

NO. 000521

A.P.# 169-234-007-000

In the matter of the application of
Mid Valley Associates (PLN000521)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to convert an existing 442 seat vacant movie theater into a mini-storage with 83 self-storage spaces; located in the Mid Valley Shopping Center, south side of Carmel Valley Road at Berwick Drive, Carmel Valley Master Plan, came on regularly for hearing before the Zoning Administrator on April 26, 2001.

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

FINDINGS OF FACT

1. **FINDING:** The subject Use Permit and Design Approval (PLN 000521), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located in the Mid Valley Shopping Center. The parcel is zoned "LC-D-S" or Light Commercial with Design and Site Review. 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: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the Carmel Valley Master Plan and conducted a site field inspection on October 23, 2000.
EVIDENCE: The project site is physically suitable for the proposed use as described in the project file. The Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, and Carmel Valley Fire District have reviewed the proposed development. There has been no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.
EVIDENCE: The proposed use is consistent with the development standards for "LC" pursuant to Title 21, Monterey County Zoning Ordinance.
EVIDENCE: Design Approval request form, with recommendation for approval of the project by the Carmel Valley Land Use Advisory Committee on January 8, 2001, by a vote of 5-0-0.
EVIDENCE: Written and verbal public testimony, if any, submitted at public hearing before the Zoning Administrator.
EVIDENCE: 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 the project file.
EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

2. **FINDING:** The proposed project is exempt from CEQA.
EVIDENCE: Section (Sections 15301 & 15302) exempts projects from environmental review where conversion and reconstruction occur and do not exceed 10,000 sq. ft. in areas with public services and not within environmentally sensitive areas. Since the site is within an existing shopping center and within an existing building, there could not possibly be any significant environmental impacts.
3. **FINDING:** 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 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, Carmel Valley Fire District, and 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: File and application materials contained in the project file.
7. **FINDING:** The 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 following conditions:

1. The subject Use Permit would permit the conversion of an existing 442-seat vacant movie theater into a mini-storage with 83 self-storage spaces and Design Approval. The property is located in the Mid Valley Shopping Center (Assessor's Parcel Number 169-234-007-000), south side of Carmel Valley Rd. at Berwick Dr., Carmel Valley Master Plan. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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)**

Prior to the Issuance of Grading and Building Permits:

2. 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. **(Planning and Building Inspection)**

3. The applicant shall record a notice which states: "A permit (Resolution 000521) was approved by the Zoning Administrator for Assessor's Parcel Number 169-234-007-000 on April 26, 2001. The permit was granted subject to 12 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)**
4. 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)**
5. Prior to the issuance of a building or grading permit, the applicant shall obtain from the Monterey County Water Resources Agency proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resources Agency)**

Prior to Occupancy:

6. Submit plans to the Fire District to modify the existing Fire Sprinkler System per NFPA 13 requirements. **(Carmel Valley Joint Fire District)**
7. Submit plans to the Fire District to modify and extend the existing Fire Alarm System per NFPA 72 into the modified building area. **(Carmel Valley Joint Fire District)**
8. Submit 3 copies of signage program for review and approval by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
9. Re-install landscaping along Berwick Drive to match existing landscaping. **(Planning and Building Inspection)**

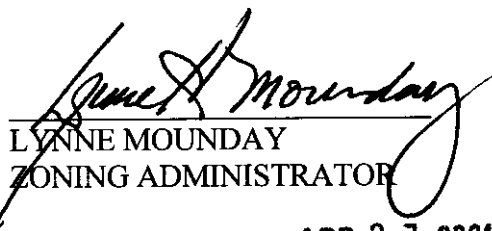
Prior to Final Building Clearance:

10. Required prior to final clearance: Fire District construction final and Fire Safety Inspection.
11. Any exterior changes shall match the existing development, subject to the approval of the Director of Planning and Building Inspection prior to final building permit sign off. **(Planning and Building Inspection Department)**

Continuous Condition of Permit Approval:

12. Hours of operation shall be limited to 7 am to 10 pm daily.

PASSED AND ADOPTED this 26th day of April, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **APR 27 2001**

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 **MAY - 7 2001**

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.

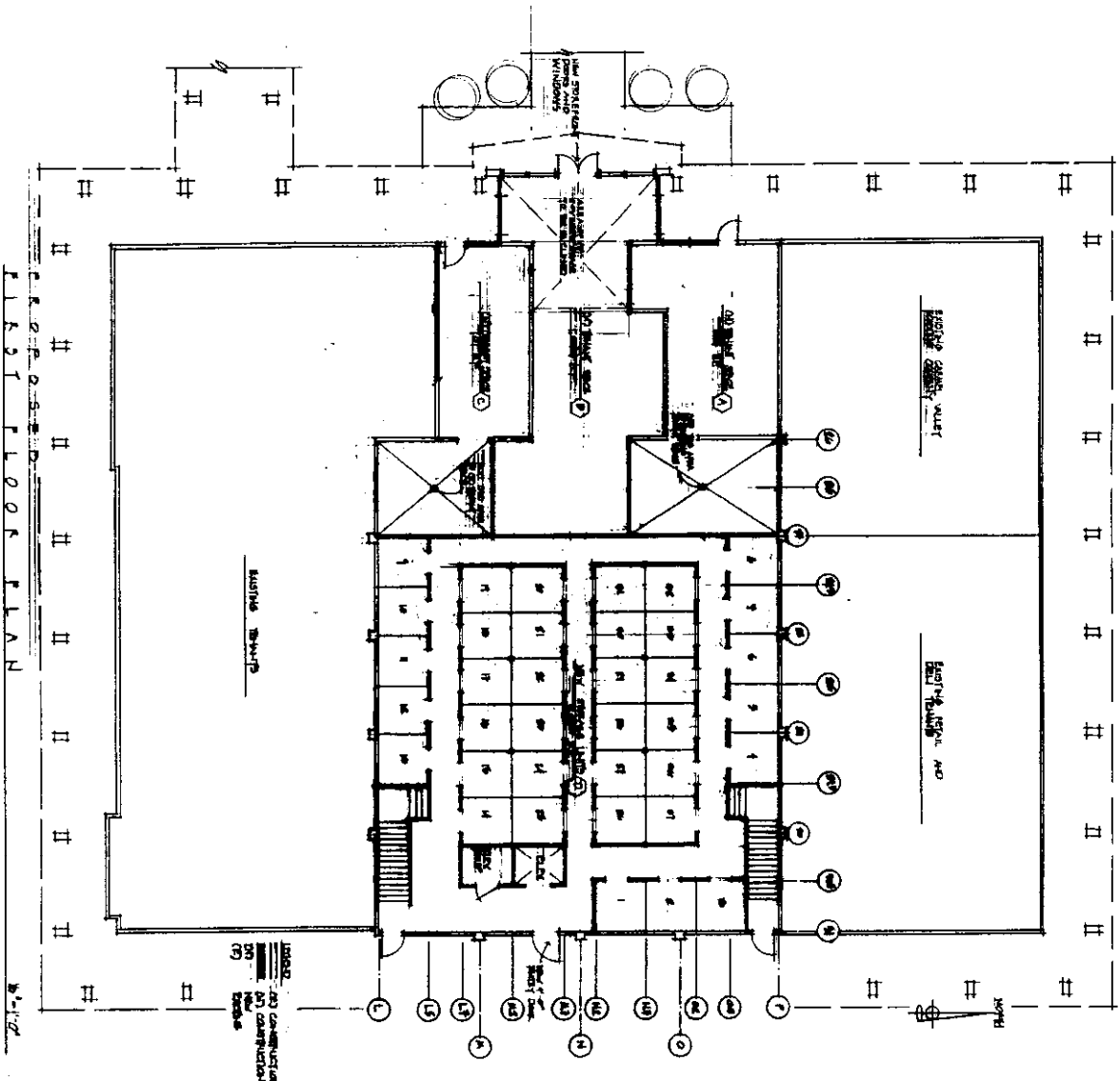
NOTES

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.



Sheet
4 of 4
Drawings

GEORGE ASH
architect
201 Palm Street, Berkeley, CA 94704
925.841.2200 fax 925.841.2201



Project: #1 #5A - CONVERSION OF
SEWING MACHINERY OFFICE
AND VALLEY SHOPPING CENTER
700 W. CLAREMONT VALLEY RD
DANIEL VALLEY, CA
Drawn By: GAA, EJP

revisions date
08-11-14