

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 080130

A.P.# 127-011-010-000

In the matter of the application of
Abid Thamir (PLN080130)

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 establishment of an open air retail facility (wholesale nursery). The property is located at 2297 San Miguel Canyon Road, Salinas, North County Area Plan, and came on regularly for hearing before the Zoning Administrator on September 11, 2008.

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 commercial 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 is located at 2297 San Miguel Canyon Road (Assessor's Parcel Number 127-011-010-000), North County Area Plan. The parcel is zoned Light Commercial ("LC") which allows open air retail pursuant to Section 21.18.060.F of Title 21. The applicant proposes to have an outdoor plant nursery with an 80 square foot shed for monetary transactions. Therefore, the property is suitable for the proposed development.

(c) The project planner conducted a site inspection on April 22, 2008 to verify that the project on the subject parcel conforms to the plans listed above.

(d) Two previous permits were approved on the subject parcel (ZA02995 and ZA03283) which allowed professional and retail sales. However, no actual construction took place and both permits were subsequently expired.

(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, ridgeline/viewshed development, and the project is exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines.

(f) Pursuant to Section 21.58.040 of Title 21, Parking Standards, one space is required for every 2,000 square feet for a nursery. The subject property is approximately 36,590 square feet. However, the actual retail area is roughly 11,000 square feet. Therefore, the project is required to provide 5 parking spaces. The applicant proposes nine spaces; therefore the project is consistent with the Monterey County's Parking Requirements. However, the design of the parking area was not in conformance with the Monterey County Standards for Off-Street Parking. Therefore the applicant redesigned the parking

area and reduced the proposed stalls from nine to five. As an added measure for compliance, the Public Works Department requires that the applicant to meet the County's parking standards (see Condition No. 9).

- (g) The project was reviewed by the Public Works Department for consistency with road standards. A TAMC fee identified in the nexus study in the amount of \$9,660.00 is due. However, TAMC fees are only collected when there is a building permit associated with the project. Since the project does not include any work which would require a building permit, the TAMC fee is deferred until such time a building permit is needed.
- (h) 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 PLN80130.

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, North County Rural 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) A technical report by an outside Traffic Engineer indicates that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following report has been prepared:
 - i. "Traffic Report" (LIB080288) prepared by Pinnacle Traffic Engineering, Hollister, CA, April 23, 2008).
 - (c) Staff conducted a site inspection on April 22, 2008 to verify that the site is suitable for this use.
 - (d) The project application proposed nine parking stalls. Due to parking standards set forth in the Monterey County Parking Standards for Off-Street Parking, stalls shall be designed so such that cars must back over the property line to enter or leave the stall. As a result of the layout of the parking area, the project was not consistent with our standards. Therefore, the applicant was required to redesign the parking area and reduced the proposed amount of parking stall from nine to five.
 - (e) Materials in Project File PLN080130.

3. FINDING: CEQA (Exempt): - The project is not subject to environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- (a) A categorical exemption could not be made for the proposed project. Therefore, staff conducted a Determination of an Initial Study. No potential impacts were identified during this review.
 - (b) Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines states that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, the project as proposed, is exempt from CEQA.
 - (c) No adverse environmental effects were identified during staff review of the development application during a site visit on April 22, 2008.
 - (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: (a) Water for the nursery will be provided by a well located onsite.
(b) No new waste water service is proposed with the project. The existing office to be used for administrative purposes is serviced by an onsite septic tank.
(c) The site was assessed by the Public Works Department in regards to potential traffic hazards attributed by ingress and egress from San Miguel Canyon Road to the property's parking area. The applicant has worked in conjunction with the Monterey County Public Works Department and has designed an appropriate driveway approach off of and onto San Miguel Canyon Road in order to minimize ingress and egress safety risks. Conditions of approval have been required by Public Works which requires the applicant to obtain an encroachment permit and provide a physical barrier to define the driveway connection to San Miguel Canyon Road (Condition No. 11) prior to commencement of use.

6. **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 11th day of September, 2008.



MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON SEP 23 2008

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 OCT - 3 2008

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: Abid
File No: PLN080130 **APNs:** 127-011-010-000
Approved by: Zoning Administrator **Date:** September 11, 2008

**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 (PLN080130) allows the establishment of an open air retail facility (wholesale nursery) with approximately 11,000 square feet of sales area. The property is located at 2297 San Miguel Canyon Road, Salinas (Assessor's Parcel Number 127-011-010-000), 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

		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.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 080130) was approved by the Zoning Administrator for Assessor's Parcel Number 127-011-010-000 on September 11, 2008. The permit was granted subject to 15 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)	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.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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)	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)</p> <p>The site shall be landscaped. At least three (3) weeks prior to occupancy, 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 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. (RMA – Planning Department)</p>	<p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p>	<p>Prior to commencement of use.</p>	
		<p>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.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>	
5.	<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>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)</p>	<p>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.</p>	<p>Owner/ Applicant</p>	<p>Prior to commencement of use</p>	
		<p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	<p>Owner/ Applicant</p>	<p>Prior to Occupancy/ Ongoing</p>	

6.	PD026 - BANNERS, FLAGS, PENNANTS There shall be no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property. (RMA – Planning Department)	Submit evidence which demonstrates that there are no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property.	Owner/ Applicant	Prior to use/ Ongoing	
7.	PD029 - HOURS OF OPERATION Hours of operation shall be 9:00am to 6:00pm, Monday through Sunday. (RMA – Planning Department)	Demonstrate compliance with the hours of operation to the Director of RMA – Planning Department.	Owner/ Applicant	Prior to use/ Ongoing	
8.	WRSP001 – FLOODPLAIN RECORDATION Prior to commencement of use the owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: “The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.” (Water Resources Agency)	Prior to commencement of use, the applicant shall submit a recorded Floodplain Notice to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to commencement of use	
9.	PW0007 – PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works)	Applicant’s engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to commencement of use	
10.	PW0038 – NORTH COUNTY TRAFFIC MITIGATION FEE Applicant shall Contribute \$982 to County of Monterey as payment of the project’s pro rata share at the cost of future improvements to roadways in the North County Area. (Public Works)	Applicant shall pay the required Traffic Mitigation Fee to the Department of Public Works.	Owner/ Applicant	Prior to commencement of use	
11.	PWSP001- ENCROACHMENT PERMIT AND DEFINE DRIVEWAY OPENING The shall obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to San Miguel Canyon Road. The applicant shall provide a physical barrier (asphalt dike, low growing landscaping, etc.) subject to the approval	Applicant shall obtain an encroachment permit from DPW and complete improvement prior to commencement of use. Applicant is responsible to obtain all permits and	Owner/ Applicant	Prior to commencement of use	

		of the Department of Public Works, to define the driveway connection to San Miguel Canyon Road. (Public Works)	environmental clearances.			
12.		PWSP002 – TAMC FEES If required by the Transportation Agency for Monterey County (TAMC), applicant shall pay the regional traffic mitigation fee identified in the TAMC nexus study. The fee amount based on the March 26, 2008 Nexus Study Update is \$9,660.00 (Public Works)	Applicant shall pay the required TAMC Fee to the Department of Public Works	Owner/ Applicant	Prior to commencement of use or prior to the issuance of building permits as required by TAMC.	
13.		FIRE001 - 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. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. (North County Fire Protection District)	Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to commencement of use	

14.	<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. 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. (North County Fire Protection District)</p>	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to commencement of use	
15.	<p>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection</p>	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to commencement of use	

		or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (North County Fire Protection District)				
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END OF CONDITIONS

150.01 FT

RETAIL AREA (APPROX 11,000)

old fence line

road shoulder

gravel

white line

San Miguel Canyon Road

THE PLANT START

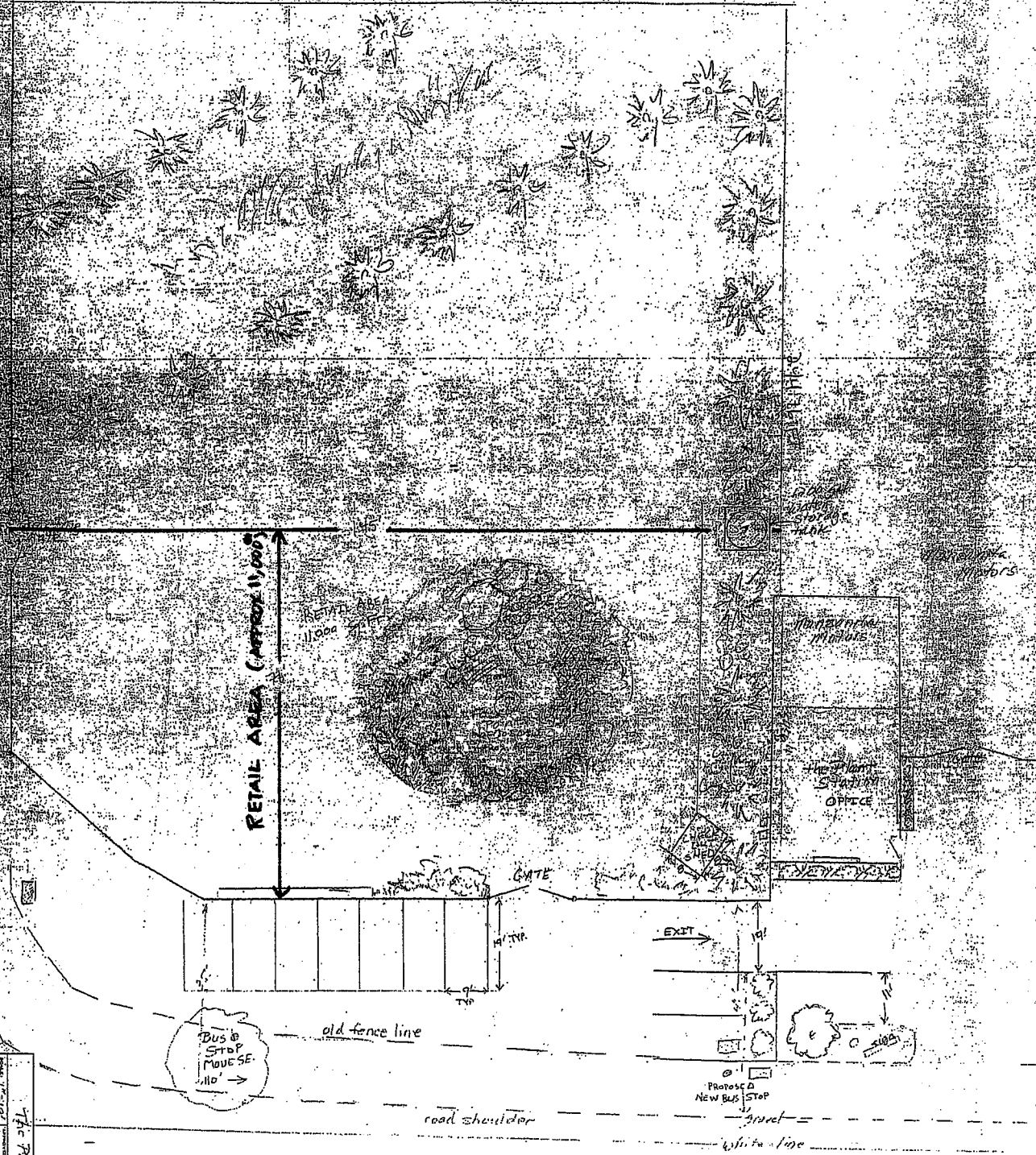
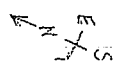
DATE: 1/27/01

BY: [Signature]

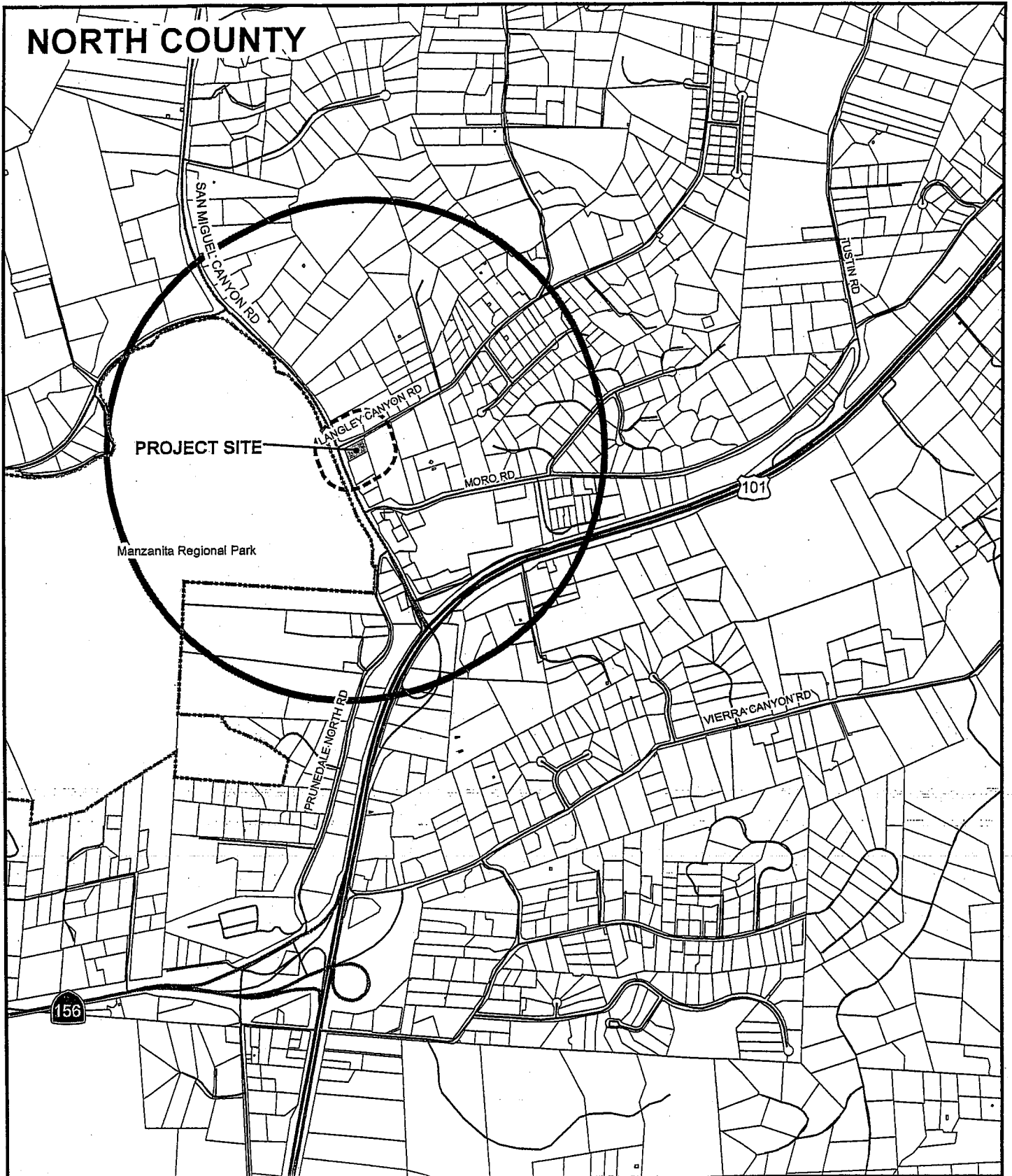
PROJECT: [Signature]

SCALE: 1" = 20'

NO. 23






NORTH COUNTY

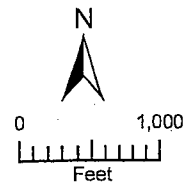


APPLICANT: ABID

APN: 127-011-010-000

FILE # PLN080130

 300' Limit  2500' Limit  City Limits



PLANNER: QUENGA