

RESOLUTION NO. 990431

A. P. # 117-332-001-000

In the matter of the application of
Severiano & Elisa Ortiz (PLN990431)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of an Administrative Permit for light retail commercial uses of approximately 2,660 square feet on the first floor of an existing two-story building; eleven (11) onsite parking spaces are available; located at 5 San Juan Road, immediately west of Porter Drive on the south side of San Juan Street, Pajaro, North County Area Plan, came on regularly for meeting before the Zoning Administrator on June 14, 2001.

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

1. **FINDING:** The proposed project (PLN990431) and/or use, as described in condition is consistent with the policies of the Monterey County General Plan, the North County Area Plan designation of "Commercial" and the requirements and standards of the Monterey County Zoning Ordinance (Title 21) designation of "Heavy Commercial".
EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of this document
EVIDENCE: The proposed project consists of 640 sq. ft. of retail bakery and 760 sq. ft. of retail butchery shops, with 1000 sq. ft. of bakery/butchery preparation area and is located in a "Heavy Commercial" zoning district. The project site also includes three existing studio-rentals. Section 21.58 (Regulations for Parking) requires six parking spaces for the retail use, two parking spaces for the preparation area and one parking space for each of the three studio-rentals for a total of ten required parking spaces. A revised parking plan provides for eleven on-site parking spaces. Further, the applicant leases three parking spaces on an adjacent parcel for additional parking
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.
2. **FINDING:** The site is physically suitable for the use proposed.
EVIDENCE: There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, North County Fire District, Public Works Department. Redevelopment and Housing and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

3. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15303 (c) of CEQA categorically exempts this project from environmental review. No adverse environmental impacts were identified during review of the proposed project.
4. **FINDING:** No written request, based on a substantive issue, for public hearing or other evidence of public controversy or public opposition as described in Section 21.70.060A, Title 21, Monterey County Code (Zoning) was found to exist.
EVIDENCE: Materials in project file.
5. **FINDING:** Public notice of the pending Administrative Permit was provided pursuant to Section 21.70.040, Title 21, Monterey County Code (Zoning).
EVIDENCE: Materials in project file.
6. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21, that no violations exist on the property, and that all zoning violation abatement costs have been paid.
EVIDENCE: Sections 21.18 of the Monterey County Code (Zoning). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
7. **FINDING:** The establishment, maintenance, or operation of the use or building 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: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, North County Fire District, Public Works Department, Redevelopment and Housing 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.

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This Administrative Permit allows for a 640 sq. ft. bakery shop and 760 sq. ft. butcher shop in an existing building located at 5 San Juan Road, Pajaro. The project is 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 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 Department)**
3. The applicant shall record a notice which states: "A permit (Resolution #990431) was approved by the Zoning Administrator for Assessor's Parcel Number 177-332-001-000 on June 14, 2001. The permit was granted subject to 17 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, compatible 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 Department)**
5. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, to include oil-grease water separators for the paved parking area. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
6. Owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency)**
7. Owner shall record a notice stating that the second floor of the building will remain vacant and will not to be used for any uses, other than ancillary to the first floor commercial uses. A copy of the recorded notice shall be provided to the Planning and Building Inspection Department. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy:

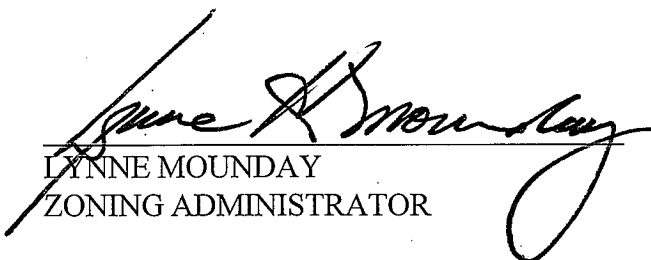
8. Exit lighting, stairways and exit corridors shall be brought up to current code. **(North County Fire District)**
9. Building shall be fully protected through out by a sprinkler system according to NFPA standards. **(North County Fire District)**
10. Building shall be fully protected by an alarm system. **(North County Fire District)**
11. Provide floor level exit signs in group "R" division "1" section. **(North County Fire District)**
12. As necessary, submit retail food establishment improvement plans to the Director of Environmental Health for review and approval, and obtain a Health Department Permit. **(Division of Environmental Health)**
13. Lowest floor and attendant utilities shall be constructed at least 1 foot above the highest grade adjacent to site subject to the requirements of the Monterey County Water Resources Agency. To provide for the flood proofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. Elevation certificate shall be completed by a registered civil engineer or licensed surveyor and provided to County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. **(Water Resources Agency)**
14. The applicant shall comply with Ordinance No. 3932 or as subsequently amended 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)**
15. 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. The project will be subject to a landscape plan review fee which 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 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 Department)**

16. Obtain a sewer connection permit from the Pajaro County Sanitation District and pay all fees. **(Public Works)**

Continuous Permit Conditions:

17. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 14th day of June, 2001.


LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **JUN 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 **JUN 25 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

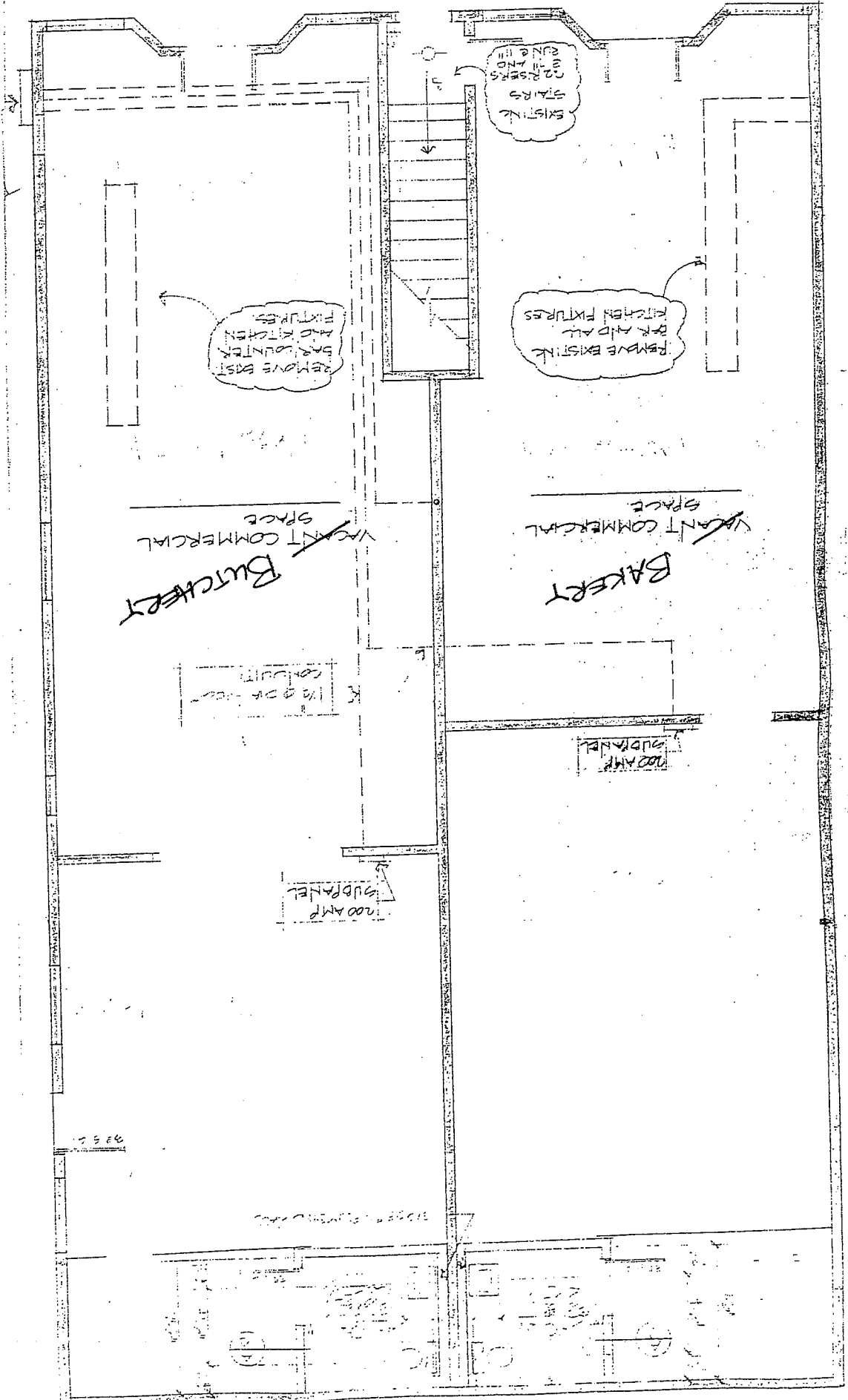
1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

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 2 years after the above date of granting thereof unless construction or use is started within this period.

EXISTING FLOOR PLAN AND PROPOSED ELECTRICAL SERVICE
FIRST FLOOR



REMOVE EXISTING
SINKS
STAIRS
AND
FIXTURES

REMOVE EXISTING
DR AND ALL
KITCHEN FIXTURES

REMOVE EXISTING
BAR/COUNTER
AND KITCHEN
FIXTURES

~~VACANT COMMERCIAL~~
SPACE
BUTCHERY

~~VACANT COMMERCIAL~~
SPACE
BAKERY

WOOD STOVE

100 AMP
SUBPANEL

200 AMP
SUBPANEL

7500

EXISTING ELECTRICAL SERVICE

