

RESOLUTION NO. 000528

A.P.# 169-231-003-000

In the matter of the application of  
**Martial Molinari (PLN000528)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, and Design Approval to allow landscape material storage (trees, shrubs, bagged fertilizers, etc.) on a vacant lot located adjacent to the Mid Valley Shopping Center, located at Berwick Drive, south side of Carmel Valley Road, Carmel Valley area, came on regularly for hearing before the Zoning Administrator on October 25, 2001.

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

**FINDINGS OF FACT**

1. **FINDING:** The Use Permit and Design Approval (PLN00528) allow for a 9,100 square foot open storage yard for landscape materials, such as trees, plants and fertilizers which would be stored in containers and located within an unfinished six-foot high cedar plank fence. The storage area will be utilized by 3 different contractors, approximately twice a day, and would not be open to the public. No heavy vehicles would be used. Ingress/egress to the proposed facility is paved. Parking spaces are provided within the enclosed storage yard which would be used primarily to load and unload vehicles. The property is located on Berwick Drive (Assessor's Parcel Number 169-231-003-000), south of Carmel Valley Road, in the Carmel Valley area. The project, as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, the Carmel Valley Master Plan, Greater Monterey Peninsula Area Plan and the Monterey County Zoning Ordinance (Title 21). The parcel is zoned "HC-D-S" or Heavy Commercial, Design Control and Site Plan Review Zoning Districts. The site is physically suitable for the use. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, 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, the Carmel Valley Master Plan, Greater Monterey Peninsula Area Plan and the Monterey County Zoning Ordinance.

**EVIDENCE:** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks Department and the Mid Carmel Valley Fire Protection District. There has been no indication from these agencies that the site is not suitable for the development. Each agency has had opportunity to recommend conditions for project approval.

**EVIDENCE:** Design Approval Request form with a recommendation for approval (6 to 1) by the Carmel Valley Land Use Advisory Committee.

**EVIDENCE:** Written and verbal public testimony submitted at the 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 development in the project file.

**EVIDENCE:** Staff verification of Monterey County Planning and Building Inspection Department records indicates that there are no violations on the property.

2. **FINDING:** The proposed project will not have a significant adverse impact on the environment and is exempt from the California Environmental Quality Act (CEQA), Section 15303 Class 3.

**EVIDENCE:** Section 15303 Class 3 of the CEQA Guidelines addresses new construction and location of limited numbers of new, small facilities or structures. The projects includes installation of a six foot tall cedar plank fence and gate enclosing 9,100 square feet of open storage of landscape materials. No building structures are approved with this use permit. A traffic study was prepared by Higgins and Associates, dated May 15, 2001. The study concludes that the project will add minimal traffic volumes to Carmel Valley Road and the Carmel Road/Berwick Drive intersection (3 trips a.m. and 3 trips p.m.). The traffic report is on file at the Monterey County Planning & Building Inspection Department, Coastal Office located at 2620 1<sup>st</sup> Avenue, Marina Ca 93933. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by this traffic study. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and independent assessment of the study.

3. **FINDING:** The establishment, maintenance, or operation of the landscape material storage yard 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:** Preceding findings and supporting evidence.

4. **FINDING:** 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 following conditions:

1. The Use Permit and Design Approval (PLN000528) allow for a 9,100 square foot open storage yard for landscape materials, such as trees, plants and fertilizers which would be stored in containers and located within an unfinished six-foot high cedar plank fence. The storage area will be utilized by 3 different contractors, approximately twice a day, and would not be open to the public. No heavy vehicles would be used. Ingress/egress to the proposed facility is paved. Parking spaces are provided within the enclosed storage yard which would be used primarily to load and unload vehicles. The 10,500 square-foot undeveloped site is located adjacent to the Mid Valley Shopping Center. The property is located on

Berwick Drive (Assessor's Parcel Number 169-231-003-000), south of Carmel Valley Road. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. The use allowed by this permit shall not 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 the appropriate authorities approve additional permits. **(Planning and Building Inspection)**

**Prior to Commencement of Use:**

2. The applicant shall record a notice which states: "A permit (Resolution 000528) was approved by the Zoning Administrator for Assessor's Parcel Number 169-231-003-000 on October 25, 2001. The permit was granted subject to 11 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)**
3. All exterior lighting shall be minimized, 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. Lighting shall only be used if necessary when contractors or other personnel are on the site. Internal lighting may be installed in the yard, subject to control by a "motion sensor." The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to commencement of use. **(Planning and Building Inspection)**
4. The perimeter of the site (i.e., outside of the fenced area) shall be landscaped. At least three weeks prior to commencement of use, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection 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, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Landscaping shall be installed prior to commencement of use. **(Planning and Building Inspection)**
5. Parking and circulation shall be approved by Planning & Building Inspection Department and the Department of Public Works. **(Public Works)**
6. This project is subject to the Carmel Valley Master Plan Area Traffic Impact Fee. **(Public Works)**
7. The applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resources Agency)**
8. Entrance gate and Fire Apparatus Access Road are to be a minimum width of 20 feet per Uniform Fire Code Section 902 – Fire Department Access. **(Carmel Valley Fire)**

- 9. The applicant shall file a Hazardous Material Disclosure of all Haz-Mat stored quantities and types of materials to be stored on the site. **(Carmel Valley Fire)**

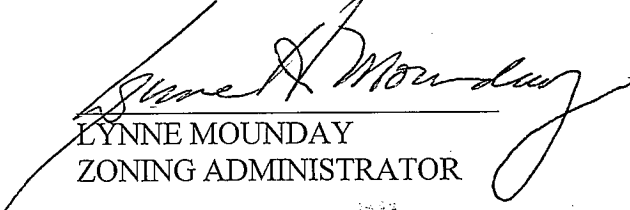
**Continuous Permit Condition:**

- 10. All landscaped areas shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a letter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

**Ongoing/Operational Conditions:**

- 11. The following operational conditions apply to the Molinari Landscape Material Storage Yard: a) No asphalt paving shall be laid or installed within; b) with the exception of a single forklift, there shall be no vehicular storage; c) no heavy vehicles (such as semi-trucks) may access the storage yard; and d) lighting shall only be used if necessary when contractors or other personnel are on the site. Internal lighting may be installed in the yard, subject to control by a "motion sensor." **(Planning and Building Inspection/Carmel Valley Land Use Advisory Committee)**

**PASSED AND ADOPTED** this 25th day of October, 2001.

  
 LYNNE MOUNDAY  
 ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **NOV 06 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 **NOV 16 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 90<sup>th</sup> 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 Marina.
- 2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

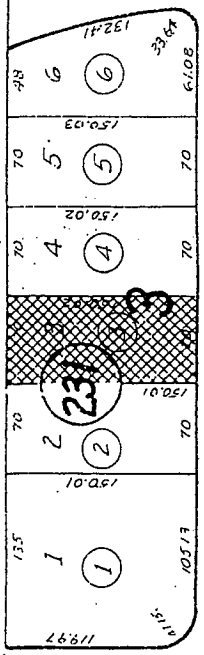
TAX CODE AREA 60-33

N 27° 37' 50" E

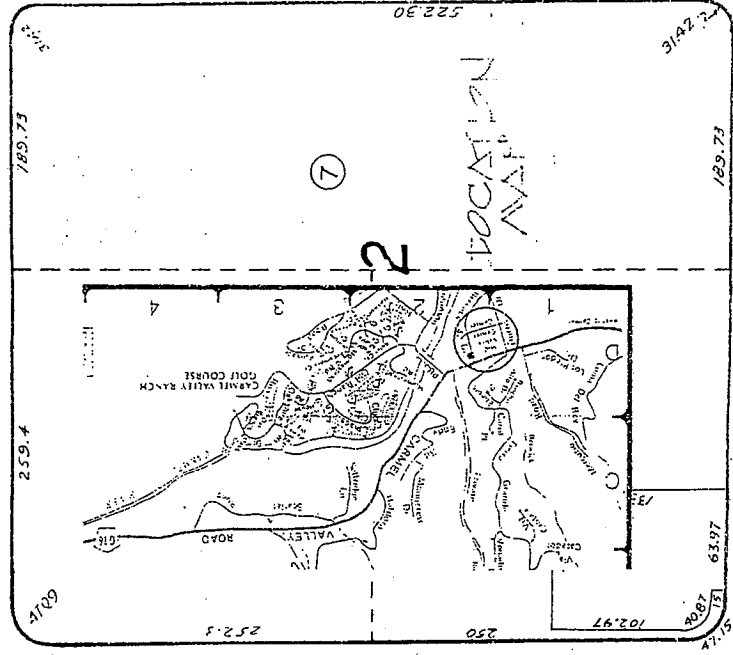
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THIS MAP IS INTENDED TO BE USED FOR  
 PROPERTY TAX ASSESSMENT PURPOSES ONLY.

SCALE: 1 in. = 100 ft.

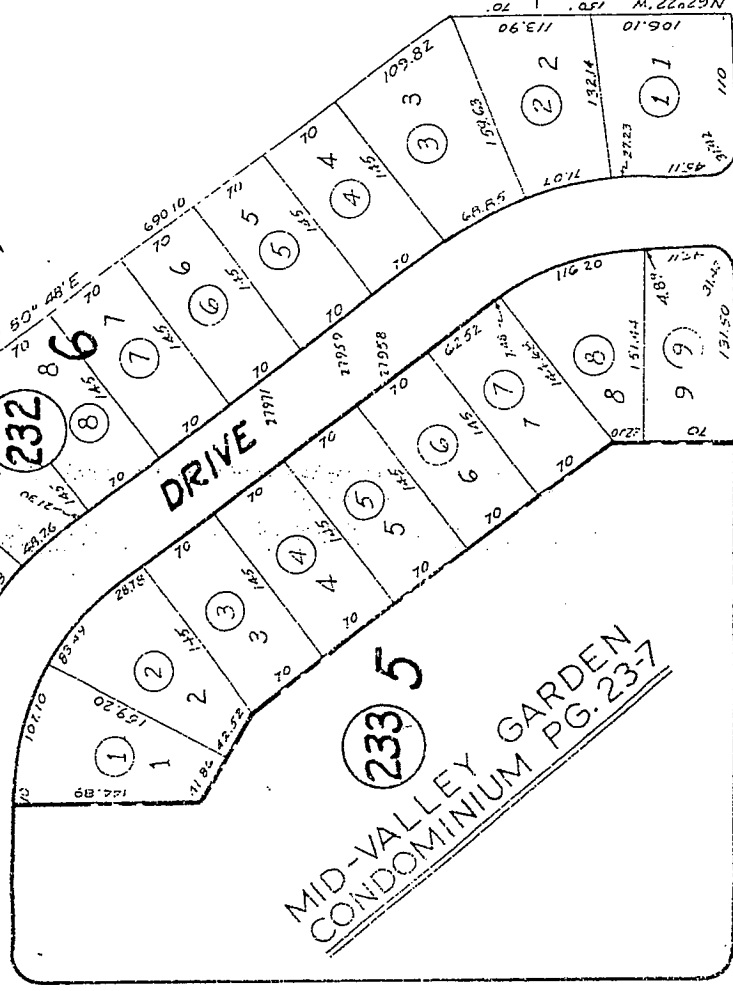
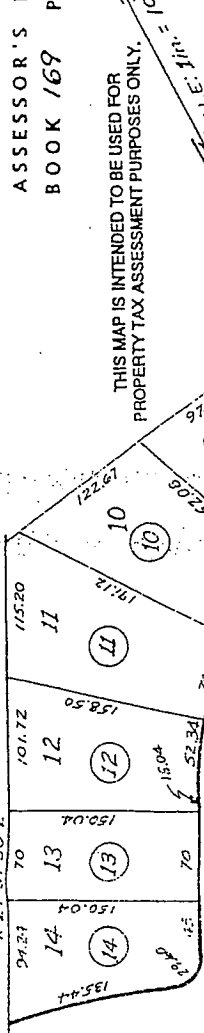
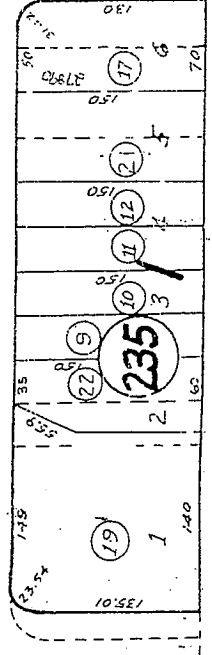


BERWICK



CARMEL VALLEY ROAD

DORRIS



MID-VALLEY GARDEN  
 CONDOMINIUM PG. 23-7

DRIVE

