

RESOLUTION NO. 010083

A.P.# 261-031-010-000

In the matter of the application of
Daniel Eakins (PLN010083)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for the construction of a 4,000 sq. ft. steel storage building, 20' driveway/parking area, and landscaping, located at 112 Boronda Road, south of Madison Lane, Greater Salinas Area Plan, Boronda Neighborhood Improvement Plan, Greater Salinas area, came on regularly for hearing before the Zoning Administrator on July 12, 2001.

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

FINDINGS OF FACT

1. **FINDING:** The subject Use Permit (PLN010083), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Greater Salinas Area Plan, Boronda Neighborhood Improvement Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 112 Boronda Road, Salinas. The parcel is zoned "HC-UR" or Heavy Commercial and Urban Reserve. 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, Greater Salinas Area Plan, and Boronda Neighborhood Improvement 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 Services), Environmental Health Division, Parks and Recreation Department, Redevelopment Agency, City of Salinas Planning Department, and Salinas Rural Fire Department. 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 automobile and recreational vehicle storage yards, pursuant to Section 21.20.070, 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 21.20 of the Monterey County Zoning Ordinance (Title 21). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
EVIDENCE: The on-site inspection by the project planner on June 30, 2001 to verify that the proposed

project complies with the Greater Salinas Area Plan and the Boronda Neighborhood Improvement Plan.

2. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15303 and 15332 (a-e) of the 2000 CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

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 Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department (Environmental Services), Environmental Health Division, Parks and Recreation Department, Redevelopment Agency, City of Salinas Planning Department, and Salinas Rural Fire Department. 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.

4. **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 consists of the construction of a 4,000 sq. ft. steel storage building, 20' driveway/parking area, and landscaping. The project is located at 112 Boronda Rd., (Assessor's Parcel Number 261-031-010-000) in the Greater Salinas/Boronda 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 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 010083) was approved by the Zoning Administrator for Assessor's Parcel Number 261-031-010-000 on July 12, 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)**
4. If required, a connection permit shall be applied for and an inspection fee paid to Boronda County Sanitation District. Connections are issued on a first come, first served basis. **(Public Works)**
5. If required, the applicant shall submit sewer connection improvement plans to Public Works (Environmental Services) for approval. All sewer system improvements must be completed in accordance with the Standard Specification for use in Monterey County Sanitation Districts and CSA's, dated 1992 and dedicated to the County of Monterey. **(Public Works)**
6. If required, a jurisdictional approval shall be obtained from Boronda County Sanitation District and fees shall be paid to the Monterey Regional Water Pollution Agency. Then a building permit may be obtained provided the development has met all conditions. **(Public Works)**
7. 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)**
8. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

9. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion in coordination with the consulting biologist, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
10. Prior to the issuance of a building or grading permit, 3 copies of a drainage plan shall be prepared by a registered civil engineer or architect to address on-site impacts for review and approval by the Water Resources Agency. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. **(Water Resources Agency)**

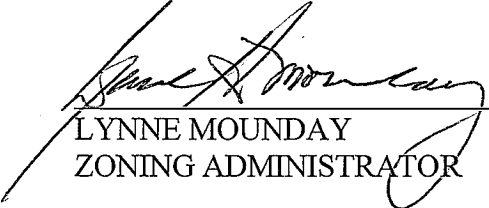
Prior to Final Building Inspection/Occupancy:

11. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency & Planning and Building Inspection)**
12. The site shall be landscaped. At least three weeks prior to occupancy, 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. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**
13. Enter into an agreement to construct curb, gutter, sidewalk and pavement along the entire frontage of Boronda Road. **(Public Works)**
14. Prior to building occupancy, the applicant shall pay or enter into an agreement to pay the appropriate pro-rata fee share for the upgrade of drainage infrastructure as defined in the Boronda Redevelopment Area Storm Drain Master Plan. Said fee shall be reviewed and approved by the Monterey County Redevelopment Agency. **(Public Works)**
15. Prior to occupancy, the applicant shall pay or enter into an agreement to pay the appropriate pro-rata fee share for the upgrade of area roadways (including Boronda Road), and intersections as defined in the Boronda Redevelopment Area Storm Drain Master Plan and as defined by the Monterey County Public Works and Planning and Building Inspection Department. Said fee shall be reviewed and approved by the Monterey County Public Works Department. **(Public Works)**

Continuous Permit Conditions:

16. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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)**
17. All landscaped areas and replanted trees shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
18. All vehicles or parts stored for longer than 72 hours that contain gasoline, oils, lubricants, coolants, or any other hazardous material/wastes shall be stored in impervious area with secondary containment features approved by the Division of Environmental Health. The 72 hour storage time limit shall not apply to impounded vehicles. **(Environmental Health)**
19. This permit does not authorize outdoor storage or commercial use of the property. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 12th day of July, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **JUL 16 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

JUL 26 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.

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE, 1991 EDITION, AS AMENDED, AND THE CALIFORNIA ELECTRICAL CODE, 1991 EDITION, AS AMENDED.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

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2020S INSULATION GUIDE

1. INSULATION SHALL BE INSTALLED IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE, 1991 EDITION, AS AMENDED.

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BUILDING & SITE DATA

1. ZONE: HEAVY COMMERCIAL - UR

2. LOT AREA: 5,170 SQ FT

3. EXISTING CONCRETE BLOCK: 4,502 SQ FT

4. PROPOSED PRE-ENGINEERED METAL BUILDING: 4,500 SQ FT

5. LOT COVERAGE (90% MAX): 4,050 SQ FT

6. BUILDING HEIGHT: MAX 30'0"

7. SETBACKS: 10' FRONT, 10' SIDE, 10' REAR

8. MAXIMUM OVERHANG: 10'

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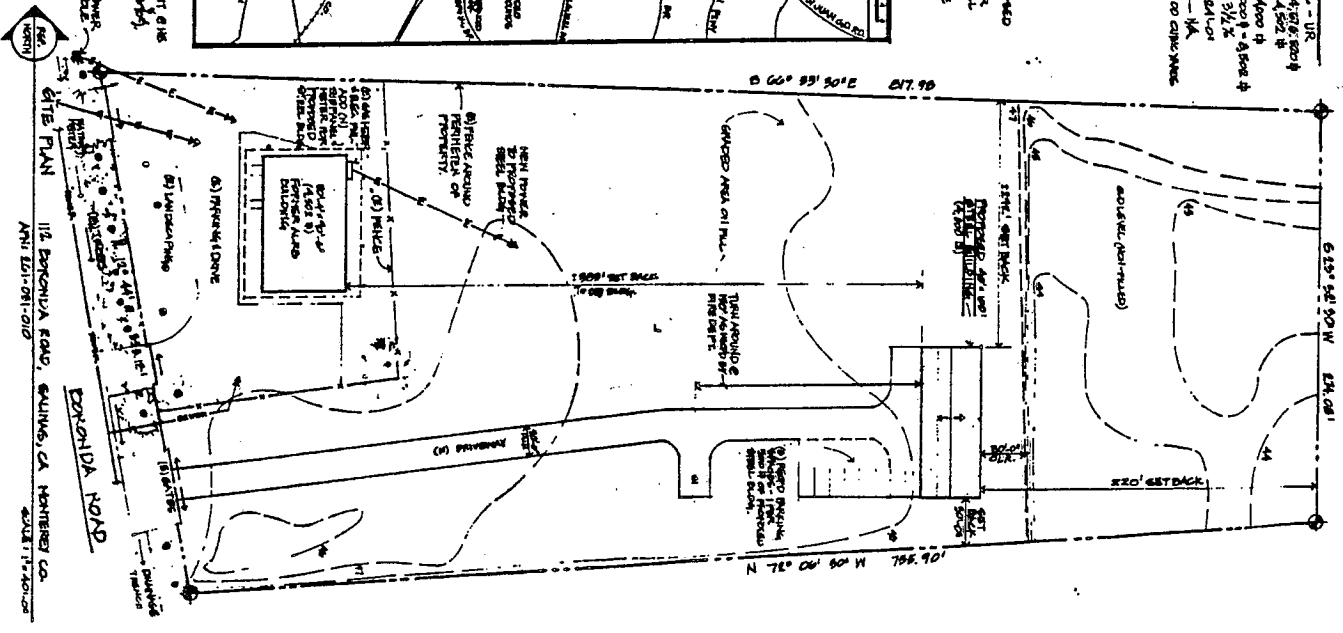
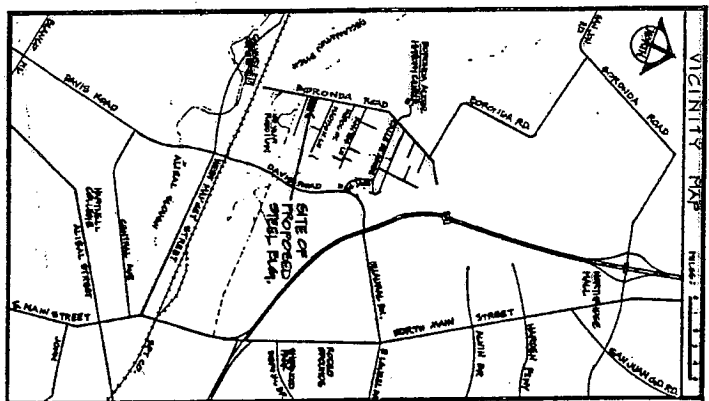
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<p>SITE PLAN DATA</p> <p>NOTES</p> <p>VICINITY MAP</p>	<p>112 BORONDA ROAD SALINAS, CA 99901 PT: LAN EAKINS (40) 200-0700 P.O. BOX 1714, PALMDALE, CA 94001</p>	<p>PROPOSED DETACHED PRE-ENGINEERED STEEL BUILDING - MORTIERBY CO APN: 201-031-010</p>	<p>DATE: 11/11/2010</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: ALLIANCE</p> <p>DRAWN: [Name]</p> <p>CHECKED: [Name]</p> <p>APPROVED: [Name]</p>
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