

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02016

A.P. # 117-291-026-000

FINDINGS AND DECISION

In the matter of the application of  
**The J M Smucker Company (PLN000592)**

for a General Development Plan for an existing industrial food processing, facility which would allow a 3,200 sq. ft. two-story employee/office addition to an existing structure and a new 20,000 sq. ft. warehouse building, located at 423 Salinas Road, Watsonville along Salinas Road and Railroad Avenue, North County (Non-Coastal) Area Plan, came on regularly for hearing before the Planning Commission on March 13, 2002.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1.     **FINDING:**     The subject General Development as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, North County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located 423 Railroad Avenue, Pajaro. The parcel is located in an Industrial land use zone and the zoning designation is HI (Heavy Industry). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21.  
**EVIDENCE:**     The Planning and Building staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
  - a) The North County Area Plan
  - b) Chapters 21.28, 21.58 and 21.64 of the Monterey County Zoning Ordinance.**EVIDENCE:**     The project is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Public Works, Water Resources, Environmental Health, North County Fire Department, Monterey County Redevelopment Agency, and the North County (Non-Coastal) Advisory Committee. There has been no indication from these agencies that the site is unsuitable for the proposed development. Each agency has recommended conditions for project approval.  
**EVIDENCE:**     The proposed use is consistent with the development standards within Chapters 21.28 and 21.58 (Title 21), of the Monterey County Zoning Ordinance regarding regulations for Heavy Industrial Zoning Districts and Parking.  
**EVIDENCE:**     The application, plans and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.  
**EVIDENCE:**     The on-site inspection by the project planner on May 31, 2001 to verify that the proposed project complies with the Zoning District, the General Plan, and the North County Land Use Plan.
  
2.     **FINDING:**     The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File # 000592) in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes

required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter “the Program”) has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit “E” and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 2620 1<sup>st</sup> Avenue, Marina, CA is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on January 31, 2002. The following evidence has been received and considered: All comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County’s independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

- Project Application/plans/Interdepartmental Review Forms/Personal Communications.
- Monterey County General Plan
- North County Area Plan
- North County Area Plan, Inventory and Analysis
- 1997 Air Quality Management Plan, Monterey Bay Unified Air Pollution Control District.
- Preliminary Geotechnical Foundation Recommendations, Harza Engineering Company, February 26, 2001.
- Geotechnical Investigation for J.M. Smucker Company Facility, Harza Engineering Company Inc., March 20, 2001.
- J.M. Smucker Master Plan Traffic Analysis Report, Higgins Associates, February 26, 2001.
- Site visit on May 29, 2001.
- J. M. Smucker Co. Phase 2 – 423 Railroad Avenue, Watsonville, California 95076 (Phase Two construction documents), Wald, Ruhnke & Dost Architects, LLP, March 21, 2001.

EVIDENCE: The Program for Monitoring and/or Reporting on Conditions of Approval, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.

EVIDENCE: No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent

assessment of those studies, data and reports.

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

3. FINDING: The site is physically suitable for the proposed use.  
EVIDENCE: The subject parcels are flat, paved and contain existing industrial uses. The project consists of additions to an existing building and construction of a new warehouse in conjunction with the existing uses on the site.  
EVIDENCE: This project will expand the current use. The new warehouse will house the containers that are currently placed on the open ground in the proposed warehouse location.
4. FINDING: Adequate services are available to serve the proposed project.  
EVIDENCE: The water resources agency did not have any objections to this project. The proposed project can hook up to existing water and sewer lines.
5. FINDING: The proposed project will not create a substantially adverse visual impact when viewed from a common public viewing area.  
EVIDENCE: The project site is not within a visually sensitive area.
6. FINDING: The establishment, maintenance, or operation of the use and building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.  
EVIDENCE: The project as described in the application and the accompanying materials was reviewed by the Monterey County Planning and Building Inspection Department, Public Works, Water Resources, Environmental Health, North County Fire Department, Monterey County Redevelopment Agency, and the North County (Non-Coastal) Advisory Committee. These departments and agencies 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.  
EVIDENCE: The project would be subject to all Federal, State, and Local laws regarding the use, storage, and maintenance of ammonia based cooling systems.
7. FINDING: The project is appealable to the Board of Supervisors.  
EVIDENCE: Section 21.80 of the Monterey County Zoning Ordinance (Title 21).

### DECISION

THEREFORE, it is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a General Development Plan be granted as shown on the attached sketch and subject to the following conditions:

1. This permit is a General Development Plan (PLN000592) for development in the HI District, in accordance with County ordinances and land use regulations, and subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations

and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

**To be Incorporated into any Subsequent Use Permit Conditions, to be enforced Prior to the Issuance of Grading and/or Building Permits:**

2. The applicant shall record a notice which states: “A general development plan (Resolution #02016) was approved by the Monterey County Planning Commission for Assessors Parcel Numbers 117-291-009, -010,-011, -024,-026 and -027 on March 13, 2002. The permit was granted subject to 23 conditions of approval that 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 or grading permits. **(Planning and Building Inspection)**
3. Prior to issuance of building permits, the applicant shall enter into an agreement with the County to implement the Mitigation Monitoring Plan adopted for this project. **(Planning and Building Inspection)**
4. If the lowest floor of the processing building is below the base flood elevation, the applicant shall provide the County Water Resources Agency an appraisal market value of the processing building and a cost estimate for the proposed additions to the processing building prior to issuance of any grading or building permits. If the proposed project equals or exceeds 50 percent of the market value of the structure, the structure shall be floodproofed in accordance with County Ordinance #3272. **(Water Resources Agency)**
5. Owner shall record a notice, for each parcel, 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)**
6. Lowest floor and attendant utilities for the *proposed warehouse* shall be constructed at least 26.5 feet above mean sea level (NGVD 1929). To provide for the floodproofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. 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)**
7. If the lowest floor of the existing processing is at or above the base flood elevation, the lowest floor of the proposed addition and attendant utilities for the *processing building* shall be constructed at least 26 feet above the mean sea level (NGVD 1929). To provide for the floodproofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to the 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)**
8. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, and necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
9. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**

10. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a. All toilets shall be ultra-low flow toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than 10 feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
  - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**
11. The applicant shall pay a pro rata contribution towards a westbound San Juan Road left turn lane at Allison Road and a traffic signal at the Salinas Road/Railroad Avenue intersection. The pro rata share will be based upon project trip generation at the time of use. **(Mitigation Measure #2 - Public Works)**
12. The applicant shall pay a pro rata share for any additional railroad crossing devices required by the California Public Utilities Commission due to additional trip generation on Railroad Avenue. The current warning devices consists of two standard No. 8 flashing light signals (G.0.75-C). Future warning devices could include the installation of electronic crossing arms on Railroad Avenue at Kents Court. **(Public Works)**
13. The internal circulation and parking for the project shall be approved by the Department of Public Works. **(Public Works)**
14. The applicant shall obtain all necessary permits and pay all fees required by the Pajaro County Sanitation District. **(Public Works)**
15. The existing processing building to which the proposed additions will be made shall be retrofitted with automatic fire sprinklers per NFPA Standard #13 and the Fire Code. **(North County Fire)**
16. An automatic fire alarm system shall be provided throughout the existing processing building to which the proposed additions will be made, per NFPA 72 and the Fire Code. **(North County Fire)**
17. A fire mitigation fee will be applied to all new floor areas at a rate of 18 cents per square foot and will be assessed on the building permit. **(North County Fire)**
18. Plan check and inspection fees shall be invoiced by the Fire District for construction, sprinklers and alarms. **(North County Fire)**
19. Project construction shall comply with all Monterey Bay Unified Air Pollution Control District (MBUAPCD) rules and regulations. Dust-reducing measures shall include the basic control measures (measures obtained from page 8-2 and Table 8-2 of the MBUAPCD CEQA Guidelines, October 1995), as follows:
  1. Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
  2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

- 4. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
  - 5. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. **(Planning and Building Inspection)**
  - 6. Contact the Engineering Manager at the MBUAPCD to determine if a permit or permits from the District are required, and obtain any permits so required. **(MBUAPCD)**
- 20. If the project would generate heavy duty diesel truck traffic, a risk assessment should be undertaken to determine potential health impacts on adjacent land uses. **(MBUAPCD)**
  - 21. The project shall be constructed in conformance with the recommendations included in the geotechnical report entitled Geotechnical Investigation, J.M. Smucker Company Facility, 423 Railroad Avenue, Watsonville, California, Harza Project No.: 19020-CA, dated March 20, 2001. **(Mitigation Measure #1 - Planning and Building Inspection)**
  - 22. The applicant must apply for a discretionary permit for any and all work which requires such a permit pursuant to the Monterey County Zoning Ordinance (Title 21). Such an application shall be subject to environmental review to the extent not covered in this general development plan. **(Planning and Building Inspection)**

**Continuous Permit Conditions :**

- 23. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**

**PASSED AND ADOPTED** this 13th day of March, 2002, by the following vote:

AYES: Errea, Sanchez, Hawkins, Parsons, Brennan, Pitt-Derdivanis, Diehl, Hernandez, Wilmot  
 NOES: None  
 ABSENT: Lacy

Original Signed By:

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DALE ELLIS, SECRETARY

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 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 90<sup>th</sup> 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. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

Monterey County Planning & Building  
Inspection  
Program for Monitoring or  
Reporting\* on  
Conditions of Approval

<b>Project Name:</b> <u>Smuckers General Development Plan</u>	
<b>File No:</b> <u>PLN000592</u>	<b>APNs:</b> <u>117-291-001</u>
<u>010, -011,</u>	<u>-024, -026, &amp; -027</u>
<b>Approval by:</b> <u>PLANNING COMMISSION</u>	
<b>Date:</b> <u>3</u>	

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<b>Mitigation Measure Number, Category, Text, and Responsible Land Use Department</b>	<b>Monitoring Actions to be performed or documented</b>	<b>Responsible Party</b>	<b>Monitoring (Timing)</b>
<b>MM#1 (Traffic):</b> The applicant shall pay a pro rata contribution towards a westbound San Juan Road left turn lane at Allison Road and a traffic signal at the Salinas Road/Railroad Avenue intersection. The pro rata share will be based upon project trip generation at the time of use. <b>(Public Works)</b>	Provide the Director of Planning and Building Inspection written certification of clearance of this requirement from the Public Works Department.	Applicant	Prior to building permit under any planning approval under this development
<b>MM#2 (Geology)</b> The project shall be constructed in conformance with the recommendations included in the geotechnical report entitled <u>Geotechnical Investigation, J.M. Smucker Company Facility, 423 Railroad Avenue, Watsonville, California, Harza Project No.: 19020-CA, dated March 20, 2001.</u> <b>(Planning and Building Inspection)</b>	Submit building permit construction plans to the Planning & Building Inspection Department in accord with the geotechnical report.	Applicant	Prior to building permit under any planning approval under this development
	Submit a letter from Harza Engineering Company verifying that building plans are in accord with the recommendations of the geotechnical report.	Applicant	Prior to building permit under any planning approval under this development
	Submit a letter from Harza Engineering Company verifying that construction is in accord with the recommendations of the geotechnical report.	Applicant	Prior to building permit under any planning approval under this development