

Attachment D - 1

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**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

S&S LAND DEVELOPMENT CO. (PLN140713)

RESOLUTION NO. 15-020

Resolution by the Monterey County Planning
Commission:

- 1) Considering the previously adopted Mitigated
Negative Declaration, with Addendum; and
- 2) Approving an Extension of a previously approved
Coastal Development Permit allowing vehicle
dismantling and parts sales for:
 - "S&S Land Development" - Parcel A -
Assessor's Parcel Number 131-054-001-000 -
Renewal of PLN030510

[PLN140713, S&S Land Development Co, 516 A
Dolan Road, Moss Landing, North County Land Use
Plan (APN: 131-054-001-000)]

The Pick-n-Pull application (PLN140713) came on for public hearing before the Monterey County Planning Commission on February 25, 2015 and March 11, 2015. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is an Extension of a previously approved Coastal Development Permit allowing vehicle dismantling and parts sales for:
 - PLN140713 "S&S Land Development" - Parcel A - Assessor's Parcel Number 131-054-001-000 - Renewal of PLN030510**EVIDENCE:** The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140713.
2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - North County Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 2;
 - Monterey County Zoning Ordinance (Title 20);Title 20 does not list auto wrecking yards as an allowed or permitted use under the present (split) zoning of "AC(CZ)" and "LI(CZ)" [Agricultural Conservation (Coastal Zone)] and [Light Industrial (Coastal Zone)]. The North County Land Use Plan, however, does designate the parcels as a "Special Treatment Area," with the following

- d) Pursuant to Section 15164 of the CEQA Guidelines, some changes or additions to the project are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR or new Initial Study/Negative Declaration have occurred.
- e) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project that would require major revisions to the prior MND as the proposed Extensions would not allow for any new development, improvements or expansion of the previously-permitted uses.
- f) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions to the prior MND as the proposed Extensions would not allow for any new development, improvements or expansion of the previously-permitted uses.
- g) Pursuant to Section 15162 of the CEQA Guidelines, there is no new information of substantial importance that was not known at the time the MND was adopted. The addendum to the 2005 Mitigated Negative Declaration has been drafted in order to specifically address potential impacts resulting from greenhouse gas emissions, as said impacts were not commonly analyzed in 2005.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Section 20.86.030.A of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal to the Coastal Commission because the project involves an entitlement which is permitted in the underlying zone as a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- 1) Consider the previously adopted Mitigated Negative Declaration, with Addendum; and
- 2) Approve a Coastal Development Permit Extension renewing a previously approved Coastal Development Permit allowing vehicle dismantling and parts sales for:
 - PLN140713 "S&S Land Development" - Parcel A - Assessor's Parcel Number 131-054-001-000 - Renewal of PLN030510 based on the findings and evidence and subject to the conditions of approval

PASSED AND ADOPTED this 11th day of March, 2015 upon motion of Commissioner Rochester, seconded by Commissioner Brown, by the following vote:

AYES: Brown, Getzelman, Rochester, Salazar, Diehl, Roberts, Hert, Mendez
 NOES: None
 ABSENT: Vandever, Padilla
 ABSTAIN: None



Laura Lawrence, Acting Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON MAR 16 2015

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MAR 26 2015

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

Monterey County RMA Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140713

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Development Permit Extension (PLN140713) allows vehicle dismantling and parts sales for:

- "S&S Land Development" - Renewal of PLN030510

The property is located at 516 A Dolan Road, Moss Landing (Assessor's Parcel Number 131-054-001-000), North County Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:

"A Coastal Development Permit Extension (Resolution Number 15-020) was approved by the Planning Commission for Assessor's Parcel Number 131-054-001-000 on March 11, 2015. The permit was granted subject to ten (10) conditions of approval and four (4) mitigation measures which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its 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 property, filing of the final map, recordation of the certificates of compliance 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. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

4. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

5. PDSP01 - ADHERENCE TO MITIGATION MEASURES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All of the Conditions of Approval and Mitigation Measures regarding ongoing use as required for PLN030510 pursuant to Resolution No. 05050 (attached as EXHIBIT E to the March 11, 2015 Planning Commission staff report) shall remain in effect.

Compliance or Monitoring Action to be Performed:

6. PDSP02 - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The subject Permit Extension shall be granted for a time period of ten (10) years, to expire on July 13, 2025. In order to continue operations the owners shall apply for a renewal permit one year prior to expiration and use all due diligence to obtain the permit. (RMA- Planning and Building Inspection)

Compliance or Monitoring Action to be Performed: As described in the above-listed Condition.

7. PDSP03 - PROPERTY ABANDONMENT (Non-Standard)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In the event that the vehicle dismantling use of the property is abandoned or that the use permit is, revoked, the owner shall clean up and restore the site to the satisfaction of Monterey County and reimburse the County for any costs incurred or damages suffered as a result of the clean up. (Planning and Building Inspection)

Compliance or Monitoring Action to be Performed: In the event of use abandonment or permit revocation restore within six (6) months - Clean up and restore site.

8. PDSP04 - NO SALES OUTSIDE OF YARDS (Non-Standard)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: No storage or sales of vehicles or parts are allowed outside of the fenced yard areas. (Planning and Building Inspection)

Compliance or Monitoring Action to be Performed: Ongoing - Adhere to condition

9. PDSP05 - YARD OPERATIONS (Non- Std.)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: It is the responsibility of the property owner to make sure that all operators are aware of these conditions of approval and to ensure that operations are in compliance with these conditions of approval. (Planning and Building Inspection Department)

Compliance or Monitoring Action to be Performed: Ongoing - Adhere to condition

10. PDSP06 - PERMIT REVOCATION (Non-Std)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Failure of the owner to comply with any condition of the subject permits (PLN030510/PLN140713) shall result in the revocation of the permit pursuant to Section 20.82.060 and continued operations shall be considered a violation and public nuisance, pursuant to Section 20.90. The owner shall pay reasonable compensation to the County for any related costs incurred or damages suffered as a result of the violation. Revocation of the subject permit shall also result in revocation of all related operating permits, including but not limited to the Environmental Health Hazardous Materials Permit. (Planning and Building Inspection)

Compliance or Monitoring Action to be Performed: Ongoing - Comply with permit conditions.

11. MITIGATION MEASURE #1 (Screening)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Annually for the duration of the permit, each owner (Parcel A, B and C) shall submit an inspection report of the screening and vegetation by a qualified arborist or registered forester to the Director of RMA-Planning for review and approval. The arborist or forester shall evaluate the conditions and health of the trees and vegetation and certify that any necessary maintenance or replacement of trees has been completed for the respective parcels.

Compliance or Monitoring Action to be Performed: As indicated above

12. MITIGATION MEASURE #2 (Stormwater Facilities)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Annually for the duration of the permit, each owner shall provide documentation by September 1 of each year to the Director of RMA-Planning certifying that each operator is in compliance with their stormwater permit and that each operator has submitted their annual report to the Regional Water Quality Control Board (RWQCB) along with any necessary copies of water tests or current permits. In the event of a new operator, the parcel owner shall submit documentation that the new operator has obtained a stormwater discharge permit from RWQCB prior to the start of any operations.

Compliance or Monitoring Action to be Performed: As indicated above

13. MITIGATION MEASURE #3 (Access Road Improvements)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Annually for the duration of the permit, the applicant shall submit documentation to the Director of RMA-Planning for review and approval that a qualified engineer has inspected the access road and parking areas and that any necessary repairs, maintenance and/or additional improvements have been completed

Compliance or Monitoring Action to be Performed: As indicated above

14. MITIGATION MEASURE #4 (Visibility)

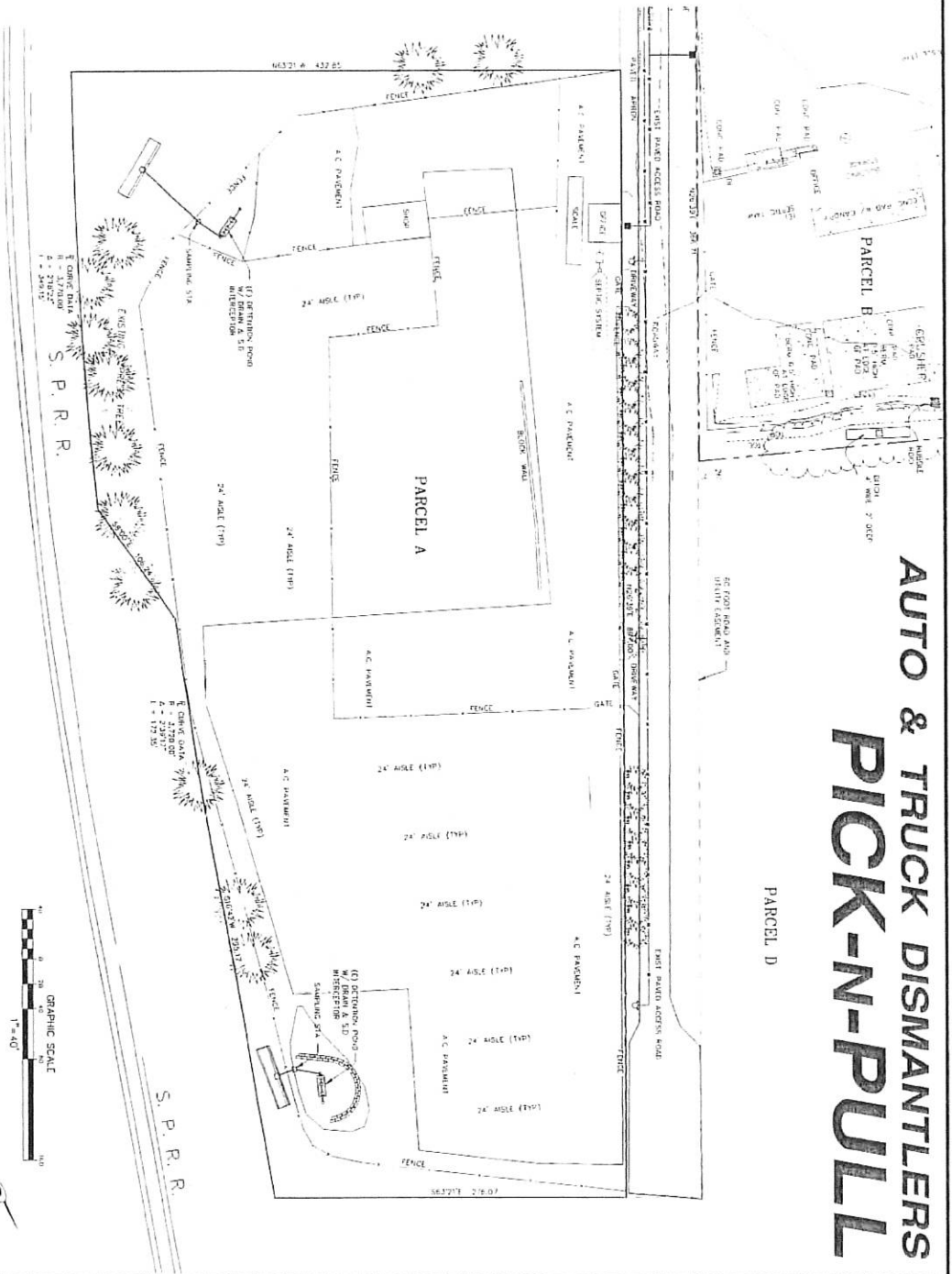
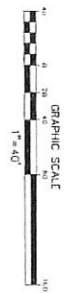
Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In order to minimize visual impacts, vehicles shall not be stacked higher than eight (8) feet from the ground. All new structures including but not limited to water tanks, fences, trailers, canopies, shall be painted a natural, earth-tone color subject to review and approval by the Director of RMA-Planning.

Compliance or Monitoring Action to be Performed: As indicated above

PARCEL 'A' SITE PLAN

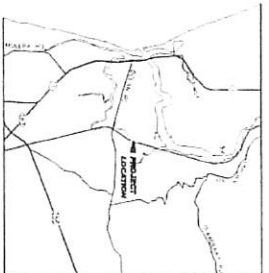
SCALE: 1" = 40'



AUTO & TRUCK DISMANTLERS PICK-N-PULL

PARCEL D

VICINITY MAP



PROJECT DATA

PROJECT NO. 14-15
SHEET NO. 14-15
DATE 11/27/2014
PROJECT LOCATION
1516A DOLAN ROAD
MOSS LANDING, CA 94039
OWNER
PICK-N-PULL
2000 S. 10TH ST.
P.O. BOX 985
SAN FRANCISCO, CA 94116

NOTES

1. SEE ATTACHED PERMIT AND PLAN FOR NOTES.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND THE CALIFORNIA FIRE CODE.
3. ALL UTILITIES SHALL BE DEPTH MARKED PRIOR TO CONSTRUCTION.

PARCEL DATA

APPLICANT
1516A DOLAN ROAD
MOSS LANDING, CA 94039
ADDRESS
1516A DOLAN ROAD
MOSS LANDING, CA 94039
OWNER
PICK-N-PULL
2000 S. 10TH ST.
P.O. BOX 985
SAN FRANCISCO, CA 94116

NOTED: 11/27/2014 10:53 AM



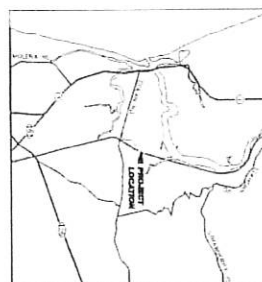
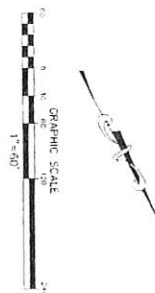
PICK-N-PULL
COASTAL DEVELOPMENT PERMIT
516A Dolan Road Moss Landing, CA 95039

**TUNSTALL ENGINEERING
CONSULTANTS, INC.**
124 EAST ALCAL STREET
SALINAS CALIFORNIA 95075
(831) 758-2765 FAX (831) 758-2141

**PARCEL 'A'
SITE PLAN**
DESIGNED BY: KENT
DATE: NOVEMBER 4, 2014
DRAWN BY: KENNETH R. TUNSTALL

REVISION

PARCEL D



VICINITY MAP

SCALE: 1" = 60'



CSP	SHEET NO.	14-15	PICK-N-PULL COASTAL DEVELOPMENT PERMIT 516 Dolan Road Moss Landing, CA 95039	
			PROJECT NO.	DATE NOVEMBER 4, 2014

**TUNSTALL ENGINEERING
CONSULTANTS, INC.**
124 EAST ALVIZ STREET
SALINAS CALIFORNIA 93901
(831) 750-2765 FAX (831) 750-2141
CIVIL ENGINEERING - BUILDING DESIGN

**COMPOSITE SITE PLAN
PARCELS A, B, & C**

DRAWN BY KENNETH R. TUNSTALL