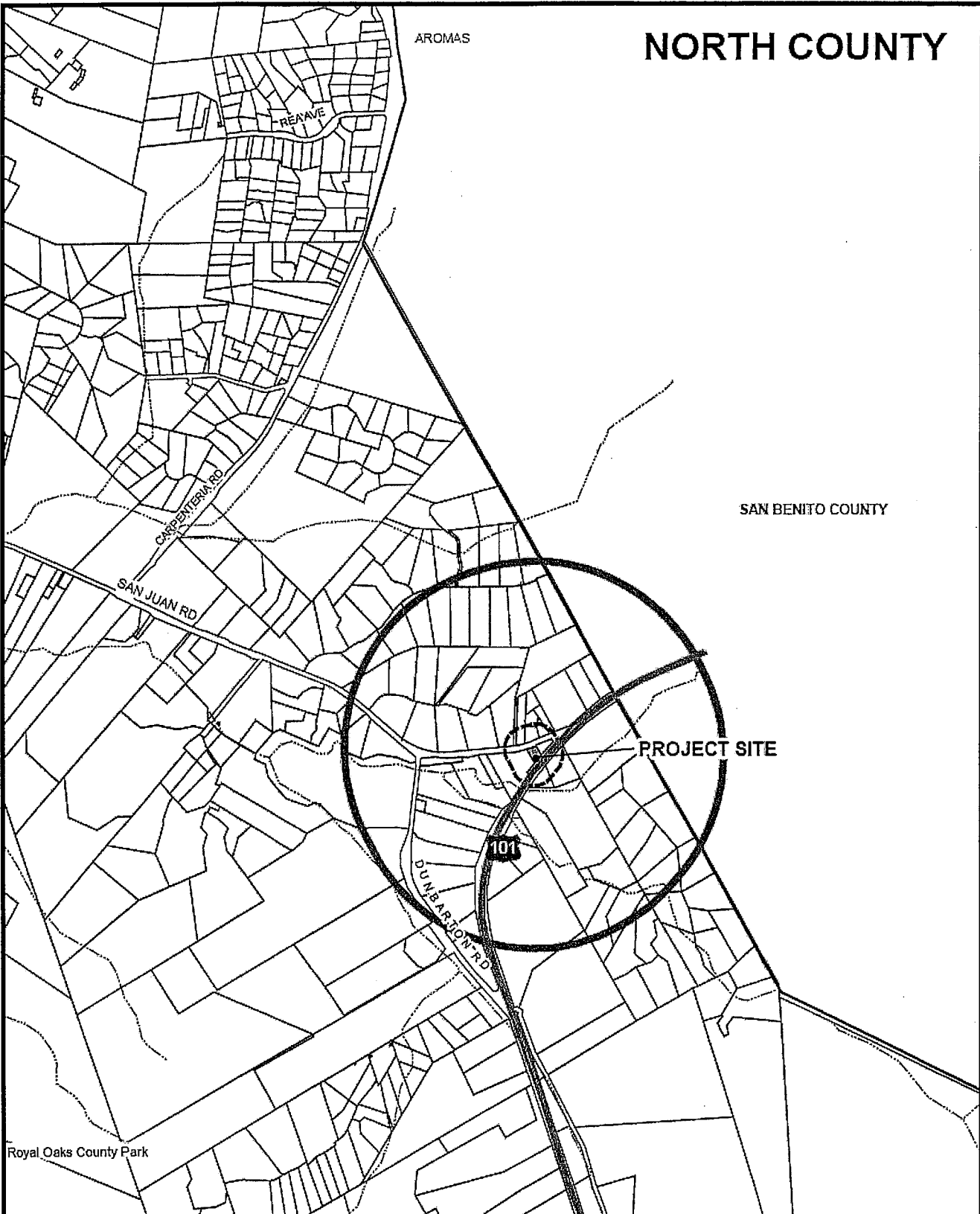
7.	<p>PDSP2 - OPERATION DETAILS NOTICE - NON-STANDARD The applicant shall record a notice which states:</p> <p>"Operation Details for a Service Center (Contractor's Yard) were approved by the Zoning Administrator on April 26, 2007 (Project File No. PLN060355 Barros; Assessor's Parcel Number 141-012-005-000) to include the following:</p> <ol style="list-style-type: none"> 1. Storage: Handtools, compacting equipment, and other small tools, equipment, and materials will be stored within structures; Large equipment will be stored on gravel area when not at a construction site 2. Traffic: 90% of vehicular travel will enter and exit using San Juan Road; 10% of vehicular travel will enter and exit using Highway 101 3. Lighting shall conform to the approved Lighting Plans 4. Landscaping shall conform to approved Landscaping Plan. Landscaping shall be maintained by the owner. <p>If there are any changes to the operation of the Service Center (Contractor's Yard), an amendment shall be required."</p> <p>Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
8.	<p>FIRE011 - 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 permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material.</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
		Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

		Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Aromas Tri-County Fire Protection District)				
9.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Aromas Tri-County Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
10.		FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Aromas Tri-County Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

11.		<p>WR3 - DRAINAGE PLAN - RETENTION The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. The plan shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	<p>Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.</p>	<p>Owner/ Applicant/ engineer</p>	<p>Prior to issuance of grading or building permits</p>	
12.		<p>WR8 - COMPLETION CERTIFICATION The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)</p>	<p>Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.</p>	<p>Owner/ Applicant/ Engineer/ Contractor</p>	<p>Prior to final inspection</p>	
13.		<p>WR40 - WATER CONSERVATION MEASURES 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)</p>	<p>Compliance to be verified by building inspector at final inspection.</p>	<p>Owner/ Applicant</p>	<p>Prior to final building inspection/occupancy</p>	




END OF CONDITIONS

NORTH COUNTY



APPLICANT: BARROS

APN: 141-012-005-000 **FILE # PLN060355**

 300' Limit  2500' Limit  City Limits

