

RESOLUTION

Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

Stagecoach Territory Inc. (PLN170974)

RESOLUTION NO. 19-018

Resolution by the Monterey County Zoning
Administrator

- 1) Finding the project is operation of existing facilities and replacement of existing facilities with no change in use or capacity, and therefore qualifies for exemptions under CEQA Section 15301 and CEQA Section 15302.
- 2) Approving a Minor Amendment (PLN170974) to a Use Permit ZA-3117 which allows relocation of 17,497 square feet of outdoor sales area to replace sales are lost due to the Cal Trans Interchange project.

[PLN170974, Stagecoach Territory Inc, 1000 Hwy 101, 1060 Hwy 101, 1150 Hwy 101, and 1050 Hwy 101, North County Area Plan (APN: 141-013-035-000, 141-013-034-000, 141-013-037-000, and 141-131-025-000)]

CORRECTED

June 5, 2019

**(This resolution supersedes the
previous resolution mailed on
June 4, 2019)**

The Stagecoach Territory Inc. application (PLN170974) came on for public hearing before the Monterey County Zoning Administrator on May 30, 2019. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** - The County has received and processed an amendment to ZA-3117.
EVIDENCE: (a) An application for a Minor Amendment was submitted on December 5, 2017.
(b) On April 14, 1977, the Zoning Administrator approved ZA-3117, which renewed and consolidated previous Use Permits ZA-1047 and ZA-2449 on the subject property (herein after referred to as the “Red Barn”) for indoor and outdoor retail sales of new and used merchandise, beer bar, snack food bar, and wine tasting and sales. The site plan identified the area allowed for retail sales with a dashed line. This area totals approximately 157,048 square feet.
(c) In 2010 the Monterey County Board of Supervisors passed Resolution No. 10-037 to deny an appeal of the Planning

Commission's determination that the Red Barn operations were in violation of previously approved Use Permits, establish the uses allowed on the Red Barn property, and modify the conditions of approval for previously approved Use Permits, including ZA-3117.

- (d) In 2015, the Caltrans San Juan Interchange Project resulted in the loss of 17,669 square feet of outdoor retail space. This project eliminated direct access from Highway 101 and built a frontage road to provide access to the Red Barn property and residential areas at Marilyn Lane.
- (e) The present and future operations on the property are subject to Monterey Superior Court Case # M104908 and the approval of the Minor Amendment is authorized pursuant to the terms of the existing Judgment in that case as a means to implement its requirements.
- (f) The Minor Amendment would allow for the replacement and relocation of previously permitted retail sales area in to areas A, B, C, D, and E as shown on the attached site plan. The combined total of the expanded area is 17,497 square feet, which will accommodate approximately 50 additional vendor spaces.
- (g) The replacement outdoor sales areas are currently paved. No grading, paving, or construction is proposed with this minor amendment.
- (h) No Conditions of Approval were included with Use Permit ZA-3117. Conditions added by Resolution No. 10-037 are incorporated by reference (Condition 6). The following new conditions of approval have been added with this Minor Amendment: Condition 1: Specific Uses, Condition 2: Permit Approval Notice, Condition 3: Correct Water System Deficiency, Condition 4: Construction of Restrooms, Condition 5: Indemnification Agreement.
- (i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files ZA-3117 and PLN170974.

2. FINDING:

CONSISTENCY - The project as proposed qualifies as a Minor Amendment pursuant to Monterey County Code Section 21.74.120.A and does not cause impacts not already assessed in original permit action. As approved and amended, permit number PLN170974 will become and be referred to as the approved permit.

EVIDENCE:

- (a) The total area of outdoor retail sales will not be any larger that which was approved by the original permit, and the area for relocation is adjacent to the existing sales area. This will not result in any substantial change in operations.
- (b) The proposed sales area meets development standards for the Light Commercial Zoning designation, which allows open air retail and wholesales with a Use Permit, subject to approval by the Zoning Administrator. The relocation of the lost retail sales area is consistent with the use approved by the Zoning Administrator under the original Use Permit. No structures or development are proposed. Existing parking approved by the previous permit and by subsequent Use Permit ZA-3567 and ZA-3629 will continue to serve the project. There is adequate parking as required by Title 21.58 of the Inland Zoning Ordinance. One parking space per every 200 square feet of

sales area is required for Open Air Sales, thus for the 136,814 square foot sales area, 684 parking spaces are required. The project site has existing parking areas providing a total of 836 spaces.

- (c) The relocated sales areas are located on existing paved areas. No additional grading, paving, or construction is proposed.
- (d) The minor amendment does not allow any new use, or any net gain in sales area beyond that approved by the original use permit ZA-3117.
- (e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files ZA-3117 and PLN170974.

3. FINDING: **CEQA** - The Minor Amendment is categorically exempt pursuant to CEQA Guidelines 15301 and 15302.

- EVIDENCE:**
- (a) CEQA Guidelines Section 15301 categorically exempts operation of existing structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The minor amendment will not result in any expansion of use beyond that which was permitted by ZA-3117; therefore, the project qualifies for this exemption.
 - (b) CEQA Guidelines Section 15302 categorically exempts replacement of reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The project involves replacement of outdoor retail sales area that was lost as a result of the Caltrans project. The replacement area is on the same site and will have the same purpose and capacity as the area lost. It will still be used for outdoor retail sales area and will not be any expansion of square footage over that which was permitted.
 - (c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
 - (d) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files ZA-3117 and PLN170974.

4. FINDING: **PUBLIC NOTICE** - Consideration of the request for the amendment has been carried out pursuant to Monterey County Code Section 21.74.120 of Monterey County Code Title 21 (Inland Zoning).

- EVIDENCE:**
- (a) On February 6, 2019 notices of the pending approval were posted at the project site and were mailed to all parties that the Director has reason to know may be interested in the application.
 - (b) A request for public hearing was received on February 11, 2019 and

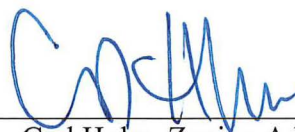
- Administrator on March 14th.
- (c) Staff received a request for continuance from the applicant on March 12th, 2019, and the item was subsequently continued to May 9th, 2019.
 - (d) On April 15th, 2019 staff received a request for continuance from the applicant. On May 9th, 2019, the item was continued to the May 30, 2019 Zoning Administrator hearing.
 - (e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files ZA-3117 and PLN170974.
5. **FINDING:** **APPEALABILITY** – The decision on this project may be appealed to the Planning Commission.
- EVIDENCE:** (a) Section 21.80.040 of the Monterey County Zoning Ordinance (Title 21) states that the proposed project is appealable to the Planning Commission

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- 1) Find that the project is operation of existing structures and replacement facilities and therefore qualifies for a Class 1 exemption under Section 15301 and a Class 2 exemption under Section 15302 of the CEQA Guidelines, and that none of the exceptions under CEQA guidelines section 15300.2 apply to this project; the project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
- 2) Approve a Minor Amendment (PLN170974) to ZA-3117 which allows relocation of 17,497 square feet of outdoor retail sales area in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30th day of May, 2019.



Carl Holm, Zoning Administrator

JUN 04 2019

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

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: **JUN 14 2019**.

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 may need a building and/or grading permit and must comply with the Monterey County RMA-Building Services 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 working days after the mailing of the 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 an 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.
2. This permit expires 2 years after the above date of granting thereof unless construction or use is started with this period.

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Monterey County RMA Planning

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

PLN170974

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Minor Amendment permit (PLN170974) allows relocation of 17,497 square feet of outdoor retail sales area. The property is located at 1000 Hwy 101, 1060 Hwy 101, 1150 Hwy 101, and 1050 Hwy 101 (Assessor's Parcel Number 141-013-035-000, 141-013-034-000, 141-310-037-000, 141-013-025-000), North County Area 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 Minor Amendment (Resolution Number 19-018) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 141-013-035-000, 141-013-034-000, 141-013-037-000, and 141-310-025-000 on May 30, 2019. The permit was granted subject to 6 conditions of approval 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 grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

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

3. EHSP01 - CORRECT WATER SYSTEM DEFICIENCIES (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: During a November 16, 2018 inspection of the water system that serves the site, El Camino Water System #16, EHB staff noted several deficiencies that need to be corrected.

All materials shall meet the requirements specified by the California Waterworks standards.

Compliance or Monitoring Action to be Performed: Within three months of commencement of operations within the relocated vendor area specified with this minor amendment, correct the water distribution system deficiencies noted by EHB staff. Provide documentation to the satisfaction of the EHB to demonstrate that the corrections have been made.

4. EHSP02 – CONSTRUCTION OF RESTROOMS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Within two years of permit approval the applicant or property owner shall obtain permits for and construct restrooms and wastewater treatment facilities as required by Monterey County Superior Court Case #M104908.

In the interim, the applicant/property owner shall ensure operations are consistent with the Interim Toilet plan as reviewed and approved by Environmental Health, to remain in effect until the permanent restrooms are constructed and online.

Compliance or Monitoring Action to be Performed: On an ongoing basis until permanent restrooms are constructed and online, operations shall be conducted consistent with the Interim Toilet Plan as reviewed and approved by Environmental Health.

Within one year of permit approval, the property owner or representative shall obtain necessary permits for the restrooms and wastewater treatment facilities.

Prior to two years from permit approval, the property owner shall obtain final inspection on construction permits for restrooms and wastewater treatment facilities as required by Monterey County Superior Court Case #M104908.

5. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel

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. (County Counsel)

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, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

6. PDSP_CONTINUING CONDITIONS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Conditions required by Court Case M104908, including those applied to the property by Resolution No. 10-037, shall continue to apply to this project.

Compliance or Monitoring Action to be Performed: Property owner or representative shall comply with the conditions required by Court Case M104908, including those applied to the property by Resolution No. 10-037.

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AREA A -	1,404 S.F.	4 SPACES
AREA B -	3,200 S.F.	7 SPACES
AREA C -	2,666 S.F.	10 SPACES
AREA D -	6,590 S.F.	20 SPACES
AREA E -	3,637 S.F.	9 SPACES
TOTAL S.F.	17,497 S.F.	50 SPACES

HATCH LEGEND

	VENDOR AREA ZA3117 (157,048 S.F.)
	VENDOR AREA CALTRANS TAKE (17,669 S.F.)
	RED BARN BLDG. (20,062 S.F.)*
	VENDOR AREA REMAINING (119,317 S.F. USABLE)
	200' RAD. FROM RESTROOM ALLOWABLE FOOD VENDORS
	20' MIN. WIDTH FIRE LANE (TYP)
	STORAGE SHEDS (E)

* RED BARN BLDG. AREA PRESENTLY NOT
PART OF ZA3117 VENDOR AREA - DEDUCTED
FROM ORIGINAL ZA3117 VENDOR AREA

LOSS OF VENDOR AREA

CALTRANS TAKE	17,669 S.F.
TOTAL AREA LOST	17,669 S.F.

REPLACEMENT VENDOR AREA

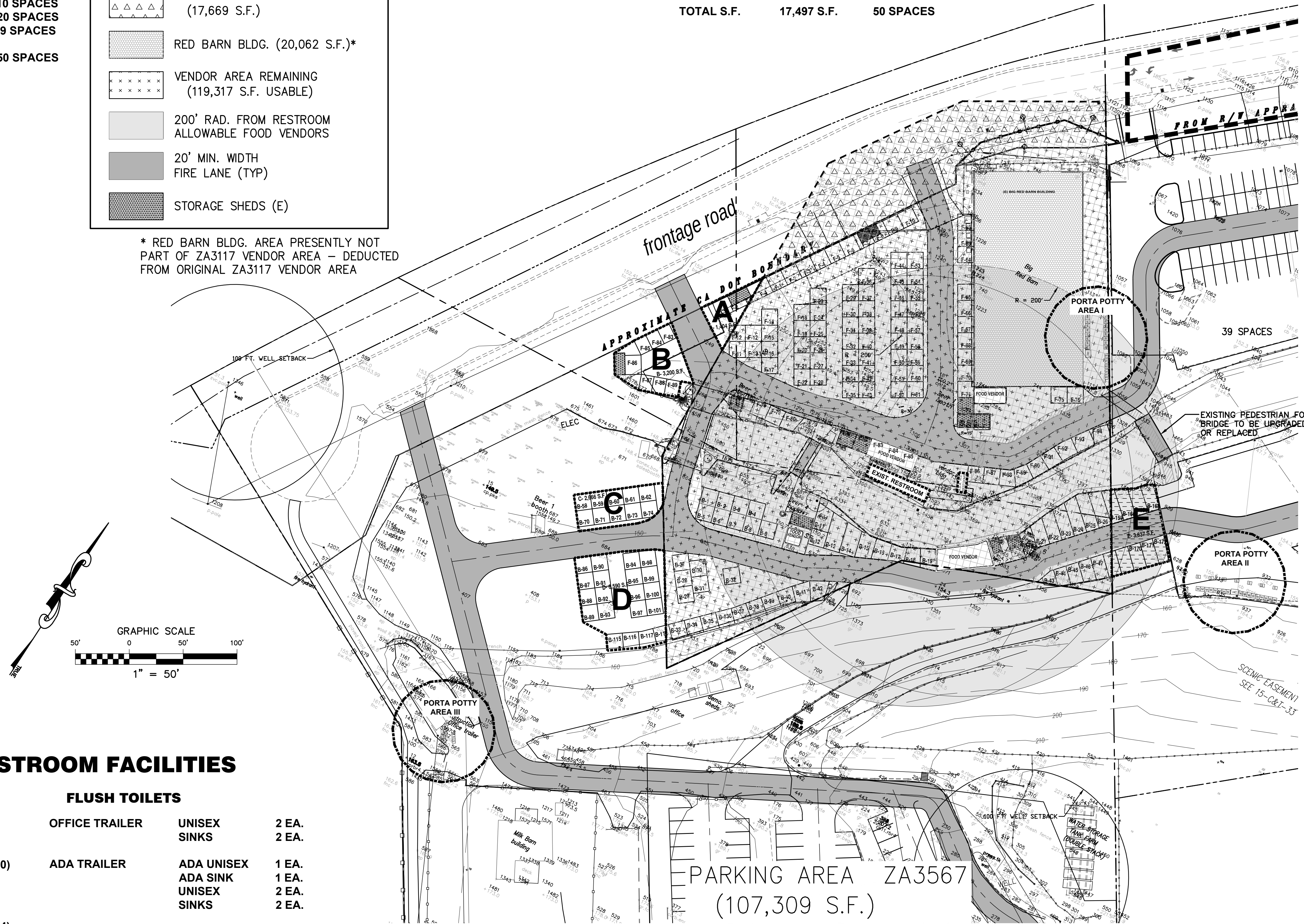
AREA A -	1,404 S.F.	4 SPACES
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AREA D -	6,590 S.F.	20 SPACES
AREA E -	3,637 S.F.	9 SPACES
TOTAL S.F.	17,497 S.F.	50 SPACES

FOOD VENDOR AREA QUALIFYING SPACES WITHIN 200' OF RESTROOM WITH FLUSHABLE TOILETS

REMAINING AREA	111 SPACES
AREA E	8 SPACES
TOTAL SPACES	119 SPACES

VENDOR SPACE SUMMARY

ZA3117	137 SPACES
REPLACEMENT AREA	50 SPACES
TOTAL	187 SPACES



EXISTING RESTROOM FACILITIES

CHEMICAL TOILETS

AREA I	MEN	8 EA.
	WOMEN	8 EA.
	H-CAP	1 EA.
	SINKS	5 DBL. (10)
AREA II	MEN	8 EA.
	WOMEN	9 EA.
	H-CAP	1 EA.
	SINKS	7 DBL. (14)
AREA III	UNISEX	6 EA.
	SINKS	3 DBL. (6)

TOTALS	TOILETS	41 EA.
	SINKS	30 EA.

FLUSH TOILETS

OFFICE TRAILER	UNISEX	2 EA.
	SINKS	2 EA.
ADA TRAILER	ADA UNISEX	1 EA.
	ADA SINK	1 EA.
	UNISEX	2 EA.
	SINKS	2 EA.

TOTALS	TOILETS	5 EA.
	SINKS	5 EA.

SITE PLAN PROPOSED USES

PLN 170974

BUILDING SITE:

APN's 141-013-035-000, 141-013-036-000,
141-013-037-000 & 141-131-025-000
1000 HWY. 101 NORTH
AROMAS, CALIFORNIA 95004

OWNER:

STAGECOACH TERRITORY, INC.
SANDRA K. HILL, RECEIVER
1000 HWY. 101 NORTH
AROMAS, CALIFORNIA 95004
sandra@sandrakhillfiduciary.com



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REVISIONS

**SITE PLANS
RELOCATED VENDOR
AREAS**

DRAWN BY: K. TUNSTALL

**TUNSTALL ENGINEERING
CONSULTANTS, INC.**
124 EAST AUSA STREET
SALINAS CALIFORNIA 93901
(831) 758-2765 FAX (831) 758-2141

CIVIL ENGINEERING - BUILDING DESIGN

**RED BARN DEVELOPMENT
MINOR USE PERMIT AMMENDMENT
FOR: STAGECOACH TERRITORY, INC.**

DESIGNED BY: KEN TUNSTALL

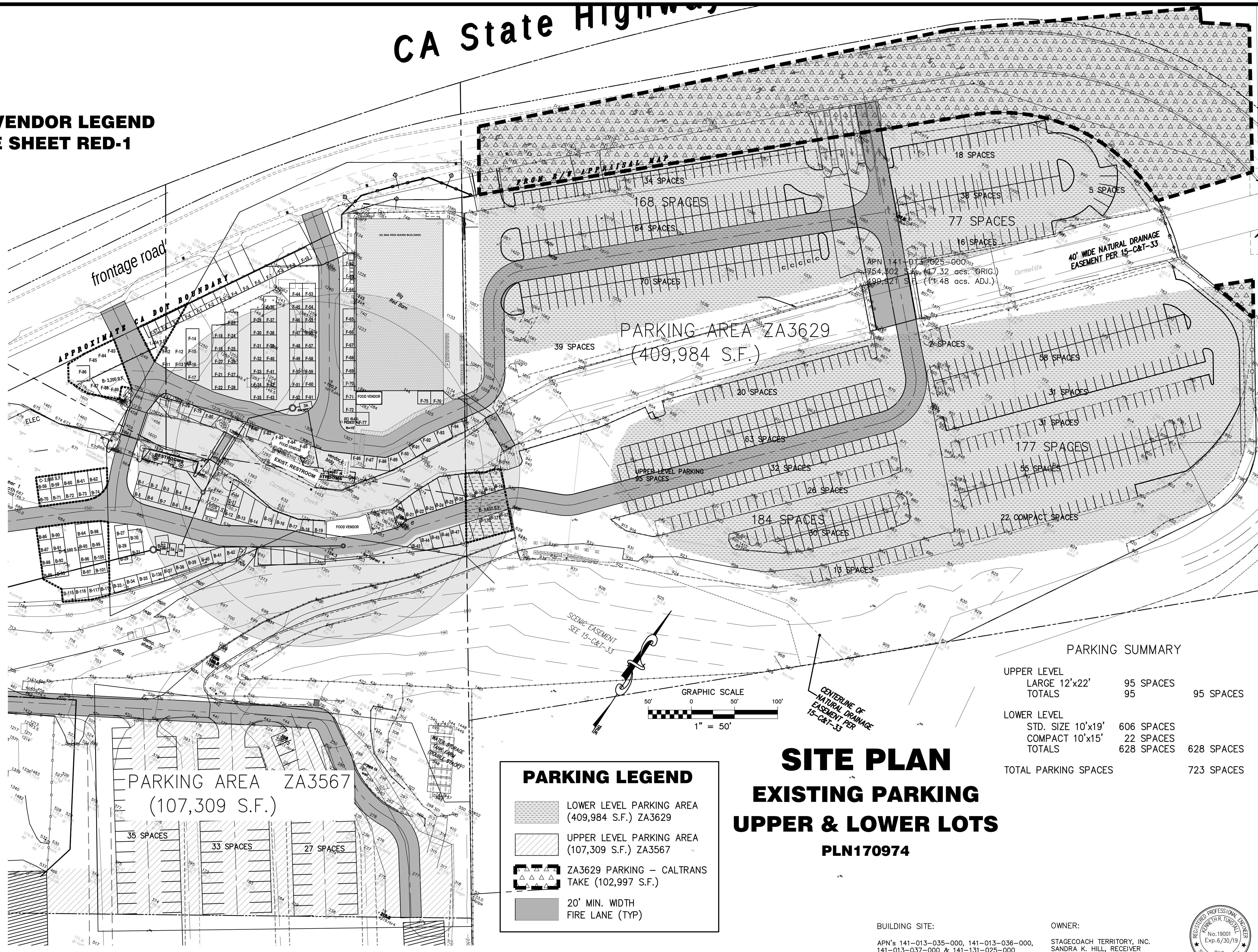
DATE: DEC. 3, 2018

PROJECT NO.
14-18A

SHEET NO.
RED-1
OF

CA State Highway

FOR VENDOR LEGEND
SEE SHEET RED-1



PARKING LEGEND

- LOWER LEVEL PARKING AREA (409,984 S.F.) ZA3629
- UPPER LEVEL PARKING AREA (107,309 S.F.) ZA3567
- ZA3629 PARKING - CALTRANS TAKE (102,997 S.F.)
- 20' MIN. WIDTH FIRE LANE (TYP)

**SITE PLAN
EXISTING PARKING
UPPER & LOWER LOTS
PLN170974**

PARKING SUMMARY

UPPER LEVEL		
LARGE 12'x22'	95 SPACES	
TOTALS	95	95 SPACES
LOWER LEVEL		
STD. SIZE 10'x19'	606 SPACES	
COMPACT 10'x15'	22 SPACES	
TOTALS	628 SPACES	628 SPACES
TOTAL PARKING SPACES		723 SPACES

BUILDING SITE:
APN's 141-013-035-000, 141-013-036-000, 141-013-037-000 & 141-131-025-000
1000 HWY. 101 NORTH
AROMAS, CALIFORNIA 95004

OWNER:
STAGECOACH TERRITORY, INC.
SANDRA K. HILL, RECEIVER
1000 HWY. 101 NORTH
AROMAS, CALIFORNIA 95004
sandra@sandrahillfiduciary.com

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REVISIONS

**SITE PLANS
RELOCATED PARKING AREA**

**TUNSTALL ENGINEERING
CONSULTANTS, INC.**
124 EAST AUSA STREET
SALINAS CALIFORNIA 93901
(831) 758-2765 FAX (831) 758-2141
CIVIL ENGINEERING — BUILDING DESIGN

**RED BARN DEVELOPMENT
MINOR USE PERMIT AMMENDMENT
FOR: STAGECOACH TERRITORY, INC.**
DESIGNED BY: KEN TUNSTALL
DATE: DEC. 3, 2018

PROJECT NO.
14-18A

SHEET NO.
RED-2
OF