

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

RESOLUTION NO. 04037

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

In the matter of the application of
Driesbach Family Trust (PLN040064)

FINDINGS & DECISION

to allow an amendment to a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of an amendment to Condition 16 of an approved Combined Development Permit (PLN010363) to allow dedication of land in lieu of paying fees. The project site is located at 1272 Highway 1, Watsonville, North County, Coastal Zone, came on regularly for hearing before the Planning Commission on August 11, 2004.

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

- 1. FINDING: AMENDMENT TO PERMIT.** The applicant filed an application (PLN040064/Dreisbach) for an amendment to a Combined Coastal Development Permit (PLN010363/Diamond Organics).

EVIDENCE: (a) PLN010363/Diamond Organics was approved on January 29, 2003 on Parcel 17 (APN: 117-052-017-000). The property is owned by Dreisbach Industries.

(b) The Dreisbach's request amending Condition 16 of PLN010363 to allow dedication of land from Parcel 14 (APN: 117-052-014-000) for highway improvements in lieu of payment of a fee for development on Parcel 17.

(c) Dreisbach Industries owns both Parcel 17 where Condition 16 was applied and Parcel 14 where land would be dedicated.

(d) The proposed amendment does not affect development on Parcel 17, and is therefore consistent with, the previously approved use.

(e) Consideration of the request for the amendment has been carried out pursuant to Monterey County Code Section 20.70.105.

(f) Notice of a hearing before the Planning Commission for the permit amendment (PLN040064/Dreisbach) has been carried out pursuant to Section 20.84.040(A) of the Coastal Implementation Plan.

(g) Materials contained in Planning and Building Inspection File No. PLN040064 and PLN010363.
- 2. FINDING: CEQA-REVISED MITIGATION MEASURE:** Based on the whole record before the Planning Commission there is no substantial evidence that the proposed amendment to an adopted Mitigated Negative Declaration will have a significant effect on the environment in the context of substituting an equivalent or more effective mitigation measure pursuant to Section 15074.1 of CEQA.

EVIDENCE: (a) The Monterey County Planning Commission held a duly notice public hearing and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for PLN010363/Diamond Organics on January 29, 2003.

(b) Monterey County's Planning Commission concludes that Mitigation Measure 2 in the adopted Mitigated Negative Declaration may be substituted with an equivalent or more effective measure pursuant to Section 15074.1 of CEQA.

(c) Mitigation Measure 2 (Condition 16) requires payment of a traffic mitigation fee for Highway One/Salinas Road interchange improvements in the amount of \$51,780. An email correspondence from CalTrans (dated April 18, 2003) and an appraisal by John Piini (dated December 9, 2003) finds that agricultural property is valued between \$22,000 and \$30,000 per acre. CalTrans has estimated that they would require 4.4 acres of land from Parcel 14 for the Highway One/Salinas Road interchange improvements. Dedicating 4.4 acres would equate to between \$96,800-132,000, which exceeds the fee required under the original mitigation.

(d) An amendment to offer to dedicate land rather than pay a fee for the same highway improvement project would not create any potentially significant effect on the environment.

(e) Since the amendment would have equal or greater value, this amendment does not require recirculation (Section 15073.5.c.1 of CEQA).

(f) The Monterey County Planning Commission held a duly notice public hearing to amend Mitigation Measure 2/Condition 16 of the adopted Mitigated Negative Declaration and Mitigation Monitoring Program for PLN010363/Diamond Organics on August 11, 2004.

(g) Documents on file in the office of PB&I and is hereby incorporated by reference.

3. FINDING: APPEALABILITY - The project may be appealed to the Board of Supervisors and California Coastal Commission.

EVIDENCE: (a) Board of Supervisors. Section 20.86.030 of the Monterey County Zoning Ordinance.

(b) Coastal Commission. Section 20.86.080.A of the Monterey County Zoning Ordinance.

DECISION

It is the decision of the Planning Commission that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. Condition 16 of the original Coastal Development Permit (File No. PLN010363/Diamond Organics), shall be amended as follows:

“16. MITIGATION MEASURE 2. In order to mitigate for potential adverse traffic impacts to the Highway 1/Salinas Road intersection, the applicant shall pay a pro-rate traffic mitigation fee of \$51,780, or offer to dedicate land with an equal or greater value of said fee for the future construction of an interchange on state Highway 1 at Salinas Road to the satisfaction of the Director of Public Works. This fair share contribution is based upon 2002 dollars and shall be updated annually in accordance with the

ENR cost index. Land value shall be determined by an appraisal completed by the County at the expense of the applicant. **(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 Mitigation Measure 2/Condition 16 has been fulfilled to the satisfaction of the Director of Public Works.”

All other conditions for PLN010363 shall remain in effect and are not changed by this amendment.
(Public Works/Planning and Building Inspection Department)

2. The applicant shall record a notice that states: “A permit Amendment (File No. **PLN040064**) was approved by the Monterey County Planning Commission for Assessor's Parcel Number **117-052-017/014-000** on **August 11, 2004** following notice of the proposed action. This amendment was granted subject to **2** conditions of approval, which run with the land. The conditions of approval for the original application (**File No. PLN010363**) remain in effect and are not changed and apply to this amendment. A copy of the permit and its amendment are 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 a building permit or commencement of the use.
(Planning and Building Inspection Department)

PASSED AND ADOPTED this 11th day of August, 2004, by the following vote:

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| AYES: | Errea, Sanchez, Padilla, Vandever, Parsons, Diehl, Salazar, Rochester, Wilmot, Hawkins |
| NOES: | None |
| ABSENT: | None |

JEFF MAIN, SECRETARY

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