

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

RESOLUTION NO. 02051

A.P. # 030-301-009-000

FINDINGS AND

DECISION

In the matter of the application of
Ocean Mist (PLN010416)

for a Use Permit amendment in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow an amendment to a previously approved Use Permit (ZA95039), and General Development Plan to allow a 30,902 sq. ft. addition to an agricultural product processing facility, and an 1,740 sq. ft. addition for a restroom, break room and office to an existing 83,667 sq. ft. cold room, dock and office building; and a 1,667 sq. ft. internal mezzanine addition, located at 13585 Blackie Road, Castroville, in the Castroville Industrial Park West, North County Non-Coastal area, came on regularly for hearing before the Planning Commission on August 28, 2002.

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

FINDINGS OF FACT

1. **FINDING:** The subject amendment to Use Permit ZA95039 (PLN010416) as described in Condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, North County Non-Coastal Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 13585 Blackie Road, Castroville. The parcel is zoned "HI-Z" or Heavy Industrial & Improvement Zoning Districts. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
 - a) The General Plan
 - b) The North County Area Plan
 - c) Chapter 21.28 of the Monterey County Zoning Ordinance regulations for development in the Heavy Industrial Zoning District (HI).
 - d) Chapter 21.56 of the Monterey County Zoning Ordinance regulations for development in the Improvement Zoning District (Z).**EVIDENCE:** The project site 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, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and North County Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.
EVIDENCE: The proposed use is consistent with the development standards for Heavy Industrial uses pursuant to Title 21, Monterey County Zoning Ordinance.

EVIDENCE: Sections 21.28 and 21.56 of the Monterey County Zoning Ordinance (Title 21). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

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: On-site inspections by the project planner, October 2001 and again on August 12, 2002 to verify that the proposed project complies with the North County Area Plan.

EVIDENCE: There is sufficient build able area on the subject property to accommodate the new addition to the cold storage facility as well as compensate for relocated parking areas.

EVIDENCE: Resolution No. ZA95039 (Previous Use Permit) (Exhibit "E.")

EVIDENCE: Staff has reviewed the original use permit. The project is in compliance with the original permit and all of its conditions.

2. **FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Negative Declaration has been adopted. 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 and mitigated, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process.

Studies, data, and reports prepared by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based in the Coastal Offices of the Monterey County Planning and Building Inspection Department, 2620 1st Avenue, Marina, CA 93933. 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: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project, would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on July 31, 2002 and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed 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:

- a. Archaeological Survey of the Nottingham Ranch, Blackie Rd, Castroville, Monterey County. March 9, 1987. Archaeological Resource Service. (Novato, Ca)
- b. Geotechnical Investigation for the Castroville Industrial Park West, September 1995 (Project No. M4934) Haro, Kasunich and Associates, Inc.

EVIDENCE: File and application materials; Initial Study and Negative Declaration contained in the project

file.

3. **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, supports the above finding -

- a. Ocean Mist Farms, 10855 Cara Mia Parkway, Castroville, California 95012
- b. The project is a proposed amendment to Use Permit ZA95039 which allowed construction and operation of an 83,667 sq. ft. cold storage facility, dock and office building on a 14.39 acre site in the Castroville Industrial Park, West. The proposal will amend the Use Permit and General Development Plan to allow a 30,902 sq. ft. addition to the Ocean Mist agricultural processing facility, and a 1,740 sq. ft. addition for a restroom, break room and office area. The proposed addition will match the existing metal building materials and colors and will be built on an existing 12" thick concrete slab. No additional impervious surface areas will be created; no grading is proposed; and no alterations to existing drainage patterns are expected. The site is currently developed within the Castroville Industrial Park West. The entire site, other than the landscaped areas, is either paved or is developed with structures. No watercourse or environmentally sensitive habitat is present on the project site. Agricultural fields border the northeast side of the property and demarcate the junction of urban and agricultural land uses.
- c. An Initial Study has been prepared 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.

4. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, applicable Fire Department, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

EVIDENCE: File and application materials, Initial Study and Negative Declaration contained in the project file.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Use Permit consists of an Amendment to a previously approved Use Permit (ZA95039), and General Development Plan to allow a 30,902 sq. ft. addition to an agricultural processing plant, and a 1,740 sq. ft. addition for a restroom, break room and office to an existing 83,667 sq. ft. cold room, dock and office building. A 1,667 sq.ft. internal mezzanine will also be added. The new cold room addition is requested to provide additional cold storage for vegetable produce from the fields. No increased production or acreage is planned. The project is located at 13585 Blackie Road, Castroville, (Assessor's Parcel Number 030-301-009-000) in the North County Area Plan. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**
2. Status of Use Permit ZA95039: All conditions of approval granted by Resolution ZA95039, passed and adopted September 28, 1995, are hereby incorporated as conditions and as modified by this amendment. **(Planning and Building Inspection)**

Prior to the Issuance of Building Permits:

3. The applicant shall record a notice which states: "A permit (Resolution 02051) was approved by the Planning Commission for Assessor's Parcel Number 030-301-009-000 on August 28, 2002. The permit was granted subject to **11** 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)**
4. The applicant shall prepare a revised General Development Plan exhibit for review and approval by the Director of the Planning and Building Inspection Department to formalize the striping and placement of enough automobile parking spaces to accommodate existing employees and visitors: 54 parking spaces. **(Planning and Building Inspection)**
5. Obtain a sewer connection permit from County Service Area 14 and pay all fees. **(Public Works)**
6. 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. 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)**
7. Prior to the issuance of a building or grading permits, a drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts. Impervious surface stormwater runoff shall be directed to the existing drainage improvements for Castroville Industrial Park West. **(Water Resources Agency)**
8. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in the water use shall

require the identification and implementation of mitigation measures, if feasible, by the applicant. **(Water Resources Agency)**

9. The applicant shall submit plans for the fire sprinkler system and alarm system. **(Fire)**
10. The applicant shall comply with the 1997 Uniform Fire Code and Placement of fire extinguishers. **(Fire)**

Prior to Final Building Inspection/Occupancy:

11. The applicant shall comply with Ordinance No. 3932 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 flush 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 ten 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 & Planning and Building Inspection)**

PASSED AND ADOPTED this 28th day of August, 2002, by the following vote:

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

Original Signed By:

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 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

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