

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 990208

A.P. # 137-051-030-000

In the matter of the application of
Anthony Costa & Sons (PLN990208)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a 41,850 sq. ft. agricultural processing plant, a storm water retention pond, and two processed water settling ponds, located north of Esperanza Road and east of U.S. Highway 101, Central Salinas Valley area, came on regularly for hearing before the Zoning Administrator on June 26, 2003.

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

FINDINGS OF FACT

- 1. FINDING:** The subject Use Permit, File No. PLN990208, Anthony Costa and Sons, as described in Condition No. 1, and as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, the Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21 of the Monterey County Code). The property is located at Esperanza Road and Highway 101, south of Salinas. The parcel is designated as "Farmlands, 40-acre minimum" in the Central Salinas Valley Area Plan, and is zoned "F/40" (Farmlands).

EVIDENCE: Application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development are located in project File No. PLN990208.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as set forth in the application and accompanying materials, for conformity with the General Plan, the Central Salinas Valley Area Plan, and Chapter 21.28 of the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: The project planners conducted an on-site inspection on February 3, 2003 and April 7, 2003, to verify that the project on the subject parcel conforms to the plans listed above.

EVIDENCE: The Zoning Administrator considered any written and verbal public testimony submitted at the public hearing on the subject Use Permit.
- 2. FINDING:** The project site is physically suitable for the proposed use as described in the project file.

EVIDENCE: The proposed development was reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Sheriff's Department, Salinas Rural Fire District, Monterey Bay Unified Air Pollution Control District and CalTrans. There was no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.
- 3. FINDING:** On the basis of the whole record before the Zoning Administrator there is no substantial

evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Initial Study/Mitigated Negative Declaration prepared for the project reflects the independent judgment and analysis of the County.

EVIDENCE: The Monterey County Planning and Building Inspection Department prepared an Initial Study on the project pursuant to the California Environmental Quality Act (CEQA). The Initial Study identified several potentially significant environmental effects, but the applicant has agreed to proposed mitigation measures that avoid or reduce the potential effects to a less than significant level. The Initial Study/Mitigated Negative Declaration was circulated for public review from April 17, 2003 to May 17, 2003. The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study/Mitigated Negative Declaration. The Initial Study/Mitigated Negative Declaration is on file at the Planning and Building Inspection Department in File No. PLN990208, and is hereby incorporated by reference.

EVIDENCE: Evidence that has been received and considered in preparation of the Initial Study/Mitigated Negative Declaration includes:

- A. Application plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development and located in project File No. PLN990208.
- B. Reports and technical studies for the project including those submitted by the applicant:
 1. "Monterey County General Plan," Monterey County, 1982.
 2. "Central Salinas Valley Area Plan," Monterey County, November, 1987.
 3. "Wastewater and Storm water Disposal Review," Lee and Associates, Monterey, California, May 31, 2001.
 4. "Costa and Sons Esperanza Road Packing Plant Traffic Analysis Report," Higgins Associates, Gilroy, California, April 18, 2001.
 5. Title 21 (Zoning Ordinance) of the Monterey County Code.
- C. Staff report to the Zoning Administrator that reflects the County's independent judgment, and information and testimony presented at the public hearing before the Zoning Administrator.

EVIDENCE: A Condition Compliance and Mitigation Monitoring and/or Reporting Plan have been prepared in accordance with Monterey County regulations and are designed to ensure compliance during project implementation. The Applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval (Condition No. 3).

4. **FINDING:** 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: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

5. **FINDING:** For purposes of the Fish and Game Code, the project will have a potential for changes to fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and

Game regulations. Although the project will not impact biological resources, the project does involve disturbance and development of land which was previously in agricultural production, and there is potential for adverse impact, individually or cumulatively, on plant life or wildlife resources as defined by Section 711.2 of the State Fish and Game Code.

- 6. 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 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 Planning and Building Inspection Department, Environmental Health Division, Public Works Department, Water Resources Agency, Sheriff's Department, Salinas Rural Fire District, Monterey Bay Unified Air Pollution Control District and CalTrans. 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, or the County in general.

- 7. FINDING:** The proposed project is consistent with Chapter 21.58 which provides regulations for parking.

EVIDENCE: The plans submitted by the applicant show a total of 87 on-site parking spaces, including 3 handicap spaces. The parking requirements for "agricultural processing plants" in Chapter 21.58 require a minimum of one space per 500 square feet, or 86 spaces for the proposed facility.

- 8. FINDING:** This project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.B of Title 21 (Zoning) of the Monterey County Code sets forth the procedures for an appeal.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said Mitigated Negative Declaration and Mitigation Monitoring Plan be adopted and that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. This Use Permit allows an agricultural processing plant on a 5.73-acre portion of a 129.5-acre parcel. The proposed project includes the construction of a 43,110 square foot building to house the proposed agricultural processing plant, as well as parking and loading facilities, a storm water retention pond, processed water settling pond and related improvements. An existing 18,270 square foot service building on the site will remain. The property is located north of Esperanza Road on a private dirt road. The nearest intersection is Esperanza Road and Highway 101. This Permit is in accordance with County ordinances and land use regulations 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)**

Prior to Issuance of Building and Grading Permits:

2. Fire Department Notes shall be printed on the approved project plans. **(Salinas Rural Fire District)**
3. The applicant shall enter into a Mitigation Monitoring Agreement and pay a fee of \$840.00 to the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
4. The applicant shall record a notice which states: "A Permit (Resolution # 990208) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 137-051-030-000 on June 26, 2003. The permit was granted subject to 43 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)**
5. The applicant shall contribute \$1,662 to the County for geometric improvements to the Spence Road/Highway 101 intersection. **(Public Works)**
6. The applicant shall contribute \$8,737 to the County for geometric improvements to the Esperanza Road/Highway 101 intersection. **(Public Works)**
7. The applicant shall submit a detailed domestic wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations set forth in Chapter 15.20 of the Monterey County Code and the Prohibitions of the Central Coast Basin Plan, Regional Water Quality Control Board. The detailed domestic wastewater disposal system design will be reviewed and approved by the Director of Environmental Health prior to the issuance of building permits. **(Environmental Health)**
8. The applicant shall submit evidence from the Regional Water Quality Control Board, Central Coast Region, that the proposed method of process wastewater disposal is acceptable. If necessary, the applicant obtain a Waste Water Discharge Permit from the Regional Water Quality Control Board. **(Environmental Health)**
9. Prior to submittal of the grading plan to the Planning and Building Inspection Department for approval, a note shall be included on the grading plan by the applicant (or his authorized agent) to state the following: "If, during the course of grading or construction, cultural archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources), work shall be halted immediately within 165 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, planning staff 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)**
10. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts that includes routing storm water runoff from the paved parking areas to an oil-grease/water separator and construction of detention facilities to mitigate the impact of impervious surface storm water runoff. The detention pond shall be fenced for public safety. The drainage plan must be submitted to the County Water Resources Agency prior to the issuance of demolition, grading or building permits. **(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 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)**
13. Certification that storm water 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)**
14. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

“The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection.” **(Salinas Rural Fire District)**
15. The parking layout and circulation shall comply with the standards of Title 21, Section 21.58 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)**
16. The applicant shall submit a detailed wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Central Coast Basin Plan, RWQCB. **(Environmental Health)**

Prior to Final Building Inspection/Occupancy:

17. The applicant must obtain an encroachment permit and construct the commercial driveway connection to Esperanza Road prior to final inspection or occupancy of the building. **(Public Works)**
18. The applicant shall obtain an encroachment permit from the County Public Works Department and shall construct a commercial driveway connection to Esperanza Road including 150-foot acceleration and deceleration tapers. **(Public Works)**
19. The applicant shall comply with Ordinance No. 3539, 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)**
20. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. **(Salinas Rural Fire District)**
21. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. **(Salinas Rural Fire District)**
22. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. **(Salinas Rural Fire District)**
23. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. **(Salinas Rural Fire District)**
24. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be minimum of 60 feet in length. **(Salinas Rural Fire District)**
25. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Salinas Rural Fire District)**
26. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. **(Salinas Rural Fire District)**
27. Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings along State Highways and Freeways, May 1988. **(Salinas Rural Fire District)**
28. The building(s) shall be fully protected with an approved central station, proprietary station or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1996 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing agency prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be done in accordance with Chapter 7 of NFPA 72 - 1996. **(Salinas Rural Fire District)**

29. Pursuant to Uniform Fire Code Appendix IIIA, the basic minimum fire flow requirement is 5,500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 4 hours. With the installation of an approved automatic fire sprinkler system, the fire flow shall be a minimum of 1,500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 4 hours. **(Salinas Rural Fire District)**
30. Fire hydrants are required. Quantity of fire hydrants shall be in accordance with the Uniform Fire Code Appendix III-B. Type and location shall be determined by the Salinas Rural Fire District. **(Salinas Rural Fire District)**
31. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. **(Salinas Rural Fire District)**
32. Outside carton storage shall comply with the applicable standard of the National Fire Protection Association. **(Salinas Rural Fire District)**
33. Roof construction shall be a Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. **(Salinas Rural Fire District)**
34. When construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All suite numbers (permanent and temporary) shall be posted on the building so as to be clearly visible from the road. Suite numbers posted shall be Arabic, not Roman or written out in words. Suite numbers posted shall be a minimum number height of 6 inches with a 1-inch stroke, and contrasting with the background colors of the sign. **(Salinas Rural Fire District)**

Continuous Permit Conditions :

35. The property and all improvements 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)**
36. 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. **(Planning and Building Inspection)**
37. The applicant shall comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. The Director of Environmental Health will ensure that the applicant is in compliance with State regulations for Hazardous Material Registration and Business Response Plans through random on-site inspections. **(Environmental Health)**
38. The applicant shall comply with Title 22, Division 4.5 of the California Code of Regulations and Chapter 6.50 of the California Health and Safety Code (Hazardous Waste Control) as approved by the Director of Environmental Health. The Director of Environmental Health will ensure that the applicant is in compliance with State regulations for Hazardous Waste Control through random on-site inspections. **(Environmental Health)**

39. Truck traffic to and from the north on Highway 101 to the project site shall be restricted to the following roads: Spence Road between Highway 101 and Old Stage Road, Old Stage Road between Spence Road and Esperanza Road, and Esperanza Road between Old Stage Road and the project driveway. The Director of Public Works will ensure that the applicant is in compliance with this alternate routing scheme by random checking. **(Public Works)**
40. Truck traffic to and from the south on Highway 101 to the project site shall be restricted to the following roads: The northbound off-ramp or the southbound on-ramp to Highway 101 at Main Street in Chualar, Grant Street between Main Street and Payson Street, Payson Street/Chualar Road between Grant Street and Old Stage Road, Old Stage Road between Chualar Road and Esperanza Road, and Esperanza Road between Old Stage Road and the project driveway. The Director of Public Works will ensure that the applicant is in compliance with this alternate routing scheme by random checking. **(Public Works)**
41. That the access road be maintained in a mud-free condition to prevent tracking of mud on Esperanza Road. **(Public Works)**
42. The applicant shall submit a Risk Management Plan to the Director of Environmental Health for review and approval. The RMP shall comply with Title 19, Chapter 4.5 of the California Code of Regulations and Chapter 6.95, Article 2 of the California Health & Safety Code. **(Environmental Health)**
43. The site shall be landscaped. A continuous row of evergreen trees shall be planted along the west side of the storm water retention pond to screen the building from the freeway. In addition, a continuous row of evergreen trees shall be planted along the south side of the parking lot to screen the building from Esperanza Road. At least three weeks prior to occupancy, three (3) 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, species, 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 installed. 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 Department)**

PASSED AND ADOPTED this 26th day of June, 2003.

Original Signed By: _____

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND

SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION 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 two years after the above date of granting thereof unless construction or use is started within this period.