

MONTEREY COUNTY PLANNING COMMISSION

Meeting: May 14, 2008 Time: 10:00 A.M	Agenda Item No. : 4
Project Description: Consider a request for waiver of fees for the processing of an application for an amendment of a use permit.	
Project Location: 10900 Merritt Street, Castroville	APN: 030-165-002-000
Planning File Number: PLN080152	Name: John and Alice Randazzo Trust, Property Owner
Plan Area: North County Area Plan and Castroville Community Plan	Flagged and staked: Not Applicable
Zoning Designation: : “LC-Z” (Light Commercial with Improvement District Overlay)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission partially approve the Fee Waiver Request per the draft Planning Commission Resolution contained in Exhibit B. The partial waiver would include waiving the fees for Planning, resulting in a fee of \$1,505.82 for the permit amendment and a fee of \$1,891.98 for environmental review.

SUMMARY:

The site is located on Merritt Street in Castroville (Exhibit F) in the area of the recently adopted Castroville Community Plan. A use permit (File No. ZA93059) was approved by the Zoning Administrator on November 17, 1994 which allows the use of the property for a range of activities including “Open Air Retail Sales.” The specific activities allowed under the use permit are listed under Condition of Approval No. 4 of the permit (See Exhibit C). The open air sales portion of the permit allowed the use of part of the site for the location of a number of booths which have been used for the operation of a flea market. The flea market has outgrown the site and resulted in traffic and pedestrian hazards as well as not permitted offsite parking. In addition, the use of storage and sale of recyclable construction materials, not specifically allowed under the use permit, has been established on the site.

Staff and the property owner have met to assure that the site is used safely and in compliance with the provisions of the approved permit and to address the hazards. The property owner, Mr. John Randazzo, has agreed to discontinue the use of the flea market and to apply for an amendment of the permit to include the use of storage and sale of recyclable construction materials. The flea market has been ceased to operate and Mr. Randazzo is intent on applying for the permit amendment. Mr. Randazzo has submitted a request for a waiver of the application fees for the processing of the amendment of the use permit (Exhibit D). The request does not qualify for waiving by the Director of Planning under the policy adopted by the Board of Supervisors (Exhibit E) and must be considered by the Planning Commission. Additional discussion and staff’s recommendation are included in Exhibit B below. Staff from the RMA-Planning Department recommends the waiving of fees for the Planning Department. Other departments have recommended that their portion of the fees not be waived.

The fees for the amendment and a potential environmental review and their distribution are as follows:

FEES FOR USE PERMIT AMENDMENT							
PLANNING	Doc. Mgt.	PWD	WRA	EH	County Co.	GPU	TOTAL
2,844.00	28.84	97.00	545.00	356.00	314.00	124.98	4,349.82
FEES FOR ENVIRONMENTAL REVIEW (ASSUMING NEGATIVE OR MITIGATED NEGATIVE DECLARATION)							
3,800.00	38.00	388.00	436.00	238.00	628.00	163.98	5,691.98
TOTAL FEE ASSUMING ENVIRONMENTAL REVIEW IS NECESSARY							10,041.18

OTHER AGENCY INVOLVEMENT:

- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Redevelopment Agency of Monterey County

The above checked agencies and departments have reviewed this request. Their recommendations have been included in the staff report. The fee waiver request was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, fee waivers do not warrant referral to the LUAC.

Note: The Planning Commission’s decision on this request for a waiver of fees is appealable to the Board of Supervisors.

Luis A. Osorio
 (831) 755-5177, osoriol@co.monterey.ca.us
 April 30, 2008

Front Counter Copy; Planning Commission Members (10); County Counsel; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Mike Novo, RMA - Planning Department; Luis A. Osorio, Senior Planner; Carol Allen; John Randazzo, Applicant; File PLN080152.

Attachments: Exhibit A Discussion
 Exhibit B Draft Planning Commission Resolution
 Exhibit C Zoning Administrator Resolution of Approval of Use Permit No. ZA93059
 Exhibit D Fee Waiver Request
 Exhibit E Fee Waiver Policy
 Exhibit F Vicinity Map
 Exhibit G Aerial Picture/Floodplain Delineation

This report was reviewed by Mike Novo, Director, RMA - Planning Department

EXHIBIT A

DISCUSSION

The open air retail component of the approved use permit allows for 35 spaces of 200 square feet each and 15 spaces of 100 square feet and requires a corresponding parking area. These spaces have been used for a weekly flea market which has operated for years. The required on-site parking has become insufficient and additional parking areas have developed spontaneously outside of the property. Vehicular traffic and off-site parking have resulted in hazards to pedestrians and vehicular traffic on Merritt Street which have prompted complaints from nearby residents. The majority of the property is located in the floodplain of the Tembladero Slough and the outdoor display area has been improved without appropriate review or permits; improvements in this area include the construction of a retaining wall and the leveling of the ground level to a higher elevation. None of the other uses allowed by the approved permit have been established. Instead, the property owner has established the use of outdoor and indoor storage and sale of recyclable construction materials under the understanding that this use qualifies under the open air retail sales component of the permit. The owner has stated that the improvements in the floodplain area were necessary after material excavated from the slough was placed on the property and to use that area for the storage of recyclable materials.

As a result of residents' complaints and inquiries from the California Highway Patrol about traffic and pedestrian hazards related to the flea market, several meetings have taken place involving the property owner and staff from several County departments, the Highway Patrol and Caltrans. The parties have agreed that the site should be considered for the sale of recycled material and that the flea market should be relocated or scaled back. County staff determined that an amendment of the use permit is necessary to establish and properly regulate the desired use on the property and to address the improvements within the floodplain. While Mr. Randazzo believes that the outdoor and indoor storage and sale of recycled construction materials is allowed under the open air retail component of his permit, he has agreed to apply for the amendment of the permit and has also discontinued the use of the flea market.

The subject property is located along the Merritt Street corridor within the bounds of the Castroville Community Plan (Community Plan). This corridor is designated in the Community Plan as an "Opportunity Area" for mixed use development with the objective of creating a revitalized downtown. The owners of two adjacent properties are working with the Redevelopment Agency in the preparation of plans for potential mixed use development projects.

The discussions with the applicant have focused on assuring the safe operation of the site activities and maintaining the potential for the development of the site as an important element of the Community Plan. To this end, staff will recommend a five-year time limitation for the proposed use; Mr. Randazzo has discontinued the operation of the flea market which has resulted in the reduction of parking, vehicular and pedestrian hazards on Merritt Street and, at the same time, resulted in the loss of revenue from the operation of the flea market.

Recommendation

Staff from the Water Resources Agency, RMA – Public Works and the Division of Environmental Health has recommended that their portion of the fees for the amendment not be waived. Staff from the RMA - Planning Department believes that a collaborative effort must be carried out to amend the permit, to correct site conditions arising from the placing on the site of material excavated from the slough and related improvements, and to maintain the viability of the site for the implementation of the Community Plan. Complementarily, the Redevelopment Agency has requested bids for a drainage and floodplain study that would provide baseline information and potential requirements for the development of properties fronting on the slough, including the subject site.

Staff from the RMA-Planning Department recommends that the Planning Department's portion (\$2,844.00) of the amendment fee be waived and that, if environmental review of the amendment is necessary, the Planning Department's portion (\$3,800.00) of the fees required for the review also be waived if such review is necessary. The latter is based on that, if environmental review is necessary, most of the analysis would involve floodplain- and traffic-related issues which would be completed by staff from the Water Resources Agency and Public Works. The partial fee waiver is recommended for three reasons:

- 1) The waiver would be an incentive to the property owner to begin work with the Redevelopment Agency towards developing a mixed use project for the site;
- 2) The owner has cooperated in closing a business that outgrew the site, with a loss of revenue; and
- 3) The proposed use will be recommended to be limited to five years as an interim use.

The waiver would result in an application fee of \$1,505.82 for the permit amendment and a fee of \$1,891.98 for environmental review, if necessary.

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

Resolution No. _____

Approve a partial waiver of the fees for the)
processing of an amendment of a Use Permit)
(ZA93059) necessary to allow the use of)
outdoor and indoor storage and sale of used)
and reusable construction materials on the)
subject site (Assessor's Parcel Number 030-)
165-002-000) based on the Planning)
Commission's authority to waive permit fees)
when the request does not meet the listed)
criteria for RMA-Planning Director-)
authorized fee waivers as established by the)
County Board of Supervisor's adopted Fee)
Waiver Policy of August 29, 2000.)

WHEREAS, Use Permit No. ZA93059 was approved by the Zoning Administrator on November 17, 1994 subject to certain findings, evidence and conditions of approval; and

WHEREAS, Condition of Approval No. 4 of Use Permit No. ZA93059 allows "Open Air Retail Sales consisting of 35 spaces of 200 square feet each and 15 spaces of 120 square feet each;" and

WHEREAS, the use of "outdoor and indoor storage and sale recyclable construction materials" has been established on the property and this use is not specifically allowed by the provisions of Use Permit No. ZA03059; and

WHEREAS, County staff determined that the use of "outdoor and indoor storage and sale of recyclable construction materials" requires an amendment of Use Permit No. ZA93059; and

WHEREAS, the subject property owner has discontinued the approved open air retail sales portion of Use Permit No. ZA03059; and

WHEREAS, the subject property owner has agreed to amend Use Permit No. ZA03059 to include the use of "outdoor and indoor storage and sale of recyclable construction materials"

WHEREAS, the Planning Commission finds that an amendment to Use Permit No. ZA93059 to allow the use of "outdoor and indoor storage and sale of recyclable construction materials" requires a duly-noticed public hearing before the Zoning Administrator;

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION, under its discretionary authority to waive permit fees when such action does not meet the established criteria granted to the RMA-Director of Planning under County Board of Supervisors Policy adopted on August 29, 2000, hereby waives only those Planning Department processing fees (\$2,844.00) for a publicly-noticed hearing on an application for an amendment of Use Permit No. ZA93059 to include

the use of “outdoor and indoor storage and sale of recyclable construction materials; and waives the Planning Department’s portion (\$3,800.00) of applicable environmental review fees.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION, under its discretionary authority to waive permit fees when such action does not meet the established criteria granted to the RMA-Director of Planning under County Board of Supervisors Policy adopted on August 29, 2000, hereby waives only those Planning Department processing fees based on the following:

- 1) The waiver would be an incentive to the property owner to begin work with the Redevelopment Agency towards developing a mixed use project for the site;
- 2) The owner has cooperated in closing a business that outgrew the site, with a loss of revenue; and
- 3) The proposed use will be recommended to be limited to five years as an interim use.

PASSED AND ADOPTED on this 14th day of May, 2008, upon motion of Planning Commissioner _____, seconded by Commissioner _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

MIKE NOVO, SECRETARY

A COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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 OF THE BOARD OF SUPERVISORS 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.

EXHIBIT C

DALE ELLIS
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

NO. ZA93059

A.P.#030-165-001-000

Consider Approving an Application)
from ISAIAH WATKINS for a Use)
Permit for a Major Use Permit for)
Open Air Retail Sales, Caretaker's)
Quarters; RV Storage Yard; Mini)
Storage Facility; Auto Sales;)
Carnival; Recreational Facilities)
including a Mini Golf Course and)
Batting Cages, located on Lots 2)
and 3, Block 29, Map of Castroville,)
fronting on Merritt and Rico Street...)

WHEREAS: The application from ISAIAH WATKINS for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a Major Use Permit for Open Air Retail Sales, Caretaker's Quarters; RV Storage Yard; Mini Storage Facility; Auto Sales, Carnival; Recreational Facilities including a Mini Golf Course and Batting Cages, located on Lots 2 and 3, Block 29, Map of Castroville, fronting on Merritt Street and Rico Street, came on regularly for hearing before the Zoning Administrator, and

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

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 findings shown in Exhibit A and the conditions in Exhibit B.

PASSED AND ADOPTED this 17th day of November, 1994.


DALE ELLIS, AICP
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON DEC 12 1994

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DEC 22 1994

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.

EXHIBIT "A"
FINDINGS AND EVIDENCE

PROJECT NO. ZA93059

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1. Finding: That the proposed project, with the changes recommended by the Public Works Department, is consistent with the North County Area Plan and the Monterey County General Plan.
Evidence: The North County Area Plan designates the property as "Commercial". The proposed uses of RV Storage, Auto Sales, Batting Cages, Caretaker's Quarters and Mini-Storage Facility are allowed uses with a secured Use Permit.
2. Finding: That the site is physically suitable for the proposed use of RV Storage, Auto Sales, Batting Cages, Caretaker's Quarters and Mini-Storage Facility.
Evidence: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department and Health Department. There has been no indication from those agencies that the site is not suitable.
Evidence: There are no physical or environmental constraints such as geologic or seismic hazards areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the uses proposed.
3. Finding: That adequate water and sewer service exist on the property.
Evidence: Review of the application by the Environmental Health Department.
4. Finding: That adequate transportation facilities exist for the use.
Evidence: Review of the application by the Public Works Department.
5. Finding: That the proposed uses are compatible with the area.
Evidence: The proposed uses are of a commercial nature and are similar to other uses in the immediate vicinity of the site.
6. Finding: That the proposed uses will not have a significant overall environmental effect.
Evidence: As determined in the Initial Study prepared for the project, no potential significant adverse environmental impacts are expected as a result of the proposed uses on the property. A Negative Declaration has been filed for the project and reviewed without comments.

EXHIBIT "A"
FINDINGS AND EVIDENCE

PROJECT NO. ZA93059

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7. Finding: The conditions of approval are appropriate.
Evidence: The conditions are based on the recommendations of the local fire district, the Water Resources Agency, Environmental Health Department and the Department of Public Works. The conditions incorporate the concerns and recommendations of those departments.
Evidence: Additional conditions required for the approval to assure that the proposed uses and site amenities are compatible with other developments in the area.
8. Finding: Considering the record as a whole, there is no evidence that the project will have potential for adverse effect either individually or cumulatively on wildlife resources as defined under Section 759.2 and 711.2 of the Fish and Game Code.
Evidence: The administrative record as a whole, which must and does contain the following information, (See a-e below), supports the above finding. The site has been previously developed and does not contain wildlife resources as defined under Sections 759.2 and 711. of the Fish and Game Code.
a. Name and Address of Project Proponent
b. Brief description of project and its location.
c. An Initial Study has been prepared so as to evaluate the potential for adverse environmental impact.
d. When considering the record as a whole, there is no evidence that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends.
e. The presumption of the project's adverse effect on fish and wildlife resources or the habitat upon which the wildlife depends, has been rebutted on the basis of substantial evidence.
9. Finding: That the establishment, maintenance, or operation of the uses applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort and the general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
Evidence: Findings 1 through 8 above.
Evidence: There has been no opposition, either written or oral, presented during the course of the public hearing on this project.

EXHIBIT "B"
CONDITIONS

PROJECT NO. ZA93059

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1. 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 \$100.00 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)
2. That all landscaped areas and/or fences 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)
3. That there be no flags, banners, pennants, search lights, or other attention getting devices, other than approved signs, on the property. (Planning and Building Inspection)
4. That the uses on the site be limited to the following:
 - 1) Open Air retail sales consisting of 35 spaces of 200 square feet each and 15 spaces of 120 square feet each;
 - 2) Storage for a maximum of 20 Recreational Vehicles;
 - 3) Used Auto Sales area for a maximum of 10 vehicles;
 - 4) Batting Cages;
 - 5) Nonmotorized uses (bicycling, skateboarding, rollerblading, etc.)
 - 6) Caretaker's Quarters;
 - 7) Mini-Storage facility area for 20 individual storage spaces of 70 square feet each;
 - 8) Carnival;
 - 9) Use of existing building for retail sales;
 - 10) Miniature Golf Course; and
 - 11) Sale of pre-prepared foods and non-alcoholic beverages.(Planning and Building Inspection)
5. That the hours of operation be limited to the following: 9:00 a.m. to 10:00 p.m. on week days and 7:00 a.m. to 10:00 p.m. on weekends and holidays. (Planning and Building Inspection)
6. That the operation of the carnival allowed by the Use Permit be limited to one week per year, total, including time to set up and remove the carnival facilities. (Planning and Building Inspection)
7. That the applicant obtain all necessary building permits for the Caretaker's quarters. (Planning and Building Inspection)

EXHIBIT "B"
CONDITIONS

PROJECT NO. ZA93059

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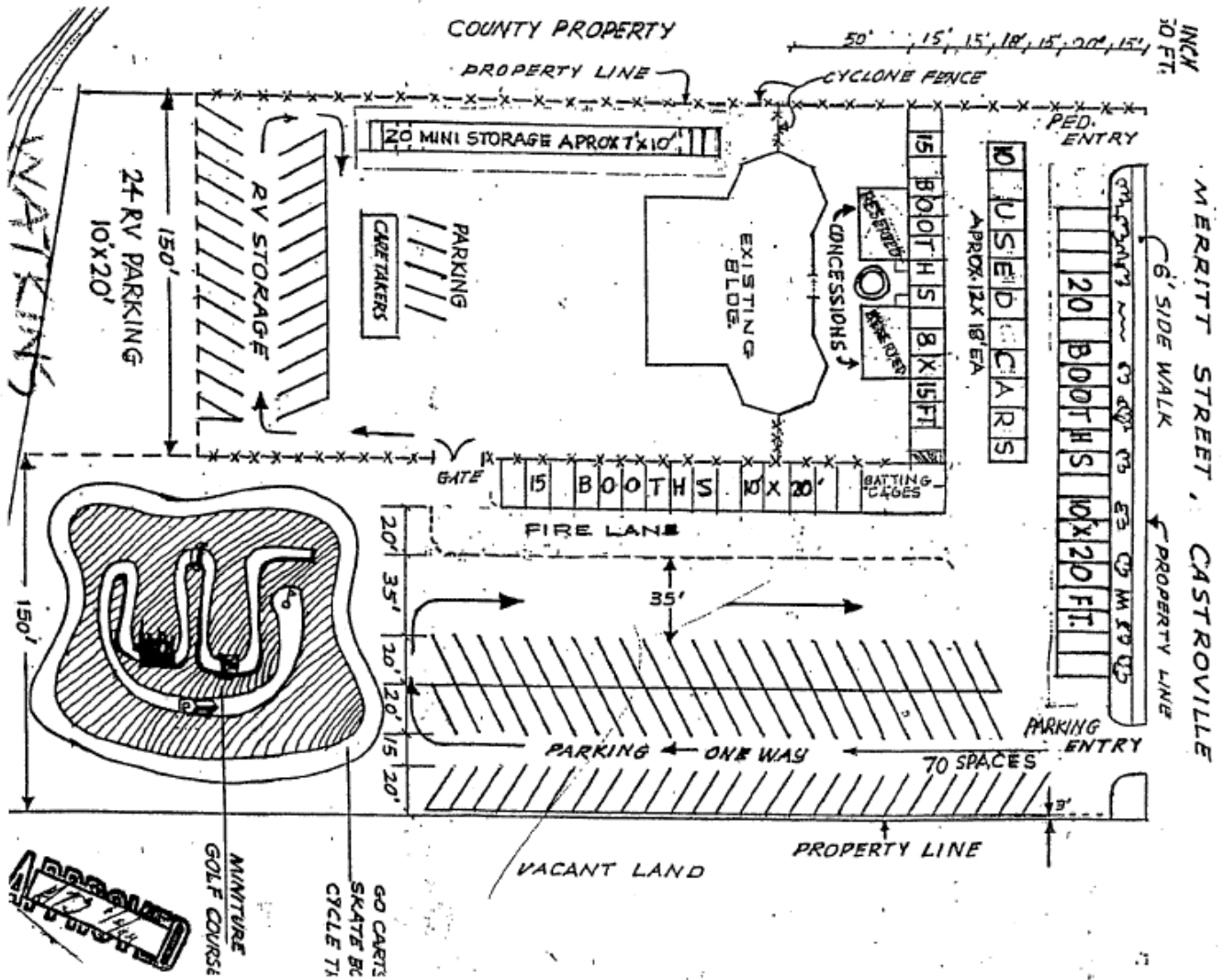
8. That the parking layout and circulation shall be reviewed by the Director of Public Works. That the parking requirements shall meet the standards of Title 21 and be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or commencement of the approved use. (Public Works; Planning and Building Inspection)
9. Prior to the issuance of a building permit or initiation of the use, applicant shall cause to be removed from the property all junk, including scrap metals, scrap materials, dismantled or wrecked vehicles or machinery, garbage, debris or similar materials and other materials not accessory and incidental to the uses allowed by this permit. (Planning and Building Inspection)
10. In order to preserve the capacity of the floodway, there shall be a 50 foot setback from the top bank of Tembladero Slough. There shall be no fill or construction within this setback. (Water Resources Agency)
11. 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)
12. Lowest floor and attendant utilities shall be constructed at least 13 feet above mean sea level (NGVD 1929). To provide for the floodproofing and certification of the lowest floor elevation, a reference marker shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. (Water Resources Agency)
13. Mobile home shall be anchored in accordance with County Ordinance #3272 to resist flotation, collapse, and lateral movement, to be certified by a registered civil engineer. (Water Resources Agency)
14. That the applicant provide off-street parking. Layout to be approved by the Director of Planning and Building Inspection and a circulation plan to be approved by the Director of Public Works. (Planning and Building Inspection, Public Works)
15. If required, obtain a sewer connection permit from County Service Area 14. (Public Works)
16. That the applicant provide and maintain a 20 foot-wide fire apparatus roadway to within 150 feet of any portion of the building. (North County Fire District)
17. That the storage of RVs, automobiles or storage units be arranged to provide fire apparatus access and compliance with the California Fire Code in regards to property setbacks, etc. (North County Fire District)

EXHIBIT "B"
CONDITIONS

PROJECT NO. ZA93059

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18. That the applicant be responsible for maintaining the premises in a clean and orderly manner and remove all combustible refuse including christmas trees immediately after an event. (North County Fire District)
19. That where applicable, vendors must comply with the California Uniform Retail Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans, review fees, and obtain any necessary health permits prior to the sale of food or produce. (Environmental Health)
20. That 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. That 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)
21. The property owner agrees as a condition of the approval of this permit to defend at his sole expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' 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 any such action; but such participation shall not relieve applicant of his obligations under this condition. Said indemnification agreement shall be recorded upon demand of County Counsel or prior to the issuance of building permits or use of the property, whichever occurs first. (Planning and Building Inspection)
22. The applicant shall record a notice which states: "A permit (Resolution ZA93059) was approved by the Zoning Administrator for Assessor's Parcel Number 030 165 001 000 on November 17, 1994. The permit was granted subject to 22 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)



Randazzo Enterprises, Inc.

13550 Blackie Road
Castroville, CA 95012-3200
CA License #471936 A, B, C-8 & C-21

Phone: 831 633-4420
Fax: 831 633-4588

web-site: Randazzoenterprises.com

4-4-08

County Of Monterey Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901
Attn. Monterey County Planning Commission C/O Mike Novo

RE: Amended Use Permit Fee Waiver-Randazzo Property, Castroville

Mr. Novo,

As you are aware, I John Randazzo own property @ 10900 Merritt Street in Castroville. I currently have a use permit (ZA939059) to operate a facility with the following uses:

- Major outdoor retail sales.
- Mini golf
- Batting cages
- RV storage
- Flea Market (approximately 50 spaces)
- Use of existing building for retail sales

Monterey County Planning Department and Code Enforcement received complaints resulting from the operation of the flea market (Sundays only). From the complaints stemmed several meetings to resolve public safety issues resulting from the operation of the flea market. Specifically, some residents were concerned that several visitors of the flea market were parking in public areas and crossing the street without a crosswalk. Additionally, the amount of visitors pulling into and out the parking lot also created "back-ups" along Merritt Street that impeded the flow of traffic.

During these meetings, the County of Monterey determined that Randazzo's selling of salvaged materials such as lumber; pipe, doors, windows, brick, rock, appliances, etc. did not fall under the umbrella of "major outdoor retail sales."

As you may also be aware, I own Randazzo Enterprises, Inc. (Randazzo's). We are a California licensed demolition contractor. We deconstruct and salvage various building components whenever feasible. We also perform large land clearing projects throughout central and northern California. We have a facility on Blackie road where we do all our

Our goals are safety and satisfied customers.

processing. The facility on Merritt Street is where various building components are sold. We have been doing some type of salvaging or recycling for over 35 years.

We are one of the largest recyclers in the county. This property/business is a resource for the entire county. It is helping to follow the objectives of sustainable design/building. The basic objectives of sustainable design are to reduce consumption of non-renewable resources, minimize waste, and create healthy productive environments. In essence, we are reducing negative impacts on the environment.

If you walk through the facility, you will see items recycled from hundreds of projects. You also see items that would otherwise have been landfilled. Where in this county could one go to find salvaged items such as these?

Randazzo has been collaborating with the County towards finding a solution. We have held several meetings with County staff. A general agreement has been in the works and we are working with the County to resolve these issues. As it stands, the County has requested we obtain an amended use permit to keep selling the items we are currently selling. In return, Randazzo would give up flea market operations. Furthermore, the mini golf, batting cages, & RV storage would be removed from the use permit.

We have agreed to amend and we are requesting a waiver of all fees required for the processing of the amendment of our permit. We do not feel we have violated any rules or laws. We are willing to give up the flea market which has been a profitable and viable part of our business at this facility. However, we do not want to be "doubly penalized" by both giving up a portion of our business, and then having to pay a large fee to continue doing something so beneficial for the County.

Please do not penalize me for trying to conduct a business that I think is so beneficial for our County.

Respectfully,

John Randazzo
Owner

Cc:

Lou Calcagno-Supervisor 2nd District
Luis Osorio-Senior Planner
Beth Shirk-Ombudsperson

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Resolution 2000- 342

Resolution Amending the Monterey)
County Master Fee Resolution to)
Clarify the Fee for Appeals on)
Land Use Issues and Establish)
Criteria for the Waiver of Fees in)
Specific Circumstances.)

Whereas: Chapter 1.40 of the Monterey County Code establishes the Monterey County Master Fee Resolution (the Resolution) as the vehicle for setting and amending fees; and,

Whereas: The Board wishes to clarify the appeal fee for land use issues and to establish criteria and authority for the Director of Planning and Building Inspection to waive fees in specific cases; and,

Whereas: The Board has received a report and recommendations from the County Administrative Office and Planning and Building Inspection; and,

Whereas: The Board has held a public hearing as required by law and heard from all interested parties;

NOW, therefore, be it resolved that the Board clarifies that the appeal fee for appeals to the Planning Commission or Board of Supervisors on land use issues is \$671.00.

Be it further resolved that the Director of Planning and Building Inspection may waive application and appeal fees for discretionary permit and building permit applications for:

1. Small day care centers (less than twelve children).
2. Inclusionary portions of proposed residential developments.
 - a. Special Handling affordable housing projects, as detailed in the adopted Special Handling criteria (25% affordable housing). Amount of fees waived is based on the percentage of affordable housing provided, and may include additional fees beyond the original application fees.
 - b. Persons age 62 or over on a fixed, very low income as defined by Housing and Urban Development.

- c. Reclassification applications to bring property into consistency with existing General Plan land use designations.
 - d. County or other government agencies.
 - e. Permit fees for the repair or reconstruction of property and structures damaged or destroyed by an act or event that has been declared a disaster by the Board of Supervisors where insurance is inadequate to pay the applicable fees.
8. Development, enhancement, expansion or modification of needed community facilities by non-profit organizations and community groups meeting the following criteria:
 - a. The proposed project is available for use by the general public; and
 - b. Provides a scope of benefit beyond the residents of the immediate vicinity; and,
 - c. Is of obvious public benefit. Evidence of public benefit includes, but is not limited to, projects that:
 - i. Meet a public need previously identified or recognized by the Board of Supervisors;
 - ii. Provide a public facility not presently available in the community;
 - iii. Have generated obvious, substantial community support; or,
 - iv. Would either reduce County costs or increase County revenue.
 9. General Plan amendments for parcels with inappropriate or inaccurate land use designations provided the property has been field checked and verified that it is inaccurately or inappropriately designated.

Requests Not Conforming to Policy:

The Planning Commission shall consider all requests for fee waivers not meeting the above criteria.

Appeal of Director's Decision:

The Planning Commission shall consider all appeals of decisions of the Director on fee waiver requests.

Payment of Fees:

All fees shall be paid at the time of the filing an application or an appeal. Should the fees subsequently be waived, the fees shall be refunded.

On motion of Supervisor PENNYCOOK, seconded by Supervisor SALINAS, and carried by those members present, the Board hereby adopts this resolution amending the Monterey County Master Fee Resolution to clarify the fee for appeals on land use issues and establish criteria for the waiver of fees in specific circumstances.

PASSED AND ADOPTED this 29th day of August, 2000, by the following vote, to-wit:

AYES: Supervisors Salinas, Pennycook and Calcagno.

NOES: None.

ABSENT: Supervisors Johnsen and Potter.

I, SALLY R. REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 70, on August 29, 2000.

DATED: August 29, 2000

SALLY R. REED, Clerk of the Board
of Supervisors, County of Monterey, State of
California

By: 

Deputy

