

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 040731

A.P.# 107-011-006-000

In the matter of the application of  
**Daniel J. Luksik, et al (PLN040731)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for non-soil dependent use of existing greenhouses for mushroom cultivation. The Use Permit will allow for the conversion of a portion of an existing greenhouse complex to support mushroom cultivation. The operation is expected to produce approximately 5.7 million pounds per year. In addition, the Permit will allow for a 1,700 sq. ft. expansion to existing office and cooler space., came on regularly for hearing before the Zoning Administrator on October 27, 2005.

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

**FINDINGS OF FACT**

- 1. FINDING: CONSISTENCY**– The Luksik Use Permit (PLN040731), as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, Greater Salinas Area Plan and Monterey County Zoning Ordinance (Title 21).

**EVIDENCE:** (a) The application and plans submitted for the Use Permit in project file PLN040731 at the Monterey County Planning and Building Inspection Department.

(b) The property is 6.3 acre in size and is located at 50 Zabala Road, Salinas. The parcel is zoned "F/40" (Farmland, 40 acre minimum). The proposed conversion of a portion of an existing non-soil dependent greenhouse complex meets the site development standards for the Farmland Zoning District and is an allowed use pursuant to Section 21.30.050.DD.

(c) Monterey County Department of Public Works reviewed traffic impacts associated with the proposed project and determined that the scope of the proposed project would not result in an increase of traffic as compared with the existing cut flower operations. The proposed project will result in approximately four truck pick ups per day. In addition, truck deliveries will be made an estimated five times per week.

(d) The application material submitted for this Use Permit indicate that the existing parking facilities will provide more than an adequate number of spaces for this use.

(e) The proposed conversion of a portion of an existing greenhouse complex to support mushroom cultivation is consistent with the Greater Salinas Area Plan policy 30.0.8. The conversion is necessary to support the cultivation of mushrooms. Since the proposed project does not require the use of prime farmlands for cultivation it is consistent with this policy and will not impair adjacent agricultural uses. Existing row crops will not be impacted by the proposed new use.

(f) The proposed project, which is not located on prime farmlands or farmlands designated as statewide importance is consistent with Monterey County General Plan policy 30.0.6, which

states that "Greenhouses, mushroom farms, and similar agriculture enterprises that are not on-site soil dependent or which degrade soil capabilities shall not be located on the County's prime farmlands and farmlands of statewide importance. This policy shall not limit uses accessory to soil dependent uses." The proposed project site is located on soils designated as unique by the County of Monterey.

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

**EVIDENCE:** (a) The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Salinas Rural Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, and Monterey County Health Department. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated as project conditions.

(b) The project planner conducted a site visit on December 13, 2004, to verify that the proposed project complies with Title 21 and the Greater Salinas Area Plan.

(c) Necessary public facilities are available and will be provided.

**3. FINDING: CEQA (Exempt) –** The proposed project will not have a significant environmental impact.

**EVIDENCE:** (a) Pursuant to Section 15061 (b)(3), the proposed project will not result in significant environmental impacts. Potential odors resulting from fertilizer use will be contained within an enclosed area thereby reducing impacts. Therefore the project will not result in an increase in objectionable odors. Furthermore, existing on-site drainage will control surface water runoff. Water used during the mushroom cultivation process will be contained and re-circulated in the composting process. As identified in the materials submitted by the applicant, the proposed new usage will not result in substantial increases in runoff. All of the current greenhouses already utilize an existing runoff reclamation system previously approved by the County.

(b) Pursuant to Section 15303, (New Construction or Conversion of Small Structures), the proposed project is categorically exempt. The proposed conversion of a portion of an existing greenhouse complex to mushroom cultivation qualifies for categorical exemption since the proposed project results in a negligible expansion of an existing use.

(c) Pursuant to Section 15301, additions to existing structures are permissible so long as the addition does not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet. The proposed project, which includes a 1,700 sq. ft. expansion to office and cooler space, is within the criteria established in Section 15301 and is therefore exempt from CEQA analysis.

(d) No adverse environmental impacts were identified during staff review of the project application.

(e) There are no unusual circumstances related to the project or property.

**4. FINDING: NO VIOLATIONS –** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** Sections 21.30.020 and 21.66.030 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicate that no violations exist on subject property.

- 5. FINDING: USE AND OPERATION** – The project consists of the conversion of a portion of an existing cut flower greenhouse to support mushroom cultivation. The facility will operate in the same manner as the existing use. The proposed operation will include picking, packing, cooling, marketing, and shipping of mushrooms. The proposed new use will retain all existing structures previously used for rose cultivation, with the exception of a 1,700 sq. ft. addition to office and cooler space. The facility will operate between the hours of 5:00 a.m. to 7:00 p.m. Estimated water use for the facility will be 3.0 acre feet per year.

**EVIDENCE:** Materials in files and administrative record.

- 6. FINDING: HEALTH AND SAFETY** – The establishment, maintenance, and operation of the proposed development 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 or to the general welfare of the County.

**EVIDENCE:** Preceding findings and supporting evidence.


- 7. FINDING: APPEALABILITY** – The decision on this project is appealable to the Planning Commission.

**EVIDENCE:** Section 21.80.040 of the Monterey County Zoning Ordinance.

### **DECISION**

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

**PASSED AND ADOPTED** this 27th day of October, 2005.

  
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MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **NOV 23 2005**

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 **DEC 05 2005**

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 Salinas.

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

**Monterey County Planning and Building Inspection  
Condition Compliance & Mitigation Monitoring and/or  
Reporting Plan**

**PROJECT NAME: LUKSIK**

**File No: PLN040731**

**APN: 107-011-006-000**

**Approval by: Zoning Administrator**

**Date: October 27, 2005**

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

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Clearing Condition</i>	<i>Timing</i>	<i>Verif- ication of comp- liance</i>
1.		<p><b>PBD029 - SPECIFIC USES ONLY</b></p> <p>The Luksik Use Permit (PLN040731) allows for the conversion of a portion of an existing greenhouse complex to support mushroom cultivation. In addition, this Use Permit allows for a 1,700 sq. ft. addition to expand office and cooler space for future needs. The property is located at 50 Zabala Road, Salinas (Assessor's Parcel Number 107-011-006-000), Greater Salinas area. This permit was approved 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. <b>(Planning and Building Inspection)</b></p>	Adhere to conditions and uses specified in the permit.	Applicant or owner	Ongoing unless otherwise stated	

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2.		<b>PBD025 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution No. 040731) was approved by the Zoning Administrator for Assessor's Parcel Number 107-011-006-000 on October 27, 2005. The permit was granted subject to <u>17</u> 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. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Applicant or owner	Prior to issuance of grading and building permits or start of use	
3.		<b>PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN</b> 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. <b>(Planning and Building Inspection)</b>	Submit three copies of the lighting plans to PBI for review and approval.	Applicant or owner	Prior to issuance of building permits	
4.		<b>EROSION AND RUNOFF CONTROL (NON-STANDARD)</b> Prior to the issuance of a grading or building permit, the applicant shall submit evidence that erosion and runoff control measures have been implemented in accordance with Monterey County's Erosion Control (Chapter 16.12) and Grading (Chapter 16.08) Ordinances. <b>(Planning and Building Inspection)</b>	Submit evidence that erosion and runoff control measures have been implemented in accordance with Monterey County's Erosion Control (Chapter 16.12) and Grading (Chapter 16.08) Ordinances.	Applicant or owner	Prior to issuance of grading and building permits or start of use.	

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5.		<b>SIGNAGE (NON-STANDARD)</b> Signage shall be minimal, located on-site and shall not be illuminated. <b>(Planning and Building Inspection)</b>	None	Applicant or owner	Ongoing	
6.		<b>PBD014 - GRADING-WINTER RESTRICTION</b> 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. <b>(Planning and Building Inspection)</b>	None	Applicant or owner	Ongoing	
7.		<b>PW0007 – PARKING STD</b> The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. <b>(Public Works)</b>	Applicant's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of grading or building permits.	
8.		<b>NON-STANDARD CONDITION- DRIVEWAY</b> That the applicant obtains an Encroachment Permit from the Department of Public Works and reconstructs the driveway connection to Zabala Road including acceleration and deceleration tapers. <b>(Public Works)</b>	Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Applicant or owner	Prior to issuance of any grading or building permits.	
9.		<b>WR22 - FLOODPLAIN RECORDATION</b> The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." <b>(Water Resources Agency)</b>	Submit the recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Applicant or owner	Prior to issuance of any grading or building permits.	

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10.		<b>FIRE001 - ROAD ACCESS</b> 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. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. (Salinas Rural Fire District.)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
11.		<b>FIRE002 - ROADWAY ENGINEERING</b> The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. 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. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Salinas Rural Fire District.)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
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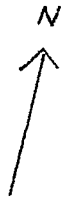


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12.		<b>FIRE030- NON-STANDARD CONDITIONS ROAD ACCESS</b> Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum width of 20 feet with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22tons). Each road shall have an approved name. (Salinas Rural Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
13.		<b>FIRE030- NON-STANDARD CONDITIONS- EMERGENCY ACCESS KEYBOX</b> Emergency access keybox shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access keybox can be maintained with current keys. (Salinas Rural Fire District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
14.		<b>FIRE030- NON-STANDARD CONDITIONS- PORTABLE FIRE EXTINGUISHERS</b> Portable fire extinguishers shall be installed and maintained in accordance with Uniform Fire Code Standard 10-1.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	

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15.		<b>FIRE030- NON-STANDARD CONDITIONS-CHEMICAL STORAGE</b> Buildings containing pesticides and other process-related chemicals shall be posted with a placard conforming to NFPA 704.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
16.		<b>FIRE030- EMERGENCY WATER STANDARDS-WATER SYSTEMS</b> The emergency water system shall comply with NFPA Standard 1142 and shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available. <ol style="list-style-type: none"> <li>1. Water storage shall be provided by the water storage tanks totaling 30,000 gallons.</li> <li>2. The mutual water system shall be designed to automatically refill the existing 30,000-gallon water tanks on the subject property without any special knowledge or effort in the event of a fire or other water usage.</li> <li>3. The existing fire valves shall be maintained at the existing water storage tanks and at the greenhouse perimeter locations.</li> <li>4. Minimum valve specifications on the main storage</li> </ol>	Applicant shall incorporate specifications into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of permit.	

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		<p>8. This hydrant shall be protected by bollards on each side.</p> <p>9. The bollards, risers, and fire valves shall be painted red.</p> <p>10. The hydrant/valve shall be identified with a reflectorized blue marker or strip, with minimum dimensions of 3 inches, located on the bollards and fire valve risers.</p> <p>11. A cap shall be installed to prevent damage to the threads and accumulation of debris.</p> <p>12. The hydrant or fire valve shall be signed to indicate that this is a DRAFTING WATER SOURCE.</p>				
		<p><b><i>EH59- COMPOSTING OPERATIONS</i></b></p> <p>Comply with Title 14, Chapter 3.1 of the California Code of Regulations (Composting Operations Regulatory Requirements) as approved by the Director of Environmental Health. <b>(Environmental Health)</b></p>	Contact the Solid Waste Program of the Division of Environmental Health.	Owner/ Applicant	Continuous	

SUN COAST GROWERS  
MONTEREY COUNTY SECTION 5  
TOWNSHIP 15N  
RANGE 4E



WINER  
RANCH

EXISTING  
WELL



ZABALA ROAD

GARCIA  
RANCH

FIELD FLOWERS

GREENHOUSE S

OFFICE



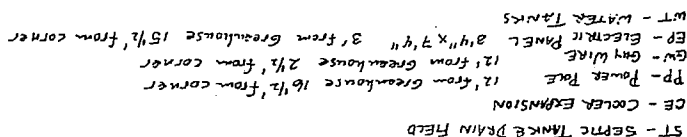
6.0 ACRES

TAILWATER  
RESERVOIRS



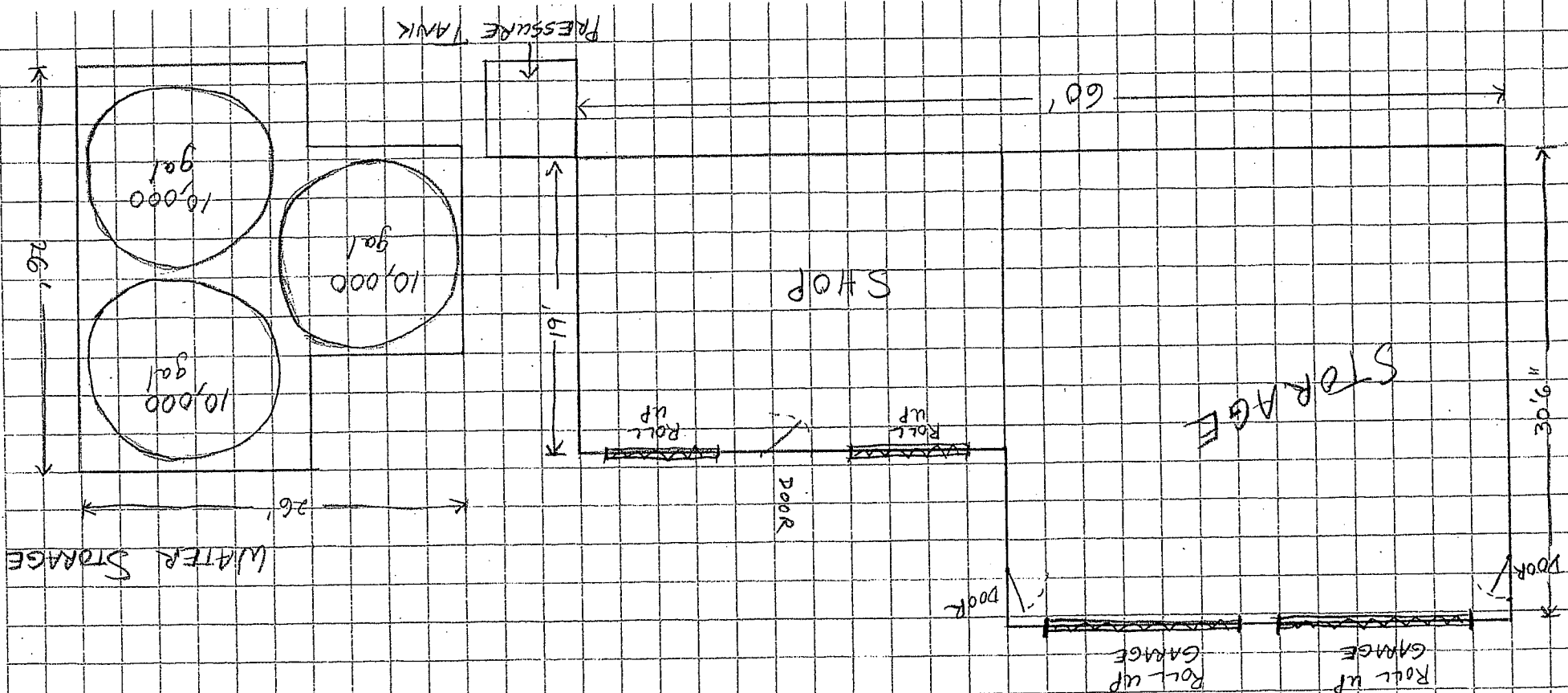
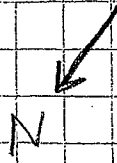
FIELD FLOWERS

SILVA RANCH

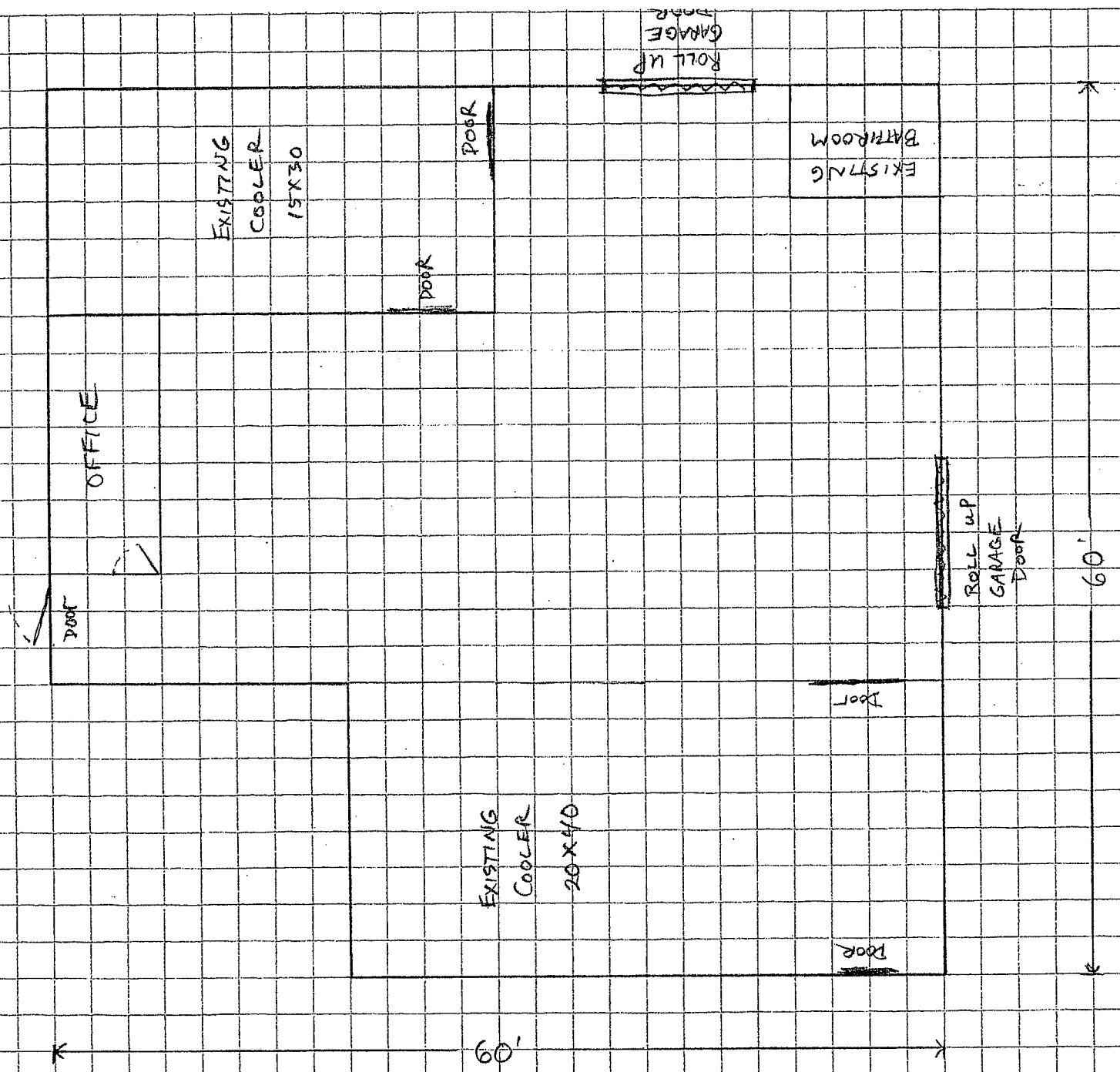
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# EXISTING STORAGE SHEDS AND SHOP

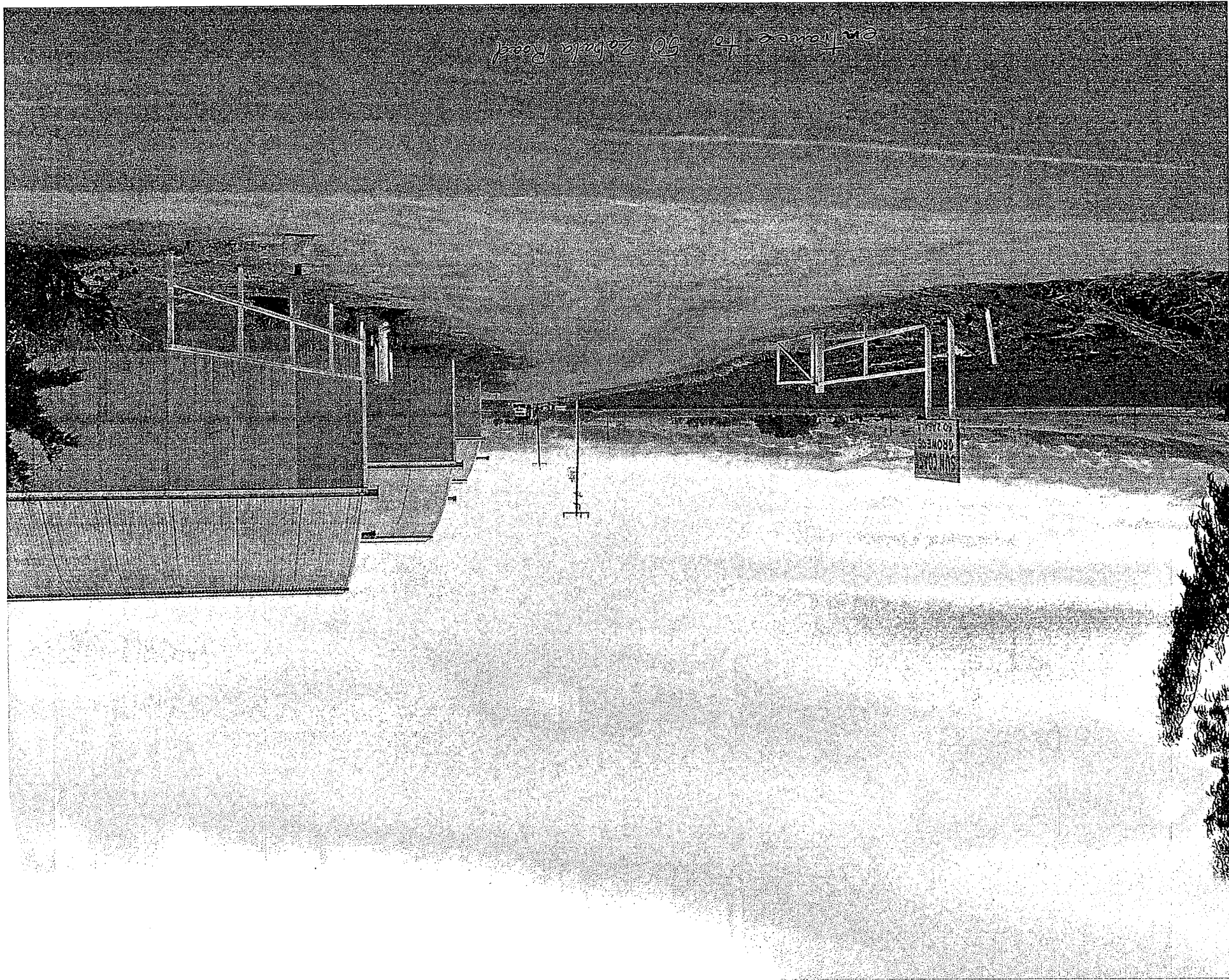
1" = 10 ft



EXISTING BUTLER BUILDING 1"=10 ft  
(PACKING SHED)







entrance to 50 Zebra Road



