

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

RESOLUTION NO. 03006

A. P. # 117-052-017-000

FINDINGS AND DECISION

In the matter of the application of
Dreisbach Family Trust (PLN010363)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 1272 Highway 1, Watsonville, west of Highway 1, North County, Coastal Zone, came on regularly for hearing before the Planning Commission on January 29, 2003.

WHEREAS: Said proposal includes a:

- 1) Coastal Development Permit for the construction of a 21,460 square foot facility for the operation of a food catalog business including: 5,000 square feet of office space; a 4,000 square foot commercial kitchen/bakery; and approximately 12,000 square foot warehouse area; a parking area for 35 spaces; three (3) loading docks; and related landscaping and paving, and
- 2) an amendment to a previously approved General Development Plan
- 3) The project also includes the restoration of an existing barn to complement the proposed building design and to maintain the agricultural character that surrounds the property.

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

1. **FINDING: CONSISTENCY** - The Project, as conditioned is consistent with the North County Land Use Plan, Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for agricultural industrial development.

- EVIDENCE:**
- (a) PBI staff have reviewed the project as contained in the application and accompanying materials for consistency with the North County Land Use Plan, Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan. PBI staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the North County Land Use Plan which designates this area as appropriate for agricultural industrial development. Staff notes are provided in Project File PLN010363.
 - (b) Project planner conducted an on-site inspection on September 20, 2002 to verify that the project on the subject parcel conforms to the plans listed above.
 - (c) The project for an agricultural produce distribution facility is a conditionally allowed use in accordance with Section 20.24.06.B.
 - (d) The parcel is zoned Agricultural Industrial, Coastal Zone "AI (CZ)." The project is in compliance with Site Development Standards for an Agricultural Industrial District in accordance with Section 20.24.070.
 - (e) **LAND USE ADVISORY COMMITTEE:** The North County Coastal Land Use Advisory Committee recommended approval of the project by a vote of 8-0. LUAC meeting minutes dated January 22, 2002.

- (f) 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 Project File PLN010363.

2. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) The project was reviewed by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District. The respective 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

(b) Technical reports have been provided by consulting geotechnical engineers, geologists, and traffic engineers with recommended conditions and modifications that provide additional assurances regarding project safety. These reports include: "Engineering Geologic Report for a Proposed Industrial Building," prepared by Foxx, Nielsen and Associates, dated August, 2000; "Geotechnical Investigation Report-Hilltop Road Property," prepared by Haro, Kasunich and Associates, Inc., dated November 2000, updated by Addendum on November 9, 2001; "Traffic Analysis for Diamond Organics Hilltop Industrial Park. North Monterey County, California." Higgins Associates-Civil and Traffic Engineers, May 28, 2002. Reports are in Project File PLN010363.

4. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District. Conditions recommended have been incorporated.

(b) Technical reports by outside biology, archaeology, geology and geotechnical consultants indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitat areas or similar areas that would indicate the site is not suitable for the use proposed. These reports include: Biological Assessments by Vern Yadon dated November 6, 2002, and December 6, 2002; "Preliminary Archaeological Reconnaissance of APN 117-062-017 North Monterey County, California." prepared by Archaeological Consulting, July 31, 2000. "Engineering Geologic Report for a Proposed Industrial Building," prepared by Foxx, Nielsen and Associates, dated August, 2000; "Geotechnical Investigation Report-Hilltop Road Property," prepared by Haro, Kasunich and Associates, Inc., dated November 2000, updated by Addendum on November 9, 2001. Reports are in Project File PLN010363.

- (c) Staff conducted an on-site visit on September 20, 2002 to verify that the site is suitable for this use.
- (d) Necessary public facilities are available and will be provided.

5. FINDING: CEQA: On the basis of the whole record before the Planning Commission there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The mitigated negative declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- (a) The Monterey County Planning and Building Inspection Department prepared an Initial Study pursuant to CEQA. The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the office of PB&I and is hereby incorporated by reference. (PLN010363). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.
 - (b) A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation. Applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition #3).
 - (c) Evidence that has been received and considered includes:
 - 1) The application; 2) EIR for the Hilltop Properties Agro-Industrial Park. Environmental Management Consultants – SCH #85070913. October 1995; 3) Update to a Phase I Environmental Site Assessment of the Cascade Hilltop Facility. Clayton Environmental Consultants, 1996; 4) Preliminary Archaeological Reconnaissance of APN 117-062-017 North Monterey County, California. Archaeological Consulting, July 31, 2000; 5) Engineering Geologic Report for a Proposed Industrial Building. Foxx, Nielsen and Associates-Engineering Geology and Coastal Consulting, August, 2000; 6) Geotechnical Investigation Report-Hilltop Road Property. Haro, Kasunich and Associates, Inc., November 2000. Updated by Addendum on November 9, 2001; 7) Traffic Analysis for Diamond Organics Hilltop Industrial Park. North Monterey County, California. Higgins Associates-Civil and Traffic Engineers, May 28, 2002; 8) Hilltop Overall Development Plan. Michael Hitchcock Associates. April, 1998; 9) Biological Assessments by Vern Yadon dated November 6, 2002, and December 6, 2002; 10) Staff reports that reflect the County's independent judgment; 11) Information and testimony presented during public hearings. These reports are on file in the offices of PBI (PLN010363) and are incorporated by reference herein.
 - (d) The mitigated negative declaration was circulated for public review from December 17, 2002 to January 17, 2003.
 - (e) No comments from the public were received.
 - (f) The Monterey County Department of Planning and Building Inspection, located at 2620 1st Avenue, Marina CA, 93933, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based

6. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
- EVIDENCE**
- (a) The subject property is not described as an area where the Local Coastal Program requires access.
 - (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 6, the Shoreline Access/Trails Map, of the North County Land Use Plan.
 - (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - (d) Staff site visit on September 20, 2002.
7. **FINDING: APPEALABILITY** - The project is appealable to the Board of Supervisors and California Coastal Commission.
- EVIDENCE:** (a) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).

DECISION

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 Combined development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The subject Combined Development Permit consists of the construction of a 21,460 square-foot facility for the operation of a food catalog business specializing in fresh organically grown fruits and vegetables and baked goods, as well as storage and shipment installations including: 5,000 square-feet of office space; a 4,000 square-foot commercial kitchen/bakery; an approximately 12,000 square-foot "pick-pack-and-ship" warehouse area; a 1,400 square-foot shed roof to house additional coolers; a parking area for 35 spaces; three (3) loading docks; and related landscaping and paving. The project also includes the restoration of an existing barn to complement the proposed building design and to maintain the agricultural character that surrounds the property. The property is located at 1272 Highway 1 at Hilltop Road, Watsonville (Assessor's Parcel Number 117-062-017-000), North County LUP area, Coastal Zone. 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)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution # 03006) was approved by the Planning Commission for Assessor's Parcel Number 117-062-017-000 on January 29, 2003. 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)**

3. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan. The Plan shall be submitted to the Director of Planning and Building Inspection Department for approval prior to issuance of building and/or building permits. **(Planning and Building Inspection)**
4. Pursuant to the State Public Resources Code, State Fish and Game Code and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of **\$1,275. This fee shall be paid within five days of project approval**, before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection)**
5. 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)**
6. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
7. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. The applicant shall incorporate the recommendations from the Geotechnical Engineering Report prepared by Haro, Kasunich and Associates, Inc., dated November, 2000 updated on November 9, 2001, and from the Engineering Geologic Report by Foxx, Nielsen and Associates, dated August, 2000, into the building permit plans. **(Planning and Building Inspection)**
9. Prior to issuance of Grading and/or Building Permits, the applicant shall submit to the Director of Public Works for approval a comprehensive construction management plan. Construction traffic shall be limited to off-peak hours, consistent with the requirements of Condition 17. **(Department of Public Works)**
10. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, that includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator to mitigate the impact of impervious surface stormwater runoff. The drainage plan shall also include detention/retention facilities to mitigate the increase in stormwater runoff from the extensive new impervious surfaces that are proposed. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
11. 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 water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. **(Water Resources Agency)**
12. The building shall conform to the most current Uniform Fire Code. **(North County Fire Protection District)**
13. The building shall have a fire sprinkler system per the appropriate NFPA standards. **(North County Fire Protection District)**

14. The building shall have a fire alarm system per the appropriate NFPA standards. **(North County Fire Protection District)**

Conditions from the Mitigated Negative Declaration

15. **MITIGATION MEASURE 1.** In order to mitigate for the potential adverse impact to archaeological or cultural resources, the applicant shall include the following note on the construction plans:
“If archeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated by the archeologist and implemented by the applicant.” **(Planning and Building Inspection)**
16. **MITIGATION MEASURE 2.** In order to mitigate for potential adverse traffic impacts to the Highway1/Salinas Road intersection, the applicant shall pay a pro-rate traffic mitigation fee of \$51,780 for the future construction of an interchange on state Highway 1 at Salinas Road. This fair share contribution is based upon 2002 dollars and shall be updated annually in accordance with the ENR cost index. **(Public Works)**

MONITORING ACTION

Prior to final inspection, the applicant shall provide the Director of Planning and Building Inspection Department and the California Department of Transportation, District 5, proof that the fee has been paid.

17. **MITIGATION MEASURE 3.** In order to mitigate for potential adverse traffic impacts to the Highway1/Salinas Road intersection, the applicant shall eliminate vehicle trips during the AM (7:00 – 8:00 AM) and PM (4:00 – 6:00 PM) peak periods through shift changes and other measures, such as ride-sharing and use of public transport, that avoid adding traffic on Highway 1. The applicant shall also provide incentives to encourage employees to use public transit. **(Planning and Building Inspection)**

MONITORING ACTIONS

Prior to final inspection or commencement of the use, the applicant shall provide the Director of Planning and Building Inspection Department for approval a traffic management brochure aimed at the employees, including hours of operation, describing the prohibition of circulation in the peak traffic periods and the incentives for using public transit.

Within three months of commencement of the use, the applicant shall provide the Director of Planning and Building Inspection Department a list of employees and written proof that all employees have received and read the traffic management brochure. Failure to submit the required proof shall constitute a violation of the conditions of approval and will be subject to enforcement action by the County.

Yearly until the construction of improvements on Highway 1 at Salinas Road, the applicant shall provide the Director of Planning and Building Inspection Department an updated list of employees with written proof that all new employees have received and read the traffic management brochure. Failure to submit the required proof shall constitute a violation of the conditions of approval and will be subject to enforcement action by the County.

Quarterly during the first year of operation and yearly thereafter until the construction of improvements on Highway 1 at Salinas Road, the applicant shall submit to the Director of Planning and Building Inspection Department for approval employee time-card reports showing hours of employee arrival and departure from the facility. Yearly reports shall be submitted simultaneously with the reports from the previous monitoring action. Failure to submit the required reports shall constitute a violation of the conditions of approval and will be subject to enforcement action by the County.

Prior to Final Building Inspection/Occupancy:

18. Certification that the stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
19. 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 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)**
20. The site shall be landscaped. **Landscaping shall be installed before occupancy**. 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 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. **(Planning and Building Inspection)**

Continuous Permit Conditions:

21. All landscaped areas and replanted trees 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)**
22. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 29th day of January, 2003 by the following vote:

AYES:	Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Gonzalves, Rochester, Wilmot
NOES:	None
ABSENT:	None

Original Signed By:

LYNNE MOUNDAY, SECRETARY PRO TEM

Copy of this decision mailed to 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 APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF

NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

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

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

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from 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.