

MONTEREY COUNTY PLANNING COMMISSION

Meeting: August 30, 2006 9:15 AM		Agenda Item: 3
Project Description: Use Permit to allow the continued operation of a used automobile sales lot, originally approved under Planning File Number PLN000685. The property is located at 2299-A San Miguel Canyon Road, Salinas (Assessor's Parcel Number 127-011-011-000), North County Non-Coastal Area.		
Project Location: 2299-A San Miguel Canyon Road, Salinas, Prunedale Area		APN: 127-011-011-000
Planning File Number: PLN060326		Name: Paul Owen Trust & Thamir Abid, Property Owners
Plan Area: North County Area Plan		Flagged and staked: No
Zoning Designation: "LC" (Light Commercial)		
CEQA Action: Categorically Exempt per Section 15301		
Department: RMA – Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Use Permit for the continued operation of a used automobile sales lot in perpetuity, based on recommended Findings and Evidence (**Exhibit B**) and subject to recommended conditions of approval (**Exhibit C**).

PROJECT OVERVIEW:

The application is a Use Permit for the continued operation of a used automobile sales lot that was originally approved by the Planning Commission, under Planning File Number PLN000685, on July 18, 2001. The project site is located at 2299-A San Miguel Canyon Road, south of intersection of Langley Canyon Road. The Monterey County General Plan and the North County Area Plan designates the site for commercial uses. The parcel is zoned Light Commercial ("LC"), which allows auto sales with a Use Permit. The auto sales lot has been continuously operating under the previous approval since late 2001. The original approval was granted for 5 years, to expire on June 13, 2006. No issues have been raised with regard to the operation of the business on the site. Therefore, the applicant is requesting an extension of the Use Permit in perpetuity on the project site.

The existing use is on a 1.37-acre parcel that slopes gently to the northeast toward an existing stormwater collection drain. Surrounding land uses include commercial uses to the south, residential uses to the north and east and Manzanita County Park to the west. The project site contains a 1,375 square-foot building. A real estate office occupies the front half of the building and the auto sales office occupies the back half. The auto sales lot and parking encompass the remainder of the project site. The applicant has submitted a General Development Plan that proposes no changes to the existing operation. Hours of operation are daily, except Wednesday, from 9:00 a.m. to 6:00 p.m. The property is served by an on-site well and septic system.

The project is Categorically Exempt per Section 15301 of the CEQA Guidelines, which exempts existing facilities involving negligible or no expansion of use beyond that which was existing at the time of the lead agency's determination.

OTHER AGENCY INVOLVEMENT:

- | | |
|---|--------------------------|
| ✓ North County Fire Protection District | ✓ Water Resources Agency |
| ✓ Public Works Department | ✓ Sheriff's Office |

✓ Environmental Health Division

The above checked agencies have reviewed the project. North County Fire Protection District, Public Works, Environmental Health, RMA – Planning Department, and the Sheriff’s Office have recommended conditions of approval (**Exhibit C**).

LUAC RECOMMENDATION:

The project was not referred to the North County Non-Coastal Land Use Advisory Committee for review. Based on current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this project did not warrant referral because the development is not considered to be of controversial nature.

Laura Lawrence, R.E.H.S., Acting Planning and Building Services Manager
(831) 755-5148 or lawrencel@co.monterey.ca.us
August 16, 2006

cc: Planning Commission Members (10); Wendy Strimling – County Counsel; North County Fire Protection District; Public Works; Environmental Health; Water Resources Agency; Dave Crozier – Sheriff’s Office; Mike Novo; Thamir Abid – Owner; File PLN060326

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Recommended Findings and Evidence
	Exhibit C	Recommended Conditions & Mitigation Measures
	Exhibit D	Project Site Plan
	Exhibit E	Planning Commission Resolution No. 01029 for PLN000685

This report was reviewed by Jacqueline Onciano, Planning and Building Services Manager

Exhibit A

Attach Project Data Sheet here

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING: CONSISTENCY** – The project, as described in Condition Number 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the North County Area Plan, 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 2299-A San Miguel Canyon Road, Prunedale (Assessor's Parcel Number 127-011-011-000), North County Area Plan. The parcel is zoned Light Commercial, ("LC"). 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 project planner conducted a site visit on May 11, 2006 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The project was not referred to the North County Non-Coastal Land Use Advisory Committee for review. Based on current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this project did not warrant referral because the development is not considered to be of controversial nature.

(e) On May 2, 2006, the applicant, Thamir Abid, requested an application for an extension of the Use Permit. The application was accepted on June 20, 2006 and made complete on July 13, 2006. The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA – Planning Department for the proposed development, found in Project File PLN060326.

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

EVIDENCE: (a) The project has been reviewed for suitability by the following departments and agencies: RMA – Planning Department, North County Fire Protection District, Sheriff's Office, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable. The recommended conditions have been incorporated.

(b) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA – Planning Department for the proposed development, found in Project File PLN060326.

(c) Staff conducted a site visit on May 11, 2006 to verify that the site is suitable for this use.

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

- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts existing facilities involving negligible or no expansion of use beyond that which was existing at the time of the lead agency's determination.
- (b) No adverse environmental effects were identified during staff review of the project application and during the site visit on May 11, 2006.
- (c) See supporting evidence in Findings 1, 2, 4, 5 and 6.

- 4. FINDING: ARCHAEOLOGICAL RESOURCES** – The subject property is in a high archaeological sensitivity zone and is located within 750 feet of a known archaeological resource. Because the proposed development is on a previously disturbed site and does not involve any land clearing, the requirement for an archeological survey report shall be waived.

- EVIDENCE:** (a) Monterey County Code Section 21.66.050 (C) (5) (c) and (d).
- (b) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA – Planning Department for the proposed development, found in Project File PLN060326.
- (b) Staff conducted a site visit on May 11, 2006 to verify that the site is previously disturbed.

- 5. FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of the County's zoning ordinance (Title 21). Zoning violation abatement costs, if any, have been paid.

- EVIDENCE:** (a) Staff verification of the Monterey County RMA - Planning Department and Building Services Department records indicate that no violations exist on subject property.
- (b) Staff conducted a site visit on May 11, 2006.

- 6. FINDING: HEALTH AND SAFETY** – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

- EVIDENCE:** (a) The project as described in the application and accompanying materials was reviewed by the following departments and agencies: RMA – Planning Department, North County Fire Protection District, Sheriff's Office, Public Works, Environmental Health Division, and Water Resources Agency. Conditions have been recommended to ensure that the project will not have an adverse effect to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
- (b) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA – Planning Department for the proposed development, found in Project File PLN060326.
- (c) Staff conducted a site visit on May 11, 2006.
- (d) Preceding findings and supporting evidence.

- 7. FINDING: APPEALABILITY** – The decision on this project is appealable to the Board

of Supervisors.

EVIDENCE: Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

EXHIBIT C
Monterey County Planning and Building Inspection
Condition Compliance Plan

Project Name: Paul Owen Trust and Thamir Abid
File No: PLN060326 **APNs:** 127-011-011-000
Approval by: Planning Commission **Date:** August 30, 2006

**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>PBD029 - SPECIFIC USES ONLY</p> <p>This Use Permit (PLN060326) allows the continued operation of a used automobile sales lot. The property is located at 2299-A San Miguel Canyon Road, Salinas (Assessor's Parcel Number 127-011-011-000). 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. [Resource Management Agency (RMA) – Planning Department]</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 permit (Resolution) was approved by the Planning Commission for Assessor's Parcel Number 127-011-011-000 on August 30, 2006. The permit was granted subject to 14 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 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 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 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>PBD003 - BANNERS, FLAGS, PENNANTS</p> <p>There shall be no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property. (RMA – Planning Department)</p>	There shall be no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property.	Owner/ Applicant	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>
5.		PBD014 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Building Services. (RMA – Planning Department)	None	Owner/ Applicant	Ongoing	
6.		PBD015 - HOURS OF OPERATION Hours of operation shall be 9:00 A.M. to 6:00 P.M., six (6) days per week, closed on Wednesday. (RMA – Planning Department)	None	Owner/ Applicant	Ongoing	
7.		PBD018(B) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING) 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 RMA – Planning Department 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 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)	Submit landscape plans and contractor's estimate to the RMA – Planning Department 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	

<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>
8.		<p>PBD016 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA – Planning Department)</p>	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

<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>
9.		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 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. Construct and maintain the lighting in accordance with the approved plans.	Owner/ Applicant Owner/ Applicant	Prior to issuance of building permits. On-going	
10.		FIRE030 – FIRE EXTINGUISHER (NON-STANDARD CONDITION) Provide one (1) 2A/10BC fire extinguisher to be mounted in the sales office per National Fire Protection Association Standard 10. (North County Fire Protection District)	Mount appropriate fire extinguisher in sales office.	Owner/ Applicant	Prior to commencement of use/ On-going	
11.		PW0007 – PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of RMA – Public Works and the Director of RMA – Planning Department. (Public Works)	Demonstrate to the satisfaction of the Directors of Public Works and Planning that the parking for the use meets the standards of the Zoning Ordinance	Owner/ Applicant	Prior to commencement of use/ On-going	
12.		EH28 - HAZ MAT BUSINESS RESPONSE PLAN Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. (Environmental Health)	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	On-going	

<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>
13.		EH33 - VEHICLES/PARTS IMPERVIOUS SURFACE All vehicles or parts stored for longer than 72 hours that contain gasoline, oils, lubricants, coolants, or any other hazardous materials/wastes shall be stored in impervious areas properly graded and bermed for surface drainage into an approved oil/water separator. (Environmental Health)	Submit plans to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits or commencement of operations / On-going	
14.		SOSP001 – PUBLIC SAFETY AND SECURITY (NON-STANDARD CONDITION) Prior to occupancy, the applicant shall comply with the Monterey County Public Safety and Security Guidelines to the satisfaction of the Monterey County Sheriff's Department. The project site shall meet the required conditions regarding security measures, addressing, doors, windows, locks, lighting, rooftops, and landscaping. (Sheriff-Marshal-Coroner-Public Administrator Department)	Applicant shall incorporate specifications into the design of the project. Applicant shall prepare a security plan for the review and approval of the Monterey County Sheriff.	Owner/ Applicant	Prior to occupancy /commencement of operations	

EXHIBIT E

Resolution 01029
Koranda Wholesale Motors
(PLN000685)