

MIKE NOVO
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 020044

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

In the matter of the application of
Daniel H. Eakins (PLN020044)

FINDINGS & 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 1) a Use Permit for establishment of a truck driving school in an existing 4,500 sq. ft. building located on proposed Parcel A; and 2) General Development Plan for development of approximately 15,000 sq. ft. of commercial space. The property is located at 112 Boronda Road, Salinas, Boronda Neighborhood, Greater Salinas area, came on regularly for meeting before the Zoning Administrator on October 14, 2004.

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

- 1. FINDING:** The application under this permit consists of a Use Permit for a Truck Driving School and a General Development Plan for establishment of several commercial uses. The Use Permit and General Development Plan are part of a Combined Development Permit (**Eakins – PLN020044**) which also includes a two-lot Minor Subdivision. The Use Permit and the uses included in the General Development Plan would be developed on separate parcels created through the minor subdivision component of the Combined Development Permit. As described in condition #1 of the attached Exhibit “E,” and as conditioned, the project conforms with the plans, policies, requirements and standards of the General Plan, the Greater Salinas Area Plan, the Boronda Neighborhood Improvement Plan and the Monterey County Zoning Ordinance (Title 21). The project site (Assessor's Parcel Number 261-031-010-000) is located at 112 Boronda Road, Boronda Neighborhood, Salinas.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) Monterey County General Plan
- b) The Greater Salinas Area Plan
- c) Boronda Neighborhood Improvement Plan
- d) Boronda Redevelopment Area: Storm Drain Master Plan – Phase 1
- e) Chapters 21.20 (Regulations for Heavy Commercial Zoning Districts) and 21.50 (Regulations for Urban Reserve Zoning Districts) of the Monterey County Zoning Ordinance.

EVIDENCE: The proposed development under the Use Permit and the General Development Plan have been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, the Redevelopment Agency and the Salinas Rural Fire District. There has been no indication from these agencies that the site is not suitable for the proposed

development. In addition, each agency has recommended conditions for subdivision improvements that would assure compliance with applicable regulations and requirements.

EVIDENCE: The Boronda Redevelopment Citizens Advisory Committee recommended approval of the project on September 17, 2003. The Committee submitted several recommendations that have been made part of the recommended conditions of approval.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the decision-making body.

EVIDENCE: The on-site inspection of the subject parcel by the project planner.

EVIDENCE: The project application, project plans and support materials found in the project file.

2. FINDING: The establishment, maintenance, or operation of the proposed Truck Driving School and the uses allowed per the General Development Plan -as listed under Condition of Approval No. 2 of the General Development Plan - will not, under the circumstances of the particular case, be detrimental to health, safety, comfort, peace, morals and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The subject site is located in an area designated as Commercial under the Greater Salinas Area Plan, designated “General Commercial” in the Boronda Neighborhood Improvement Plan and zoned “Heavy Commercial.” The proposed uses under the use permit and the general development plan are compatible with and allowed under the land use and zoning designations.

EVIDENCE: The subject site is surrounded by similarly zoned areas and properties where development of the proposed uses would not conflict with other land uses or be detrimental to health, safety, comfort, peace, morals or the general welfare of the area.

EVIDENCE: A *Traffic and Pavement Impact Study*, dated September 15, 2003, was prepared by Higgins and Associates for the project. The study concluded that vehicular traffic generated by the proposed truck driving school and the uses proposed under the general development plan, would not result in significant reductions of the levels of service of the streets providing access to the site nor would result in impacts to the road infrastructure in the neighborhood. The study identified conditions of project approval that have been included in the recommended conditions of approval of the project. Implementation of these conditions would assure that the project’s impacts are less than significant and would assure that the project is developed in compliance with adopted street improvement standards and the adopted Boronda Redevelopment Area Storm Drain Master Plan – Phase I dated June, 2000.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency and the Salinas Rural Fire Protection District. 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.

3. FINDING: The project is categorically exempt from environmental review under CEQA Guidelines Section 15061 (b) (3) which states “*The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that*

the activity in question may have a significant effect on the environment, the activity is exempt from CEQA.”

EVIDENCE: The complete project includes a two-lot minor subdivision in an urbanized area plus the use permit for a truck driving school and the general development plan for several uses described under the conditions of approval. The additional square footage proposed - approximately 16,000 sq. ft.- would not generate development that would result in significant impacts to the street network or to the overall land use patterns and uses existing in the area.

EVIDENCE: Several studies, data, and technical background reports prepared for the application and independently reviewed by staff from the various County departments including Planning and Building Inspection, Public Works, Environmental Health and the Monterey County Water Resources Agency indicate that the proposed project would not result in potentially significant environmental impacts. Additionally, the reports recommend conditions of approval that would assure full compliance with applicable regulations. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

- a) The project plans and application materials.
- b) Grice Engineering and Geology Inc., *Geotechnical Soils Foundation Report*, January 2001.
- c) Higgins and Associates, *Boronda Road Industrial Subdivision: Traffic and Pavement Impact Study*, September 15, 2003.
- d) Schaaf & Wheeler, Consulting Civil Engineers, *Boronda Redevelopment Area: Storm Drain Master Plan – Phase 1*, (Prepared for the Monterey County Department of Public Works) June 2000.
- e) MACTEC, Engineering and Consulting, Inc., *Final Hydrogeologic Letter Report, Eakins Subdivision Project (PLN020044)*, January 31, 2003
- f) Archaeological Consulting, *Preliminary Archaeological Reconnaissance of APN 261-031-010-000*, May 15, 2001.

EVIDENCE: There are no identified biological resources on the site.

4. FINDING: The site is 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, Public Works Department, Health Department and the Salinas Rural Fire District. 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 or similar areas that would indicate the site is not suitable for the use proposed.

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 attached conditions.

PASSED AND ADOPTED this 14th day of October 2004.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

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 Marina.

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

<p>Monterey County Planning and Building Inspection Mitigation Monitoring / Condition Compliance Reporting Plan</p>	<p>Project Name: <u>Eakins Minor Subdivision</u></p> <p>File No: PLN020044 APN: 261-031-010-000</p> <p>Approval by: Minor Subdivision Committee Date: 09/09/2004</p>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Condition #	Mitig . #	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
CONDITIONS OF APPROVAL FOR THE USE PERMIT FOR THE TRUCK DRIVING SCHOOL						
1		<p>PBD029 - SPECIFIC USES ONLY</p> <p>The Combined Development Permit No. PLN020040 includes a Use Permit for a Truck Driving School on Parcel 1 of the approved minor subdivision also approved as part of the Combined Development Permit. 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)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	
2		<p>PBD025 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice that states: "A Use Permit (Resolution 020044) was approved by the Zoning Administrator on <i>October 14, 2004</i>, for proposed Parcel 1 as part of Combined Development Permit No. PLN020044 on. The Use Permit was granted subject to 10 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</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	

<i>Permit Condition #</i>	<i>Mitigation #</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)				
3		PBD015 - HOURS OF OPERATION Hours of operation shall be 9 A.M to 5 P.M., Monday through Friday. Instruction during the weekends shall be limited to on-site truck driving instruction only. (Planning and Building Inspection)	None	Owner/ Applicant	Ongoing	
4		PBD027 – PERMIT TIME/YEAR & DATE The permit shall be granted for a time period of 5 years, to expire on October 14, 2009 . (Planning and Building Inspection)	Owner of truck driving school must apply for permit renewal and pay all required fees at least 30 days before the expiration date	Owner/ Applicant	At least 30 days before the expiration date	
5		PW0007 – PARKING STANDARDS The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works)	The applicant, his engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to Issuance of Building/ Grading Permits.	
6		PUBLIC WORKS Enter into an agreement to pay an annual pavement maintenance fee of \$503.00. This fee is based on 2003 dollars and shall be updated annually based on the Engineering News Record Construction Cost Index.	Applicant to enter into agreement with the Public Works Department.	Owner/Applicant	Prior to Issuance of Grading and Buildings Permits.	
7		PUBLIC WORKS – Pay a traffic mitigation fee of \$6,195.00 toward future road improvements contained in Option 2 of the Higgins Associates’ traffic study entitled “Boronda Road Industrial Subdivision” dated September 15, 2003. This fee is based on 2003 dollars and shall be updated annually based on the Engineering News Record Construction Cost Index.	Pay fee as directed by Public Works	Owner/Applicant	Prior to Issuance of Grading and Buildings Permits.	

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8		PUBLIC WORKS – If required, pay the City of Salinas a traffic mitigation fee in accordance with the City’s Traffic Fee Ordinance.	Pay impact fee in amount determined by the City of Salinas.	Owner/Applicant	Prior to Issuance of Occupancy	
9		PUBLIC WORKS – Applicant shall pay \$78,363.00 to the County as its pro-rata share of local drainage and street improvements in the Boronda Area Storm Drain Master Plan.	Pay fee as directed by Public Works	Owner/Applicant	Prior to Issuance of Grading and Buildings Permits.	
10		SALINAS RURAL FIRE DISTRICT – The applicant shall comply with all applicable conditions from the Salinas Rural Fire District as contained in their memorandum dated August 26, 2004 and at the time required by the Fire District.				
CONDITIONS FOR THE USE PERMIT AND GENERAL DEVELOPMENT PLAN						

Permit Condition #	Mitigation #	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1		<p>PBD025 - NOTICE-PERMIT APPROVAL – NON STANDARD LANGUAGE</p> <p>The applicant shall record a notice which states: "A Use permit and General Development Plan (Resolution 020044) was approved by the Zoning Administrator on October 14, 2004 for Parcel 2 of the Minor Subdivision also approved by the Minor Subdivision Committee on October 14, 2004 as part of Combined Development Permit No. PLN020044 for Assessor's Parcel Number 261-031-010-000. The Use Permit and General Development Plan were 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)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
2		<p>PBD006 - DEED RESTRICTION - USE</p> <p>The applicant shall record a deed restriction stating: "A General Development Plan was approved by the Zoning Administrator on October 14, 2004 for Parcel 2 of the Minor Subdivision also approved as part of Combined Development Permit PLN020044. The General Development Plan was approved subject to 17 conditions of approval that run with the land. The commercial uses allowed under the General Development Plan apply to all existing and proposed buildings on Parcel 2 of the approved minor subdivision. Those uses shall be limited to the following: <i>large truck and tractor repair; auto repair; construction/contractor offices; construction yard/supply; landscaping supply; agricultural supplies/ agricultural equipment repair; seed supply; fertilizer supply; floor covering companies; towing companies; septic maintenance services; cabinet building; rug cleaning services; steel construction supply yard; vehicle/boat/RV storage; and other uses of similar character and intensity.</i> (Planning and Building Inspection)</p>	Submit three (3) copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	

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3		PBD – PARKING The parking lay out and circulation plan shall be reviewed and approved by the Director of Public Works. The lay out and plan shall comply with the parking requirements of Chapter 21.58 of the Zoning Ordinance and the applicable standards of the Public Works Department. (Planning and Building Inspection)	Submit three (3) copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
4		PBI – HOURS OF OPERATION Hours of operation for all businesses approved under the General Development Plan shall be 6 A.M to 7 P.M., Monday through Friday and 7 A.M. to 5 P.M. during weekends. (Planning and Building Inspection)	All businesses shall conform to and operate according to the approved hours of operation.	Owner/ Applicant	Continuous.	
5		PBI – SITE OPERATION Hours of operation for all businesses approved under the General Development Plan shall be 6 A.M. to 7 P.M., Monday through Friday and 7 A.M. to 5 P.M. during weekends. (Planning and Building Inspection)	Use property accordingly.	Owner	Continuous	
6		PBI – SIGNS All proposed signs shall comply with the provisions of Section 21.60 of the Zoning Code.	Use property accordingly.	Owner	Continuous	
7		PBI – SIGNS All proposed signs shall comply with the provisions of Section 21.60 of the Zoning Code.	Submit landscape plans and contractor’s estimate to PBI for review and approval. Landscape shall be maintained throughout the life of the project.	Owner/ Applicant	At least 60 days prior to final inspection or occupancy. Continuous.	

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8		PW0008 – DEDICATION Dedicate to the County of Monterey, 30’ from the centerline of Boronda for street and right-of-way purposes. (Public Works)	Applicant’s surveyor shall prepare description of area to be dedicated. DPW can prepare deed. Record Deed.	Owner/ Applicant/ Surveyor	Prior to Building/ Grading Permits Issuance	
9		PW0008 – DEDICATION Dedicate to the County of Monterey, 30’ from the centerline of Boronda for street and right-of-way purposes. (Public Works)	The applicant, his engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits	
10		PW0011 – SEWER (MRWPCA) Obtain sewer permits from the Monterey Regional Water Pollution Control Agency and Department of Public Works and pay all applicable fees. (Public Works)	The applicant, his engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant	Prior to Building/ Grading Permits.	
11		PW0011 – SEWER (MRWPCA) Obtain sewer permits from the Monterey Regional Water Pollution Control Agency and Department of Public Works and pay all applicable fees. (Public Works)	Applicant shall obtain permits from Monterey Regional Water Pollution Control Agency, then obtain permit from Department of Public Works.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
12		PW0004 – AGREEMENT (CURB, ETC) Enter into an agreement with the County of Monterey to install curb, gutter, sidewalk and pave-out along the frontage of Boronda Road. (Public Works)				

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13		PUBLIC WORKS Applicant shall enter into an agreement to pay an annual pavement maintenance fee of \$503.00. This fee is based on 2003 dollars and shall be updated annually based on the Engineering News Record Construction Cost Index. (Public Works)				
14		PUBLIC WORKS – Applicant shall pay a traffic mitigation fee of \$35,106.00 toward future road improvements contained in accordance with the Engineering News Record Construction Cost Index. (Public Works)				
15		PUBLIC WORKS – Applicant shall pay the City of Salinas a traffic mitigation fee in accordance with the City’s Traffic Fee Ordinance. (Public Works)				
16		PUBLIC WORKS – Applicant shall pay \$135,042.00 to the County as its pro-rata share of local drainage and street improvements in the Boronda Area Storm Drain Master Plan. (Public Works)				
17		SALINAS RURAL FIRE DISTRICT – The applicant shall comply with all applicable conditions from the Salinas Rural Fire District as contained in their memorandum dated August 26, 2004.				

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18		The applicant shall submit a revised General Development Plan that includes all landscaped areas, parking, a sign program, lighting standards, and designate areas for outdoor storage. Any outdoor storage area shall have landscaped perimeters. The General Development Plan shall also demonstrate how the entire property is to be used. (Planning and Building Inspection)	Submit revised General Development Plan.	Applicant	Prior to recordation of parcel map or issuance of building or grading permits, whichever occurs first.	
19		Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer addressing on-site and off-site impacts. The plan shall include oil/grease water separators for the paved parking areas, if feasible. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	