

JEFF MAIN
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 060693

A.P.# 007-491-015-000

In the matter of the application of
California-American Water Company (PLN060693)

FINDINGS & DECISION

for a **Use Permit** in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow the installation of the third 5,000,000 gallon capacity distribution water storage tank (currently, two 5,000,000 gallon capacity tanks exist). The property is located at 2949 Bird Rock Road, Pebble Beach, Greater Monterey Peninsula Area Plan, and came on regularly for hearing before the Zoning Administrator on June 14, 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, Greater Monterey Peninsula Area Plan, Greater Monterey Peninsula 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 project planner conducted a site inspection on January 12, 2007 to verify that the project on the subject parcel conforms to the plans listed above.

(c) There are two-five million gallon water storage tanks currently on the subject parcel. The footprint for the third proposed water tank currently exists on the subject parcel. The applicant states that purpose for the third water storage tank is to provide storage capacity that was lost when the Forest Lake Reservoir, which provided 143 million gallons of storage, was closed in the mid-1990s. Additionally, the third water storage tank would allow greater storage capacity during dry months for fire and golf course needs.

(d) The water tanks are allowed to exceed the maximum height of 30 feet for the Open Space zoning district per Section 21.62.030.B.

(e) The project was not referred to the Del Monte Forest Land Use Advisory Committee 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 ridge/line/viewshed development, and is exempt from CEQA. Additionally, the project does not involve a Lot Line Adjustment or a variance.

(f) 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. PLN060693.

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, Pebble Beach Community Services 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 2949 Bird Rock Road, Pebble Beach (Assessor's Parcel Number 007-491-015-000), Greater Monterey Peninsula Area Plan. The parcel is zoned Open Space with Design Control and Site Plan Review overlays ("O-D-S"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
- (c) The site currently has 2-five million gallon water storage tanks. There is a foundation footprint for a third water tank.
- (d) Materials in Project File No. PLN060693.
3. **FINDING: CEQA (Exempt)** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15061.
- (b) The site currently has 2-five million gallon water storage tanks. There is an existing foundation footprint for the proposed third water tank and no vegetation removal will occur as a part of this project. The existing road will be used for access.
- (c) No adverse environmental effects were identified during staff review of the development application or during a site visit on January 12, 2007.
- (d) 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:** Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
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 14th day of June, 2007.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JUN 25 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 JUL - 5 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: California American Water

File No: PLN060693

APN: 007-491-015-000

Approved by: Zoning Administrator

Date: June 14, 2007

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

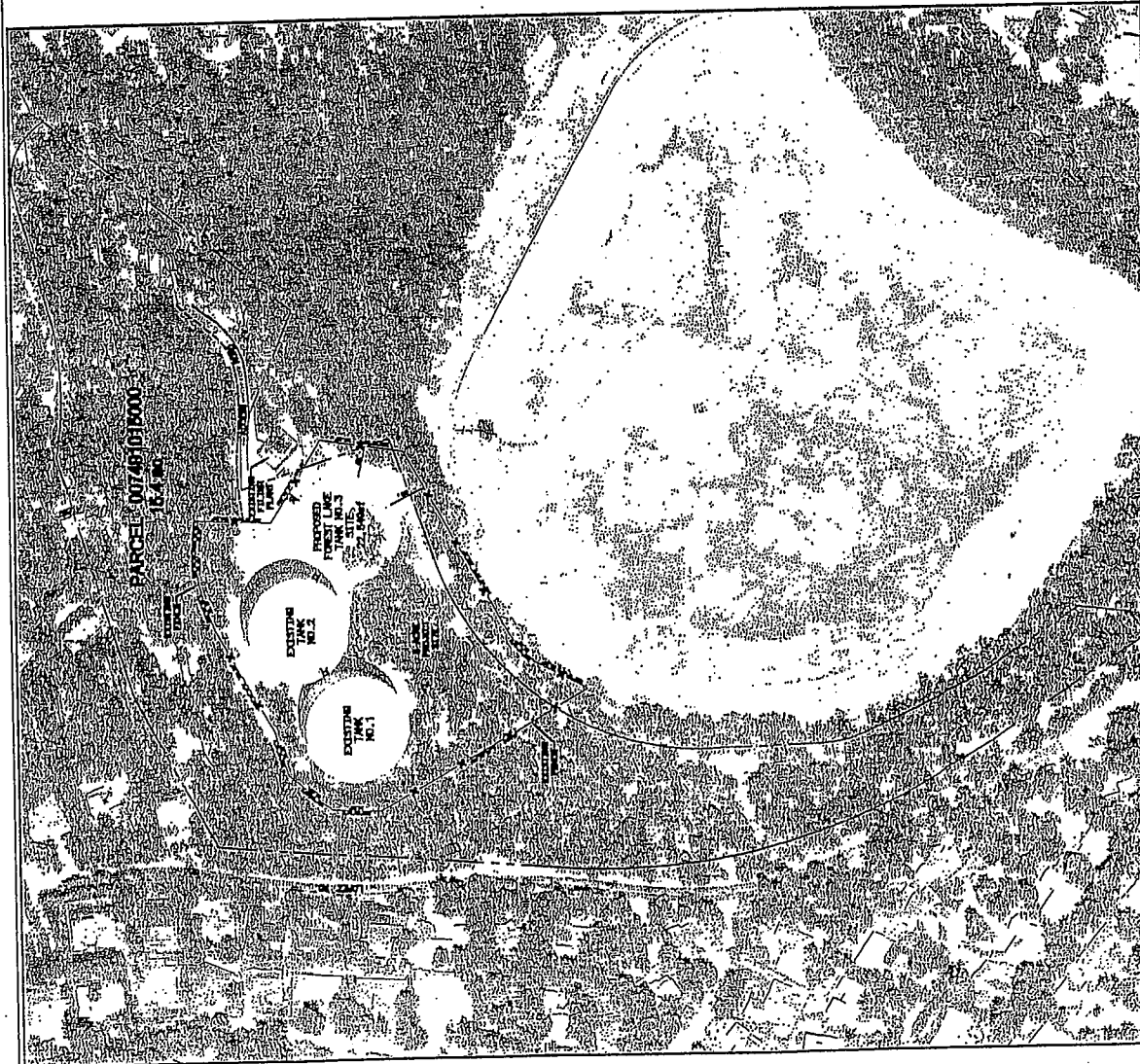
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Use Permit (PLN060693) allows the installation of the third 5,000,000 gallon capacity distribution water storage tank (currently, two 5,000,000 gallon capacity tanks exist). The property is located at 2949 Bird Rock Road, Pebble Beach (Assessor's Parcel Number 007-491-015-000), Greater Monterey Peninsula 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

		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)				
2.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution No. 060693) was approved by the Zoning Administrator for Assessor's Parcel Number 007-491-015-000 on June 14, 2007. The permit was granted subject to 8 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 – NEGATIVE ARCHAEOLOGICAL REPORT</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 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	

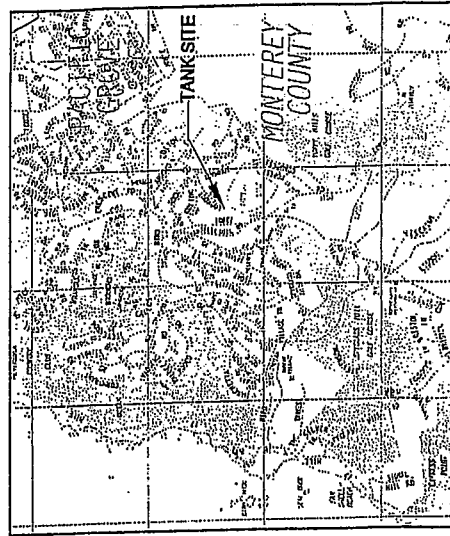
4.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting 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	
5.		PD038 - WATER TANK APPROVAL 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 the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit proposed color of water tank and landscaping plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading or building permits	
			Provide evidence to the Director of the RMA - Planning Department that the water tank has been painted and the landscaping has been installed according to the plans approved by the RMA - Planning Department.	Owner/ Applicant	Prior to the final inspection or occupancy.	
			All landscaped areas and fences shall be continuously maintained; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	On-going	

6.		FIRESP(1) - CALIFORNIA FIRE CODE - ARTICLE 11 GENERAL SAFETY The applicant or owner shall contact David Jones, Pebble Beach Community Services District, at (831) 647-5641. The applicant or owner shall comply with all applicable sections of California Fire Code - Article 11 prior to final inspection of building permits. (Pebble Beach Community Services District)	Contact David Jones, Pebble Beach Community Services District, at (831) 647-5641	Owner/ Applicant	Prior to final inspection	
7.		FIRESP(2) - CALIFORNIA FIRE CODE - ARTICLE 49 HOT WORK - WELDING The applicant or owner shall contact David Jones, Pebble Beach Community Services District, at (831) 647-5641. The applicant or owner shall comply with all applicable sections of California Fire Code - Article 11 prior to final inspection of building permits. (Pebble Beach Community Services District)	Contact David Jones, Pebble Beach Community Services District, at (831) 647-5641	Owner/ Applicant	Prior to final inspection	

END OF CONDITIONS




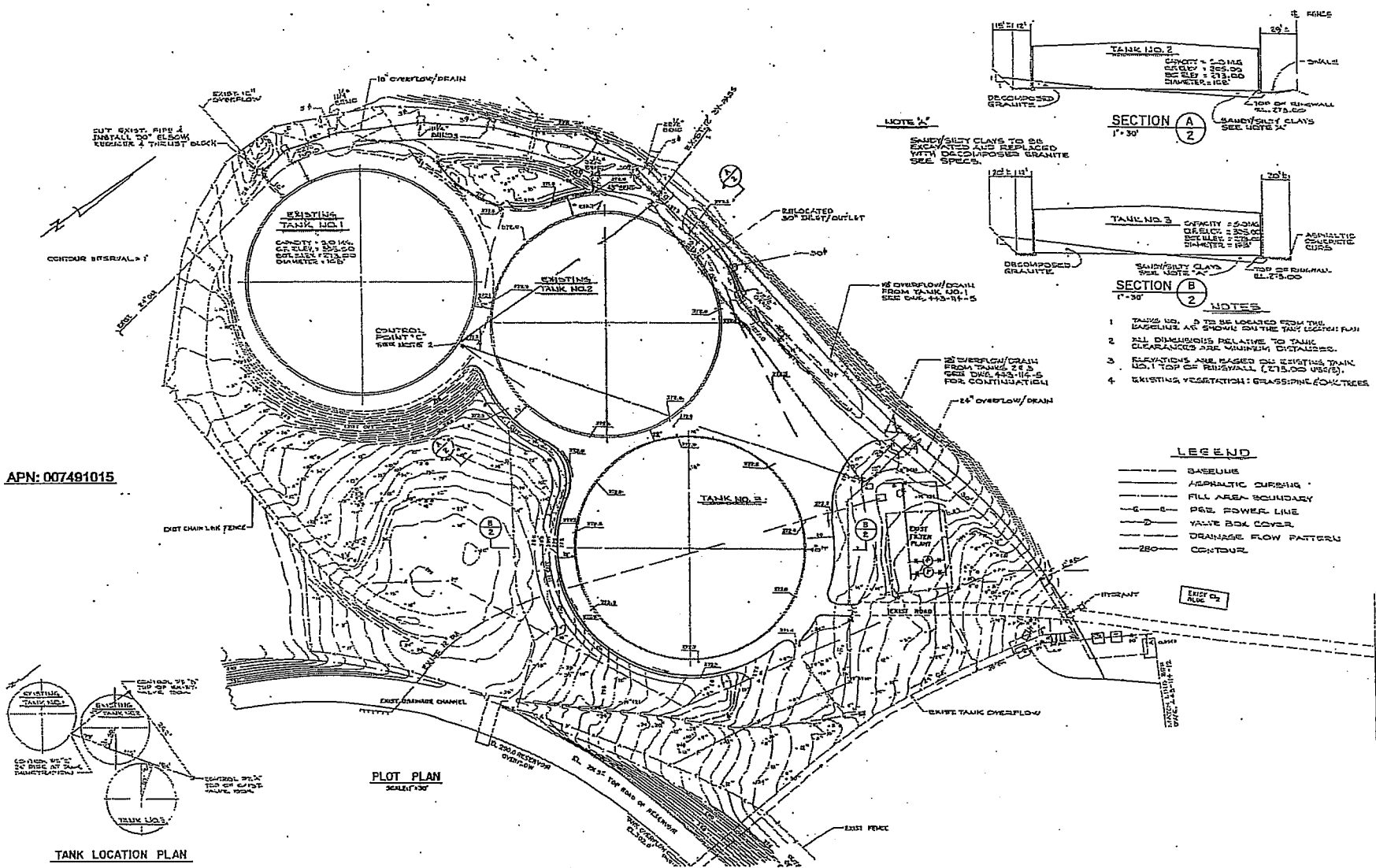
PROJECT TABLE			
PARCEL SIZE	15.4ac. = 672,214sf		
LOT SIZE	500. = 218,720sf		
LOT COVERAGE	67.847sf	NA	
GRADING			
TREE REMOVAL	0		



LOCATION MAP
N.T.S.

NOT FOR CONSTRUCTION

 California American Water Company Sacramento Division 4101 Bellini Dr., Sacramento, CA 95835		REV. 1 DESCRIPTION DATE 1/11/07 BY DATE 1/11/07		RBF CONSULTING 1000 N. ST. 1000 SACRAMENTO, CA 95833 (916) 441-1111 www.rbfconsulting.com		DATE: FEBRUARY 13, 2007 DRAWN: M. TERLICK CHECKED: F. PITILALA DESIGNED: P. REIN PROJECT NUMBER:		PROJECT NAME: PROJECT NUMBER: PROJECT LOCATION:	
CALIFORNIA AMERICAN WATER COMPANY WATER STORAGE TANKS PROCUREMENT		FOREST LAKE TANK NO. 3 GENERAL SITE LOCATION		SHEET NO. 1 TOTAL SHEETS: 1		SCALE: 1" = 100' DATE: 1/11/07		PROJECT NO. 03 SHEET NO. 1	



REV	DESCRIPTION	BY	DATE	APP



GREATER MONTEREY PENINSULA



APPLICANT: CALIFORNIA-AMERICAN WATER COMPANY

APN: 007-491-015-000

FILE # PLN060693



300' Limit



2500' Limit



City Limits

