

REVISED

RESOLUTION NO. 000627

A.P.# 173-031-016-000

In the matter of the application of
Salinas Rural Fire Protection (PLN000627)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow for the construction of a 12 ft. tall 12' x 15' Broadband Cable Services equipment shelter located behind the Salinas Rural Fire Department; and Design Approval; located at 31 Laureles Grade, Salinas on the corner of Highway 68 and Laureles Grade, Toro area, came on regularly for hearing before the Zoning Administrator on November 15, 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 (PLN000627), as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, the Toro Planning Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 31 Laureles Grade (Assessor's Parcel Number 173-031-016-000). The parcel is zoned "PQP-VS". 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 Toro Area Plan.
EVIDENCE: The project site is physically suitable for the proposed use as described in the project file. 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 Salinas Rural Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. Conditions recommended by each agency are incorporated in this resolution.
EVIDENCE: The proposed use is consistent with the development standards for the "PQP-VS" zoning district pursuant to Title 21, Monterey County Zoning Ordinance.
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: Section 21.30 of the Monterey County Zoning Ordinance (Title 21). Staff verification of the Monterey County Planning and Building Inspection Department records indicate that no violations exist on subject property.
EVIDENCE: The on-site inspection by planning staff on January 15, 2001 and April 25, 2001 to verify that the proposed project complies with the Toro Planning Area Plan.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the Zoning Administrator.

EVIDENCE: The Toro Land Use Advisory Committee recommended approval by a vote of 5-0.

2. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303 of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

EVIDENCE: An Archaeological report prepared by Archaeological Consulting on May 17, 2001 concluded that the site was suitable for the project.

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: Preceding findings and supporting evidence.

EVIDENCE: File and application materials contained in the project file.

4. **FINDING:** The project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.D 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 and Design Approval proposes the construction of a 12 ft. tall 12' x 15' Broadband Cable Services equipment shelter and small generator unit, both located behind the Salinas Rural Fire Department. The property is located at 31 Laureles Grade (Assessor's Parcel Number 173-031-016-000), in the Toro Planning Area. 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 a Building Permit:

2. The applicant shall record a notice which states: "A permit (Resolution 000627) was approved by the Zoning Administrator for Assessor's Parcel Number 173-031-016-000 on November 15, 2001. The permit was granted subject to 19 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 unobtrusive, harmonious with the local area, downlit, constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Lighting shall be utilized only during maintenance activity. 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)**
4. The area exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion in coordination with a County approved consulting biologist, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
5. The applicant shall agree in writing that if future technological advances allow for reducing the visual impacts of the facility, the applicant shall make modifications to the facility accordingly to reduce the visual impact as part of the facility's normal replacement schedule. **(Planning and Building Inspection)**
6. Construction activities shall be limited to the hours specified by the County of Monterey noise ordinance. **(Planning and Building Inspection)**
7. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. **(Planning and Building Inspection)**
8. Unnecessary idling of internal combustion engines shall be prohibited. **(Planning and Building Inspection)**
9. All stationary noise-generating construction equipment such as air compressors shall be located as far as practical from existing nearby residences. If equipment noise results in noise complaints, the equipment shall be acoustically shielded. **(Planning and Building Inspection)**
10. Equipment shelter and generator shall be painted an earth tone color. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection

11. A landscape plan is required prior to final building permit that will provide screening of the proposed facility. An appropriate number of trees, 15-24 gal. size, shall be recommended by a County-approved arborist who shall also recommend plant species, location and an appropriate monitoring program that will be included with the landscape plan. **(Planning and Building Inspection Department)**
12. The generator shall utilize the Olympian super sound attenuated enclosure as per the factory specifications submitted to the Division of Environmental Health. **(Environmental Health)**

13. One 2A:10B:C portable fire extinguisher shall be installed and maintained in accordance with the Uniform Fire Code Standard 10-1 **(Salinas Rural Fire Protection District)**
14. Roof construction shall be Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as means of removing high or very high fire hazard area designated from an entire parcel. **(Salinas Rural Fire Protection District)**
15. Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from the ground. Remove limbs within 10 feet of chimneys. **(Salinas Rural Fire Protection District)**
16. All parcels 1 acre or larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modifications standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(Salinas Rural Fire Protection District)**
17. Due to the inability to obtain a setback of 30 feet from all property lines, the building shall be constructed with fire resistive materials, including siding and roofing. **(Salinas Rural Fire Protection District)**

Continuous Permit Conditions:

18. If during the course of construction activity on the subject property, 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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection 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. **(Planning and Building Inspection)**
19. The project shall comply to with the noise ordinance of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code. **(Environmental Health)**

PASSED AND ADOPTED this 15th day of November, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **DEC 14 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 **DEC 24 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.

