

MONTEREY COUNTY PLANNING COMMISSION

Meeting: August 8, 2012	Time: 10:00 a.m.	Agenda Item No.: 5
Project Description: Consider a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow for the demolition of four agricultural support buildings totaling 84,824 square feet and the construction, in three phases, of four new agricultural support buildings totaling 42,750 square feet. One single family dwelling and one storage building totaling 6,560 square feet are to remain for 49,310 square feet of total structural coverage. Grading to consist of approximately 190 cubic yards of cut and 1,400 cubic yards of fill; 2) Variance to allow for 4.5% building site coverage (3% allowed) which is a reduction from the current coverage of 8.4%.		
Project Location: 167 Jensen Rd, Moss Landing		APN: 117-032-001-000
Planning File Number: PLN110544		Owner: Sunset Farms Agent: Martha Saylor, Architect
Planning Area: North County Coastal		Flagged and staked: No
Zoning Designation: : CAP/40 [Coastal Agricultural Preserve/40 acre minimum]		
CEQA Action: Categorically Exempt per Section 15302(b)		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to:

- 1) Find the project CEQA exempt per Section 15302(b); and
- 2) Approve PLN110544, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

PROJECT OVERVIEW:

The project site is a 25-acre parcel located on Jensen Road, approximately 3 miles north of the community of Moss Landing and .75 miles due west from Highway 1. The site has hosted a number of agricultural activities for over 40 years, including row-crops, mushroom cultivation and general agricultural support. The proposed project will allow for the demolition of four existing agricultural support buildings (in poor condition), to be followed by the construction of four new agricultural support buildings to be used primarily for the processing and packaging of locally-grown brussel sprouts. Limited bulb cultivation will also continue to take place at the site.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

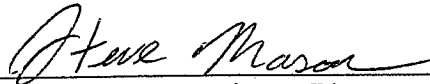
- ✓ RMA - Public Works Department
- ✓ Environmental Health Bureau
- ✓ Water Resources Agency
- ✓ Monterey County Sheriff's Office
- ✓ North County Fire Protection District

Agencies that submitted comments are noted with a check mark. Conditions recommended by RMA - Public Works Department, Environmental Health Bureau, Water Resources Agency, Monterey County Sheriff's Office and the North County Fire Protection District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the Agricultural Advisory Committee for review at their May 31, 2012 meeting, at which time the project was approved by the Committee by a vote of 9-0. Staff

has attempted to schedule the project for review by the North County Coastal Land Use Advisory Committee at their July 17 and August 7, 2012 meetings, however, a quorum could not be assembled and both meetings were subsequently cancelled.

Note: The decision on this project is appealable to the Board of Supervisors.


Steve Mason – Assistant Planner
(831) 755-5228, masons@co.monterey.ca.us
July 24, 2012

cc: Front Counter Copy; Planning Commission; North County Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Laura Lawrence, Planning Services Manager; Steve Mason, Project Planner; Carol Allen, Senior Secretary; Sunset Farms, Owner; Martha Saylor, Agent; The Open Monterey Project; LandWatch; Planning File PLN110544

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution
		Conditions of Approval, Site Plan, Floor Plan and Elevations
	Exhibit D	Vicinity Map & Satellite Photo
	Exhibit E	Variance Justification Letter
	Exhibit F	Agricultural Advisory Committee Meeting Minutes

This report was reviewed by Laura Lawrence, Planning Services Manager



EXHIBIT A

Project Information for PLN110544

Project Information:

Project Name:	SUNSET FARMS INC	
Location:	167 JENSEN RD MOSS LANDING	
Permit Type:	Combined Development Permit	
Environmental Status:	Exempt	Final Action Deadline (884): 6/19/2012
Existing Structures (sf):	91384	Coverage Allowed: 3%
Proposed Structures (sf):	49310	Coverage Proposed: 4.5%
Total Sq. Ft.:	49310	Height Allowed: 35'
Tree Removal:	n/a	Height Proposed: 27'
Water Source:	Well	FAR Allowed: n/a
Water Purveyor:	n/a	FAR Proposed: n/a
Sewage Disposal (method):	Septic	Lot Size: 1089000
Sewer District:	n/a	Grading (cubic yds.): 1590

Parcel Information:

Primary APN:	117-032-001-000	Seismic Hazard Zone:	IV
Applicable Plan:	North County LUP	Erosion Hazard Zone:	Low
Advisory Committee:	North County-Coastal Advisory Committee	Fire Hazard Zone:	No
Zoning:	CAP(CZ)	Flood Hazard Zone:	No FEMA rating
Land Use Designation:	Agricultural Preservation	Archaeological Sensitivity:	High
Coastal Zone:	Yes	Viewshed:	No
Fire District:	North County FPD	Special Setbacks on Parcel:	No

Reports on Project Parcel:

Soils Report #:	n/a
Biological Report #:	n/a
Geologic Report #:	n/a
Forest Management Rpt. #:	n/a
Archaeological Report #:	LIB120037
Traffic Report #:	LIB120204

EXHIBIT B DISCUSSION

Project Description

Background:

The project site has accommodated agricultural production and support facilities since the 1960s, when Stoller Mushrooms began operations. Later re-named Miranda Mushrooms, the operation was formally permitted, from "legal non-conforming" status, in 1993 with the approval of a Coastal Development Permit (PC92-229) which granted the reconstruction of seven (7) 3,500 square foot mushroom growing rooms. Mushroom production ceased in 2004 and the site has been used primarily for limited bulb cultivation and storage since that time.

Site & Surroundings:

The project site is a 25-acre parcel located on Jensen Road, southeast from the junction of Jensen and Bluff Roads, and approximately .75 miles due west from Highway 1. The site is located within the North County Land Use Plan area, and is designated in said Plan as being within an "Agricultural Preservation" land use plan area.

Proposed Project:

The Combined Development Permit includes a Coastal Development Permit to allow for the demolition of four agricultural support buildings totaling 84,824 square feet. The buildings proposed for demolition date from the 1960s and early 1990s and some have been damaged in a recent fire. Following the demolition process, will follow the construction, in three phases, of four new agricultural support buildings totaling 42,750 square feet. These new structures would be constructed in the same paved area as the structures slated for removal. The existing on-site drainage system would remain largely un-altered. One single family dwelling and one storage building totaling 6,560 square feet are expected to be retained, which would amount in 49,310 square feet of total structural coverage. All proposed development will occur on previously developed areas. The existing drainage system on-site will be retained and used "as-is."

The demolition and new construction will occur in three phases over the 5 years following project approval (See **Exhibit C**):

- Phase 1: 59,744 square feet of existing buildings will be demolished and replaced with a 16,550 square foot packing shed.
- Phase 2: 17,080 square feet of existing buildings will be demolished and replaced with a 10,200 square foot tractor shed.
- Phase 3: Two dilapidated 8,000 square foot storage buildings will be demolished and replaced with two new 8,000 square foot storage buildings on the same foundations.

Business operation hours and on-site employees are to be limited as follows:

- Farming operations (exterior): 7 days, 6AM-sunset with only occasional night farming to occur in the early evening and no more than 5 days per year (4-8 employees)
- Packing shed: Monday-Saturday, 6AM-7PM, October-January (24-32 employees)
- Offices: Monday-Friday, 8AM-5PM (2 employees)
- Bulb cultivation & storage: 7 days, 6AM-5PM (3 employees)
- Deliveries: Monday-Saturday, 6AM-7PM

Maximum employees on-site will be limited to 13 year-round and 45 during the packing season (October-January).

Project Issues

Previous Planning permits issued on the property include the aforementioned 1993 Use Permit (PC92-229/Resolution No. 93-089) which formally permitted the Miranda Mushroom Farm which had been in operation at the site since the 1960s. Golden State Bulb Growers (flower bulbs) has also been in operation at the site since, and will continue to operate with no more than three permanent employees under the current proposal.

The proposed use of the property, for brussel sprout processing and small-scale bulb cultivation, is generally considered a less-obnoxious use in comparison with the previous mushroom farming, a process which is notorious for its local impacts including the emission of gaseous odors (methane, etc) from composting processes and liquid runoff. Additionally, the currently proposed project will operate primarily around "daylight hours," while the previously approved Miranda Mushroom operation was permitted nighttime deliveries (10PM-7AM). Uses immediately surrounding agricultural processing facilities include bulb storage (Golden State Bulb Growers) immediately next-door to the west, and Watsonville Produce, Inc., located immediately to the north of the project site at 38 Bluff Road.

Previous operations by Miranda Mushrooms employed 75 employees per shift, with two shifts per day, as well as generating 16-20 semi truck double trips per day. The current proposal would allow no more than an average of three truck trips per day and a maximum of 45 employees.

The proposed project will relocate the current Sunset Farms brussel sprout packing operations from the parcel neighboring immediately to the east (APN 117-002-001-000, see **Exhibit D** – Satellite Photo). The Traffic Impact Analysis (LIB120204) commissioned for the project has noted some potential traffic-related benefits which may result from this relocation:

- Turning movements that are currently occurring at the present sprout packing facility's access road directly to Highway 1 (adjacent parcel) will be relocated to the intersection of Highway 1/Jensen Road, which will provide a safety benefit as the Highway 1/Jensen Road intersection is developed with a left turn lane and left turn acceleration lane.
- By relocating packing operations to Jensen Road, some trucks which access the current packing facility by Highway 1 will no longer need to follow this route as some sprout shipments are generated in fields located off of Jensen Road, Bluff Road, McGowan Road and Trafton Road (all located west of Highway 1 and directly accessible to the proposed packing site). A net decrease of truck trips on Highway 1 would result.

The project includes a Variance request (**Exhibit E**) to allow for 4.5% of building site coverage, in excess of the 3% allowed pursuant to Monterey County Coastal Zoning Code (Title 20). The applicant's requested is summarized as being "in order to bring the subject property more into compliance with current laws and to promote the agricultural uses on the subject site." The 4.5% coverage, if granted, will result in a net reduction from the current site coverage of 8.4%. Note also, that the need for coverage in excess of 3% can be attributed, in part, to the 25-acre size of the subject parcel, as most similarly-zoned parcels are typically 40 acres in size. The proposed square footage (49,310) would result in 2.8% coverage were it to occur on a 40-acre parcel.

The project was referred to the Agricultural Advisory Committee (AAC) for review at their May 31, 2012 meeting, at which time the project was approved by the Committee by a vote of 9-0. Staff has attempted to schedule the project for review by the North County Coastal Land Use Advisory Committee at their July 17 and August 7, 2012 meetings, however, a quorum could not be assembled and the meetings were cancelled in both instances.

Environmental Review

The project is deemed CEQA Exempt per Section 15302(b):

Article 19. Categorical Exemptions

15302. REPLACEMENT OR RECONSTRUCTION

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

(b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

Additionally, the project does not fall under any of the criteria which might preclude "Exempt" status, pursuant to CEQA 15300.2 ("Exceptions"): The project will not create an impact within a particularly sensitive environment, will not have a significant cumulative impact or effect on the environment, is not located on a registered Hazardous Waste Site, and will not result in damage to scenic or historic resources.

The previously disturbed project site is located within an area of "high" archaeological sensitivity according to County GIS records. An archaeological reconnaissance and report has been commissioned (LIB120037) which uncovered no signs of cultural resources and recommended that the project "not be delayed because of cultural resources."

Recommendation

Staff is recommending approval of the project as proposed.

EXHIBIT C
DRAFT RESOLUTION AND CONDITIONS
OF APPROVAL
SITE PLAN, FLOOR PLANS AND
ELEVATIONS

EXHIBIT C
DRAFT RESOLUTION

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Sunset Farms (PLN110544)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project CEQA exempt per Section 15302 (b); and
- 2) Approving a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow for the demolition of four agricultural support buildings totaling 84,824 square feet and the construction, in three phases, of four new agricultural support buildings totaling 42,750 square feet. One single family dwelling and one storage building totaling 6,560 square feet are to remain for 49,310 square feet of total structural coverage. Grading to consist of approximately 190 cubic yards of cut and 1,400 cubic yards of fill; 2) Variance to allow for 4.5% building site coverage (3% allowed) which is a reduction from the current coverage of 8.4%.

[PLN110544. Sunset Farms, 167 Jensen Rd, Moss Landing. North County Land Use Plan (Assessor's Parcel Number 117-032-001-000)]

The Sunset Farms project application (PLN110655) came on for public hearing before the Monterey County Planning Commission on August 8, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - Monterey County Zoning Ordinance (Title 20);
 - North County Land Use Plan

- North County Coastal Implementation Plan

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 167 Jensen Rd, Moss Landing (Assessor's Parcel Number 117-032-001-000), North County Land Use Plan. The parcel is zoned Coastal Agricultural Preserve/40 acre minimum, which allows for agricultural support facilities with an approved Coastal Development Permit. Therefore, the project is an allowed land use for this site.
- c) The project parcel is surrounded on all sides by Coastal Agricultural Preserve-zoned parcels.
- d) The proposed structures are well within the maximum development standards, with the exception of building site coverage (3% allowed/4.5% proposed), for a Coastal Agricultural Preserve-zoned parcel:
 - Front setback: 30' allowed/91' proposed
 - Side setback: 20' allowed/80' proposed
 - Rear setback: 20' allowed/184' proposed
 - Maximum height: 35' allowed/27' proposed
- e) The proposed development will have no significant impact on public views. The project will not result in ridgeline development and is not located within the public viewshed (from Highway 1) as defined in Section 20.144.020.SSS of the North County Coastal Implementation Plan.
- f) The project planner conducted a site inspection on November 10, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- g) The project was referred to the Agricultural Advisory Committee (AAC) for review at their May 31, 2012 meeting, at which time the project was approved by the Committee by a vote of 9-0. Staff has attempted to schedule the project for review by the North County Coastal Land Use Advisory Committee at their July 17 and August 7, 2012 meetings, however, a quorum could not be assembled and both meetings were subsequently cancelled.
- h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110544.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff conducted a site inspection on November 10, 2011 to verify that the site is suitable for this use.

- c) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - "Preliminary Cultural Resources Reconnaissance of Portions of Assessor's Parcel 117 032 001," (LIB120037), prepared by Susan Morley, M.A., Marina, CA, December 2011
 - "Sunset Farms Traffic Impact Analysis," (LIB120204), prepared by Hatch Mott MacDonald, Gilroy, CA, March 26, 2012
- d) All proposed development will occur on previously developed areas.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110544.

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 RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Bureau, Monterey County Sheriff's Office, and the Water Resources Agency. The respective departments/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.
 - b) Necessary public facilities are available. Water is to be provided by a private multi-use water system and sewage is to be provided by means of septic system.
 - c) The proposed new use of the property is generally considered a less-obnoxious use in comparison with the previously-approved mushroom farm operation at the site. The proposed use will not include the emission of gaseous odors (methane, etc) from composting processes, or excessive liquid runoff, which are characteristic side-effects of mushroom cultivation.
 - d) Preceding findings and supporting evidence for PLN110544.

4. **FINDING:** **VARIANCE** - Variances shall only be granted based upon the following Findings:

- 1. That because of special circumstances applicable to the subject property, including the size, shape, topography, location or surroundings, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other properties in the vicinity

- under and under identical zoning classification;
- 2. That the variance shall not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
- 3. A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:**
- a) The property has a zoning designation of Coastal Agricultural Preserve (Coastal Zone) – “CAP (CZ)”.
 - b) Agricultural support facilities are allowed with an approved Coastal Development Permit in the “CAP (CZ)” zone pursuant to Monterey County Code Section 20.30.050.I.
 - c) Parcels of the same “CAP (CZ)” zoning classification are typically 40 acres in size. The proposed square footage (49,310) would result in only 2.8% coverage were it to occur on a 40-acre parcel instead of the subject 25-acre parcel.
 - d) The size and scope of the proposed project is typical of agricultural processing facilities in the immediate area. Watsonville Produce, located approximately 400 feet to the northwest (APN 117-031-003-000) presently hosts a “legal-nonconforming” processing facility with coverage of approximately 5.7% of the 20 acre parcel.
 - e) The Applicant is requesting to allow for 4.5% of building site coverage, in excess of the 3% allowed pursuant to Monterey County Coastal Zoning Code (Title 20). Approval of this request will serve to bring the subject property more closely into compliance with the Zoning Code as it would result in a net reduction from the current site coverage of 8.4%.

5. **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.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on November 10, 2011 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110544.

6. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15302 (b): Categorically exempts replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.
- b) The project proposes the demolition of 84,824 square feet of structures and the construction of 42,750 square feet of structures in the same location and for substantially the same purpose.
- c) The project does not qualify for any of the criteria which might preclude "Exempt" status, pursuant to CEQA 15300.2 ("Exceptions"): The project will not create an impact within a particularly sensitive environment, will not have a significant cumulative impact or effect on the environment, is not located on a registered Hazardous Waste Site, and will not result in damage to scenic or historic resources.
- d) No adverse environmental effects were identified during staff review of the development application during a site visit on November 10, 2011.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110544.
- f) The project planner conducted a site inspection on November 10, 2011 to verify the circumstances related to the property.
- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110544.

7. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.144.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110544.
 - d) The project planner conducted a site inspection on November 10, 2011.
 - e) The subject property is not described as an area where the Local Coastal Program requires public access, as outlined in "Shoreline Access/Trails" ("Figure 6" of the North County Land Use Plan).
8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Board of Supervisors and the California Coastal Commission
- EVIDENCE:**
- a) Section 20.86.070 (Action by the Board of Supervisors on Appeal) and 20.86.080.A.3 (Development Appealable to the California Coastal Commission – "Conditional Use") Monterey County Zoning Ordinance.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Find the project CEQA exempt per Section 15302 (b); and
2. Approve a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow for the demolition of four agricultural support buildings totaling 84,824 square feet and the construction, in three phases, of four new agricultural support buildings totaling 42,750 square feet. One single family dwelling and one storage building totaling 6,560 square feet are to remain for 49,310 square feet of total structural coverage. Grading to consist of approximately 190 cubic yards of cut and 1,400 cubic yards of fill; 2) Variance to allow for 4.5% building site coverage (3% allowed) which is a reduction from the current coverage of 8.4%, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 8th day of August, 2012 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DATE

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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 05-09-2012

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110544

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Combined Development Permit consisting of: 1) a Coastal Development Permit to allow for the demolition of four agricultural support buildings totaling 84,824 square feet and the construction, in three phases, of four new agricultural support buildings totaling 42,750 square feet. One single family dwelling and one storage building totaling 6,560 square feet are to remain for 49,310 square feet of total structural coverage. Grading to consist of approximately 190 cubic yards of cut and 1,400 cubic yards of fill; 2) Variance to allow for 4.5% building site coverage (3% allowed), was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: PD002 - NOTICE-PERMIT APPROVAL
The applicant shall record a notice which states: "A permit (Resolution TBD) was approved by the Planning Commission for Assessor's Parcel Number 117-032-001-000 on August 8, 2012. The permit was granted subject to 27 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner 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.

4. PD004 INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, whichever occurs first and as applicable:

Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA - Planning Department.

5. PD007 - GRADING-WINTER RESTRICTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

6. PD010 - EROSION CONTROL PLAN AND SCHEDULE

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits:
An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.

Ongoing:
Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

Prior to final inspection:
Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department .

7. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, 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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits:
Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to Occupancy/ Ongoing:
The lighting shall be installed and maintained in accordance with the approved plan.

8. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on August 8, 2015 unless use of the property or actual construction has begun within this period. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: As stated in the conditions of approval:
The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

9. PD035 - UTILITIES - UNDERGROUND

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)

Compliance or Monitoring Action to be Performed: Install and maintain utility and distribution lines underground.

10. PD046 - CRITICAL EROSION AREAS (NORTH COUNTY LAND USE PLAN AREA)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All development shall demonstrate minimal disturbance in Critical Erosion Areas (North County Land Use Plan Section 20.144.070.A.2.c). For all other areas in North County Coastal Zone, an erosion control and drainage plan shall be prepared consistent with the County's Erosion Control Ordinance and Policy 2.5.3.6 of the North County Area Land Use Plan.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits:
Evidence of compliance with the Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.

Ongoing:
Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

Prior to final inspection:
Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department

11. PD047 - DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:
1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;
2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building;
3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.
All Air District standards shall be enforced by the Air District.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a demolition permit:
Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.

During demolition:
Contractor shall obtain any required Air District permits and conduct all deconstruction or demolition activities as required by the Air District.

12. PDSP002 - BUSINESS OPERATION PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Operations at the Sunset Farms project site shall be conducted within substantial conformance of the following parameters:

- Farming operations (exterior): 7 days, 6AM-sunset with only occasional night farming to occur in the early evening and no more than 5 days per year (4-8 employees)
- Packing shed: Monday-Saturday, 6AM-7PM, October-January (24-32 employees)
- Offices: Monday-Friday, 8AM-5PM (2 employees)
- Bulb cultivation & storage: 7 days, 6AM-5PM (3 employees)
- Deliveries: Monday-Saturday, 6AM-7PM

Maximum employees on-site will be limited to 13 year-round and 45 during the packing season (October-January).

Compliance or Monitoring Action to be Performed: Ongoing:
Operations at the site shall be conducted within substantial conformance of the parameters outlined in this condition.

13. WRSP1 - STORMWATER DETENTION (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan, prepared by a registered civil engineer, addressing on-site and off-site impacts. The plan shall include detention facilities to mitigate the impact of impervious surface stormwater runoff. The plan shall also include oil/grit separators for paved parking areas. Supporting calculations and construction details shall also be provided. Pond(s) shall be fenced for public safety. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

14. WRSP2 - COMPLETION CERTIFICATION (NON-STANDARD CONDITION)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a registered civil engineer or licensed contractor that stormwater detention facilities have been constructed in accordance with the approved drainage plan. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to the Water Resources Agency prepared by a registered civil engineer or licensed contractor.

15. PW0001 - ENCROACHMENT (COM)

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct a commercial driveway connection to Jensen Road including acceleration and deceleration tapers. The design and construction is subject to the approval of the Public Works Director. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permit Issuance Owner/Applicant shall obtain an encroachment permit from DPW. Improvements are to be completed prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

16. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.

17. EHSP01 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Prior to issuance of grading/building permits, the owner/applicant shall submit to the Environmental Health Bureau onsite wastewater treatment system design plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board. Shallow flow systems are indicated. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading/building permits, the owner/applicant shall submit to the Environmental Health Bureau septic plans, pay permit fees and have an approved septic contractor install the system under permit with EHB oversight.

18. FIRE001 - ROAD ACCESS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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. (North County Fire Protection District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permits, the applicant or owner shall incorporate the specification of the roadway into design and print the text of this condition as Fire Department Notes on plans.
2. Prior to requesting a final building inspection, the applicant or owner shall complete the installation of roadway improvements and obtain fire department approval the final fire inspection.

19. FIRE008 - GATES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (North County Fire Protection District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permits, the applicant or owner shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Dept. Notes" on plans.
2. Prior to requesting a final building inspection, the applicant or owner shall complete the installation of the entry gate and obtain fire department approval of the final fire inspection.

20. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (North County Fire Protection District)

**Compliance or
Monitoring
Action to be Performed:**

1. Prior to issuance of building permit, the applicant or owner shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.
2. Prior to requesting a final building inspection, the applicant or owner shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

21. FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

The provisions of this condition shall apply when new construction is approved by a local jurisdiction. The emergency water system shall be available on-site 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. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available (North County Fire Protection District)

**Compliance or
Monitoring
Action to be Performed:**

1. Prior to issuance of building permit, the applicant or owner shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on improvement plans.
2. Prior to issuance of building permit(s), the applicant or owner shall complete the installation of water system improvements and shall obtain fire dept. approval of the fire clearance inspection for each phase of development.

22. NON-STANDARD CONDITION - EMERGENCY ACCESS KEYBOX

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: FIRESPO01 - EMERGENCY ACCESS KEYBOX (NON-STANDARD CONDITION)
Emergency access key box ("Knox Box") 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 key box can be maintained with current keys. (North County Fire Protection District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of the building permit, the applicant or owner shall print the text of this condition as "Fire Dept. Notes" on the construction plans.
2. Prior to requesting a final building inspection, the applicant or owner shall install the applicable emergency access device and shall obtain fire department approval of the final fire inspection.

23. NON-STANDARD CONDITION - FIRE ALARM SYSTEM - (COMMERCIAL)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: FIRESPO02 - FIRE ALARM SYSTEM (NON-STANDARD CONDITION)
Any fire sprinkler system with 20 or more fire sprinklers shall be monitored by a station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. A fire alarm system shall be provided with audible and visual notification devices in any building with a fire sprinkler system containing more than 100 sprinklers or with more than one tenant space. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. (North County Fire Protection District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of building permit, the applicant or owner shall print the text of this condition as "Fire Dept. Notes" on the construction plans.
2. Prior to requesting a framing inspection, the applicant or owner shall obtain fire department approval of the fire alarm system plans.
3. Prior to requesting a final building inspection, the applicant or owner shall obtain fire department approval the fire alarm acceptance test and the final fire inspection.

24. NON-STANDARD CONDITION - FIRE SPRINKLER SYSTEM

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: FIRESPO03 - FIRE SPRINKLER SYSTEM (NON-STANDARD CONDITION)
Any building having a total floor area greater than 500 square feet shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four(4) sets of plans for fire sprinkler systems must be submitted to the fire district by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and approved prior to requesting a framing inspection. (North County Fire Protection District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of building permit, the applicant or owner shall print the text of this condition as "Fire Dept. Notes" on the construction plans.
2. Prior to requesting a framing inspection, the applicant or owner shall obtain fire department approval of the rough fire sprinkler inspection.
3. Prior to requesting a final building inspection, the applicant or owner shall obtain fire department approval the final fire sprinkler inspection.

25. NON-STANDARD CONDITION - HYDRANTS AND FIRE FLOW

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

FIRES004 - HYDRANTS AND FIRE FLOW (NON-STANDARD CONDITION)

Hydrants for fire protection shall be provided at locations approved by the fire code official and shall conform to the following requirements:

- a. FIRE FLOW - Pursuant to California Fire Code Appendix B, the minimum fire flow requirement for square foot commercial facilities built with Type construction is gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of hours. Fire flow for facilities protected with automatic fire sprinkler systems may be reduced to gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of hours.
 - b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.
 - c. HYDRANT/FIRE VALVE (ADDITION) - New hydrant(s) shall be installed as determined by the fire code official.
 - d. HYDRANT/FIRE VALVE (LOCATION) - 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.
 - e. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in California Fire Code Appendix B and in accordance with the following specifications:
 - f. HYDRANT SIZE - The hydrant shall have a minimum of two (2) inch outlets NST and one (1) inch outlet NST. The riser shall be a minimum of six (6) inches and shall be wet barrel type with a coefficient of 0.9.
 - g. SIGNING OF WATER SOURCES - 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.
- (North County Fire Protection District)

**Compliance or
Monitoring
Action to be Performed:**

1. Prior to issuance of building permit, the applicant or owner shall print the text of this condition as "Fire Dept. Notes" on the improvement plans and/or construction plans, shall complete the installation of water system improvements and shall obtain fire department approval of the water system acceptance test.

26. NON-STANDARD CONDITION - PORTABLE FIRE EXTINGUISHERS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

FIRES005 - PORTABLE FIRE EXTINGUISHERS (NON-STANDARD CONDITION)

Portable fire extinguishers shall be installed and maintained in accordance with California Fire Code Chapter 9 and Title 19 California Code of Regulations. (North County Fire Protection District)

**Compliance or
Monitoring
Action to be Performed:**

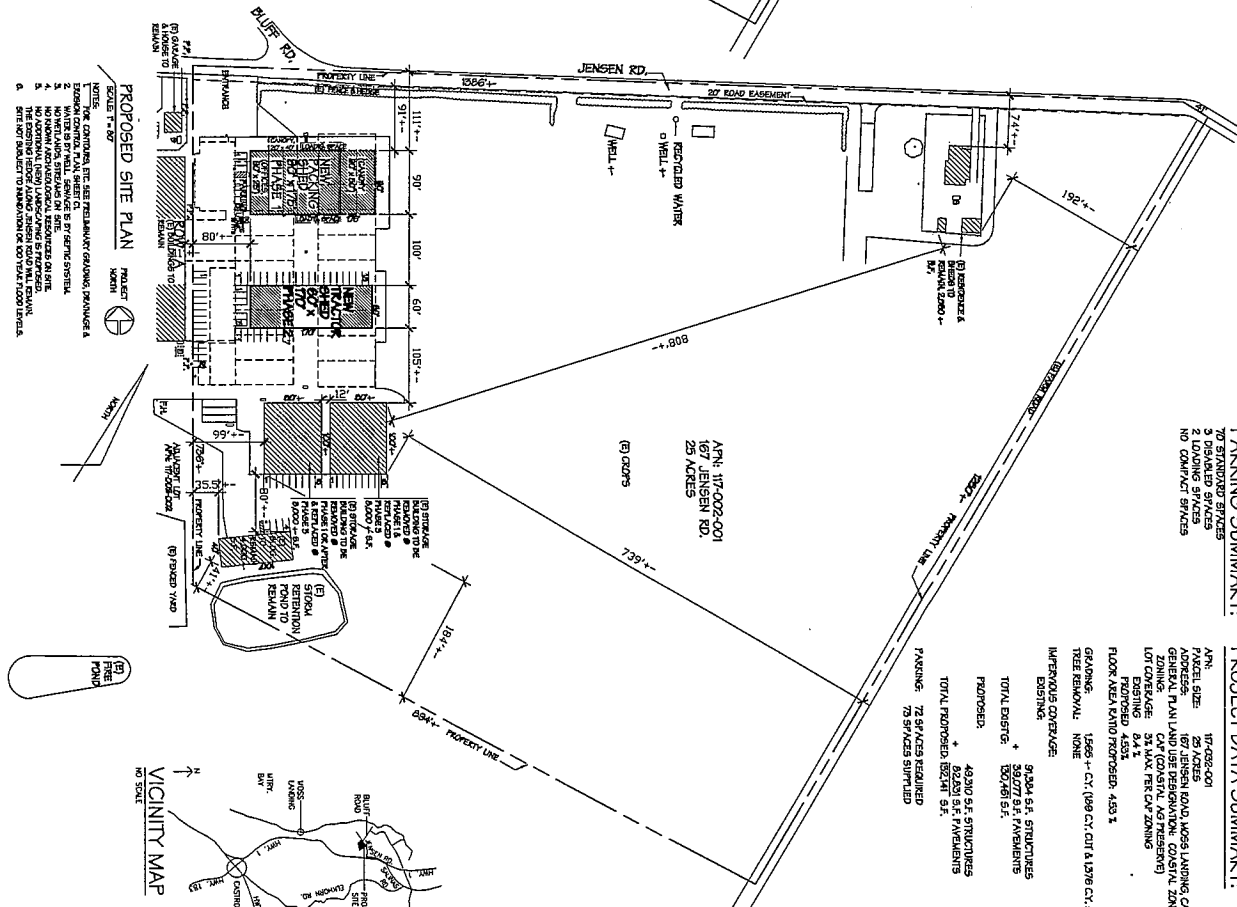
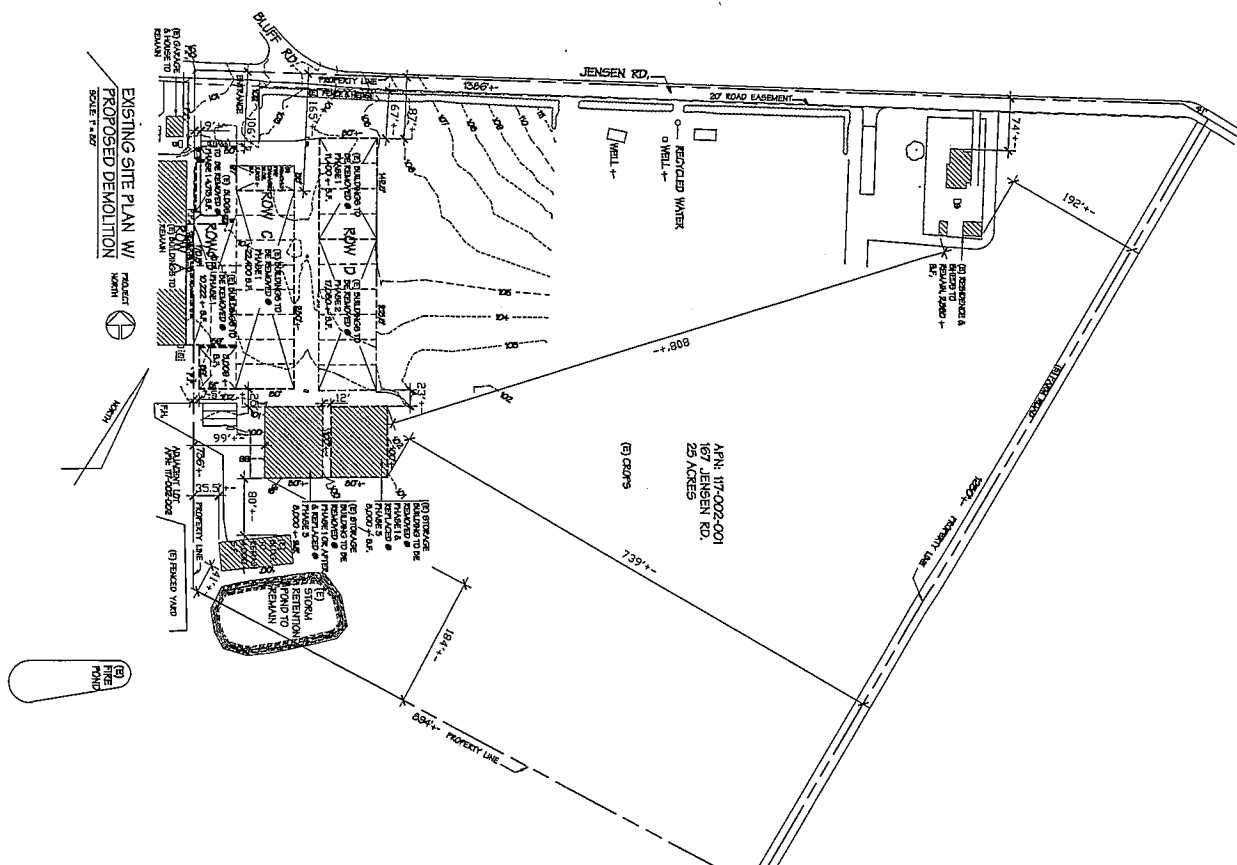
1. Prior to issuance of the building permit, the applicant or owner shall print the text of this condition as "Fire Dept. Notes" on the construction plans.
2. Prior to requesting a final building inspection, the applicant or owner shall install the applicable portable fire extinguisher(s) and shall obtain fire department approval of the final fire inspection.

27. NON-STANDARD CONDITION - PUBLIC SAFETY AND SECURITY GUIDELINES

Responsible Department: Sheriff

**Condition/Mitigation
Monitoring Measure:** The Applicant shall be required to confer with the Sheriff's Office to implement satisfactory public safety and security measures. To obtain assistance in compliance with the Sheriff's Public Safety and Security Guidelines, the applicant shall contact the Community Services Representative, Sherrif David B. Crozier.

**Compliance or
Monitoring
Action to be Performed:** Prior to occupancy:
Applicant shall comply with the Monterey County Sheriff's Public Safety and Security Guidelines to the satisfaction of the Monterey County Sheriff's Office.



PARKING SUMMARY:

70 STANDARD SPACES
3 DISABLED SPACES
23 TOTAL SPACES
NO DRIVE-UP SPACES

PROJECT DATA SUMMARY:

APN: 177-002-001
ADDRESS: 167 JENSEN RD, MONTEREY, CA 93940
GENERAL PLAN LAND USE DESIGNATION: COASTAL ZONE
ZONING: CUP (COASTAL URBAN RESIDENTIAL)
LOT COVERAGES: 34.1% (EX. TREE COVER)
PROPOSED 4.53%
FLOOR AREA RATIO PROPOSED: 4.53%
GRADING: 1566' ± C.Y. (198 C.Y. CUT & 1378 C.Y. FILL)
TREE REMOVAL: NONE
INTERIUS OVERAGE:
EXISTING: 9,834 S.F. STRUCTURES
TOTAL EXISTING: 9,834 S.F. PAVEMENTS
PROPOSED: 43,210 S.F. STRUCTURES
TOTAL PROPOSED: 53,044 S.F.
PAVING: 72 SPACES REQUIRED
72 SPACES SUPPLIED

SHEET TITLE: DEMOLITION & PROPOSED SITE PLANS, PROJECT DATA SUMMARY, PARKING SUMMARY, VICINITY MAP FOR COASTAL PERMIT

PROJECT: PROPOSED PACKING SHED & TRACTOR SHED REBUILD

SUNSET FARMS

167 JENSEN ROAD

MONTEREY, CA

MARTHA CROW SAYLOR, ARCHITECT 29 LINDA VISTA DRIVE, MONTEREY, CA 93940 (831) 372-9215

SSB CONSTRUCTION

1161 Tannen Avenue, Salinas, California 93901
T 831 424-1847 / F 831 424-4401
LISCENSE # 191861 www.ssbconstruction.com

PRINT DATE: JAN. 3, 2012

REVISIONS:

DATE: JAN. 3, 2012

JOB NO.: 1122

DRAWN: MCS

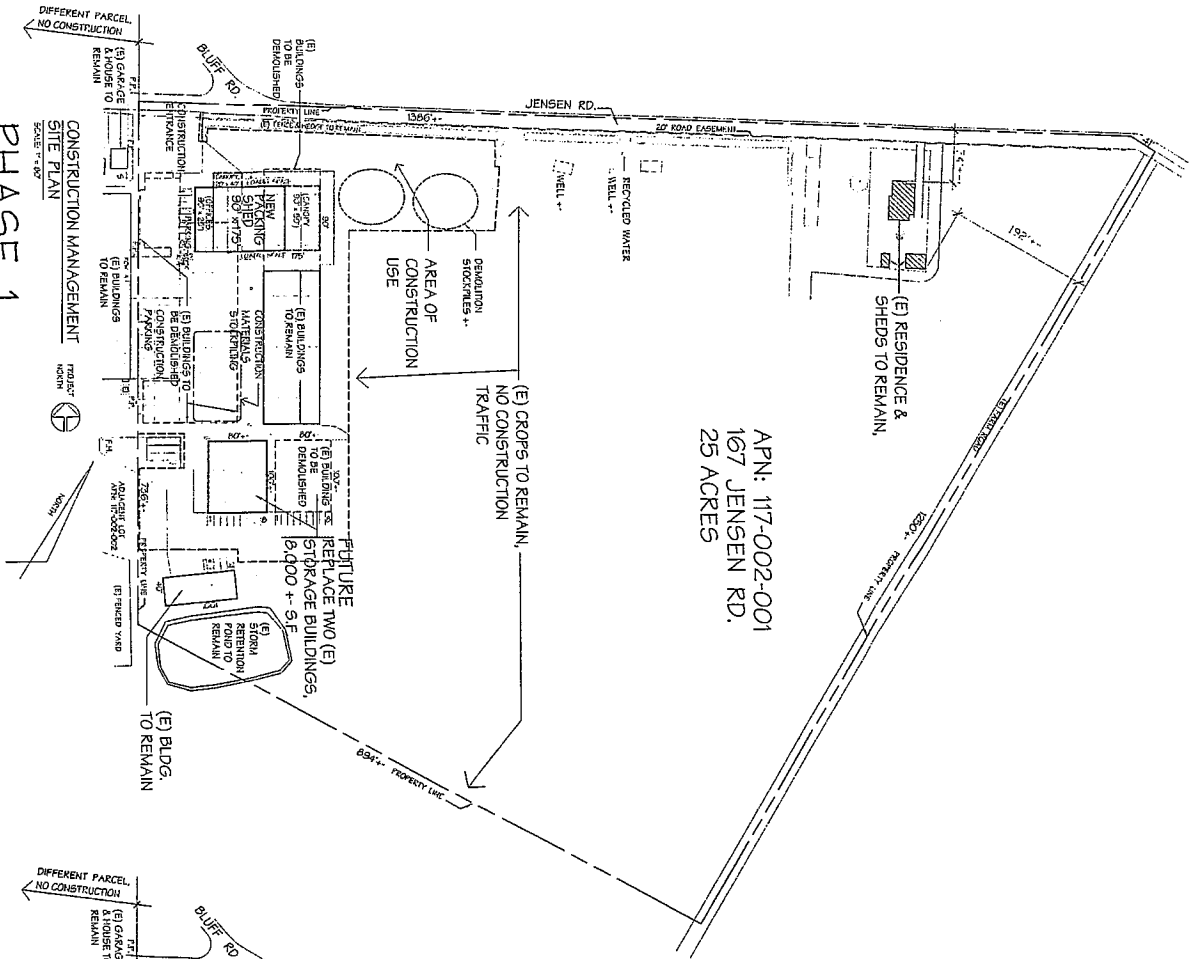
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OF

PHASE 1

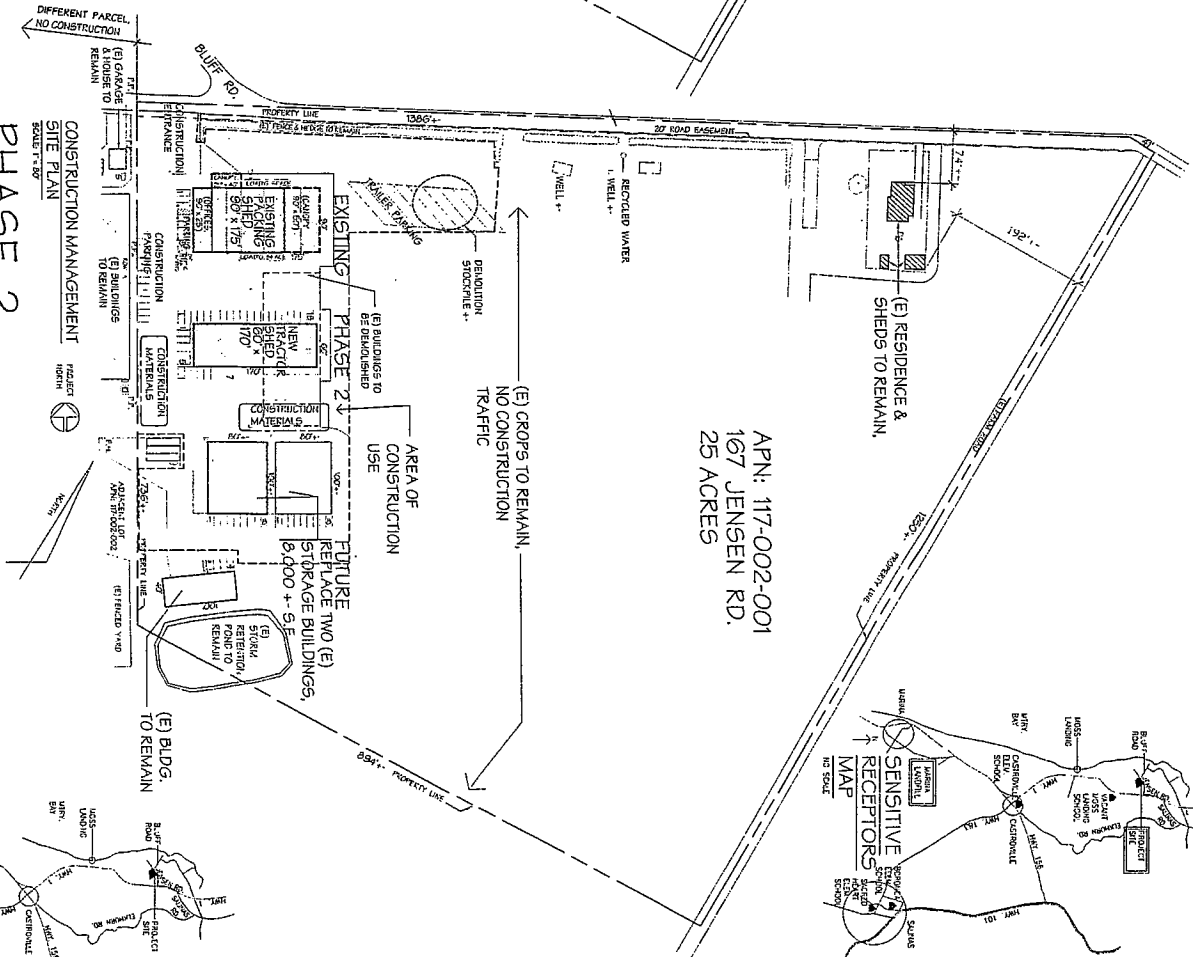
CONSTRUCTION MANAGEMENT
SITE PLAN
SCALE: 1" = 60'



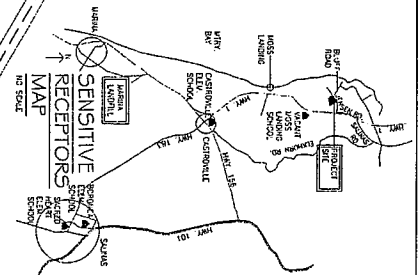
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167 JENSEN RD.
25 ACRES

PHASE 2

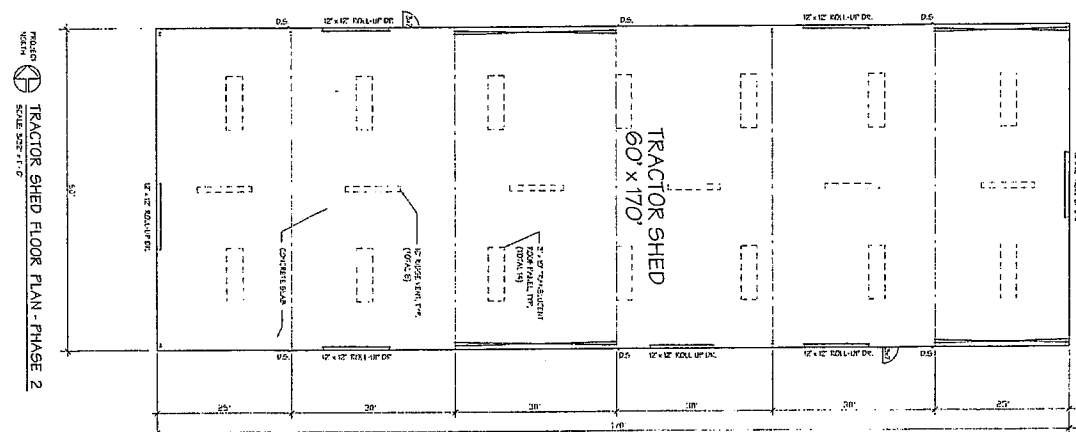
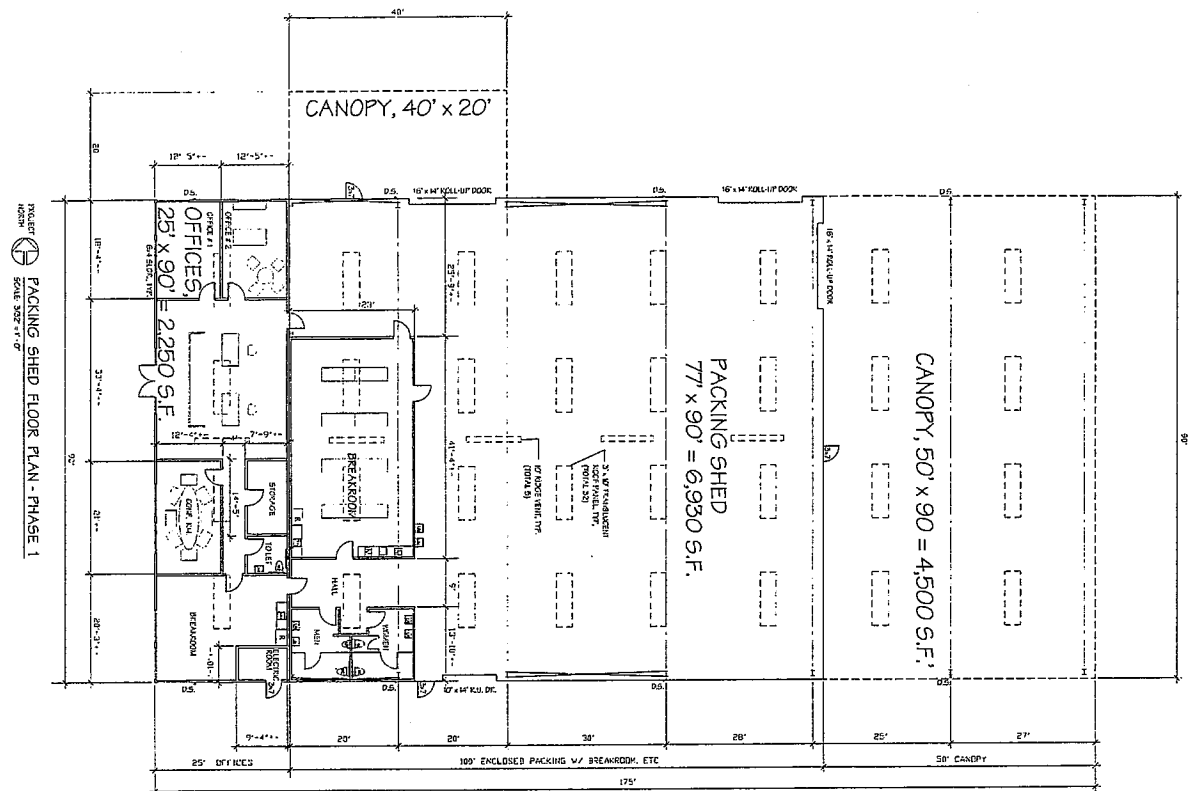
CONSTRUCTION MANAGEMENT
SITE PLAN
SCALE: 1" = 60'



APN: 117-002-001
167 JENSEN RD.
25 ACRES



SHEET 1111		MARSHA CROW SAYLOR, ARCHITECT 29 LINDA VISTA DRIVE, MONTEREY, CA 93940 (831) 372-9215	
CONSTRUCTION MANAGEMENT PLAN, PHASES 1 & 2 FOR COASTAL PERMIT		<div style="display: flex; align-items: center;"> <div style="font-size: 2em; font-weight: bold; margin-right: 10px;">SSB</div> <div> CONSTRUCTION <small>design // build // general contractor</small> </div> </div>	
PROJECT: PROPOSED PACKING SHED & TRACTOR SHED REBUILD SUNSET FARMS 167 JENSEN ROAD		<div style="display: flex; justify-content: space-between;"> <div> 1101 Terven Avenue, Salinas, California 93901 T 831 424-1647 / F 831 424-4401 LICENSE # 191651 www.ssbconstruction.com </div> <div> PRINT DATE: _____ REVISIONS: _____ DATE: JAN. 5, 2012 JOB NO: 1122 DRAWN: MCS CHECKED: _____ </div> <div> SHEET NO: CM-1.0 OF: _____ </div> </div>	



MARTHA CROW SAYLOR, ARCHITECT 29 LINDA VISTA DRIVE, MONTEREY, CA 93940 (831) 377-9215

SHEET TITLE

PACKING SHED & TRACTOR SHED FLOOR PLANS FOR COASTAL PERMIT

PROJECT
PROPOSED PACKING SHED & TRACTOR SHED REBUILD
SUNSET FARMS
167 JENSEN ROAD

MOSS LANDING, CA

SSB
CONSTRUCTION
design // build // general contractor

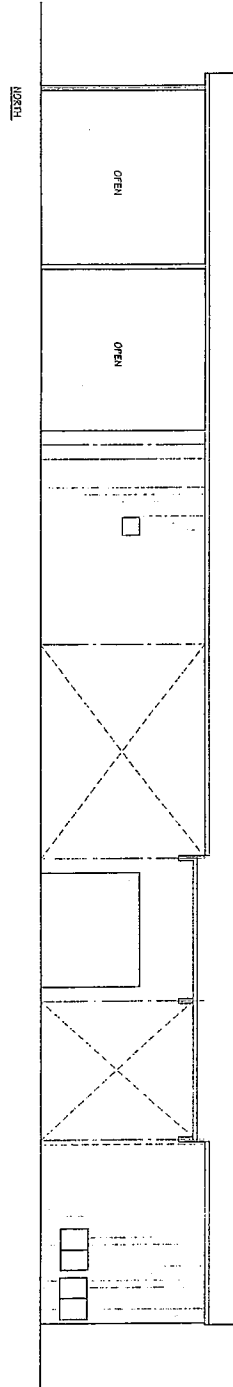
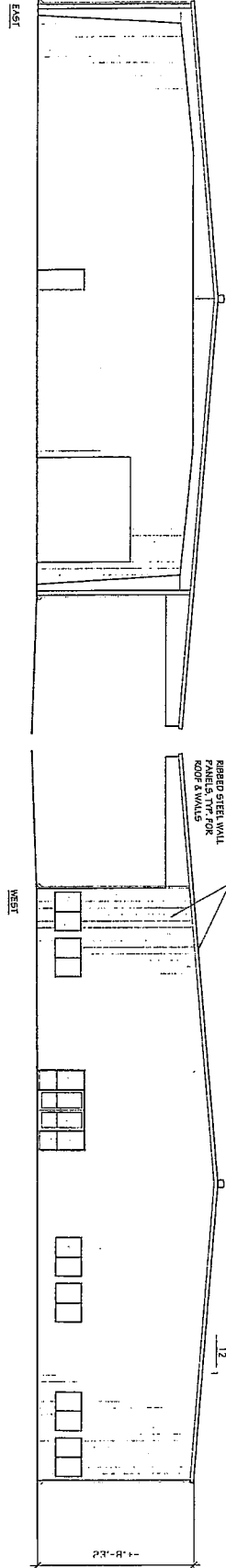
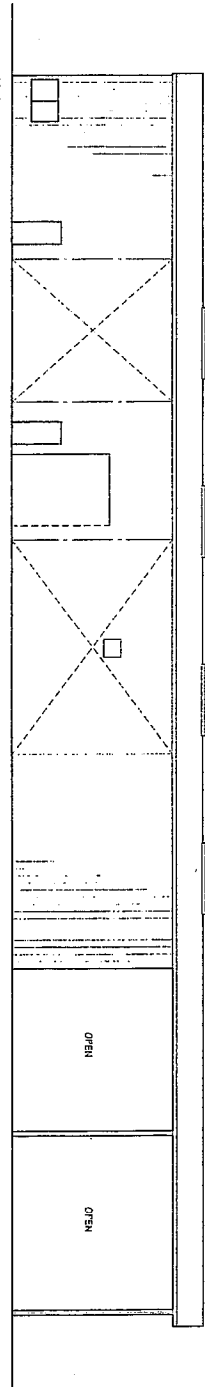
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LICENSE # 191651 www.sabconstruction.com

PRINT DATE
REVISIONS

DATE	JAN. 4, 2012
JOB NO.	1122
DRAWN	MCS
CHECKED	

SHEET NO
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of

EXTERIOR ELEVATIONS - PACKING SHED
SCALE 1/8" = 1'-0"



SHEET TITLE
PACKING SHED EXTERIOR ELEVATIONS - FOR COASTAL PERMIT
PROJECT
PROPOSED PACKING SHED & TRACTOR SHED REBUILD
SUNSET FARMS
167 JENSEN ROAD
MOSS LANDING, CA

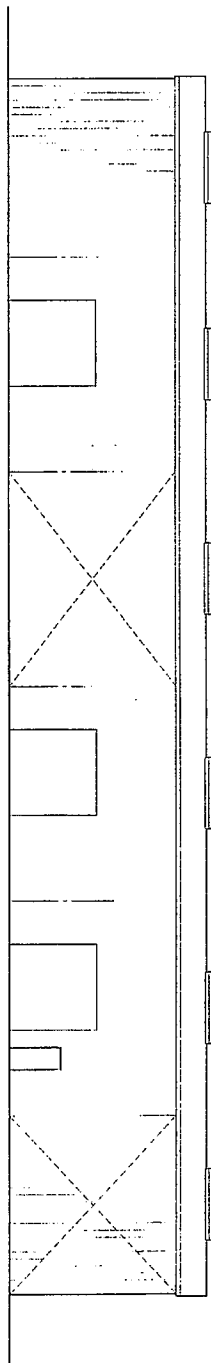
MARTHA CROW SAYLOR, ARCHITECT 29 LINDA VISTA DRIVE, MONTEREY, CA 93940 (831) 372-9215

SSB
CONSTRUCTION
design // build // general contractor
LICENSE # 191851 www.ssbconstruction.com

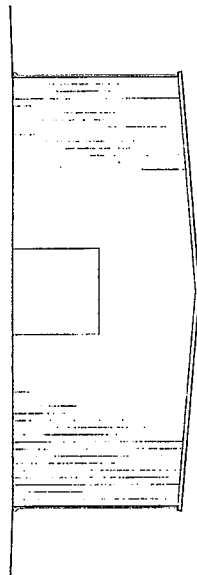
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LICENSE # 191851 www.ssbconstruction.com

PRINT DATE	DATE	SHEET NO.
REVISIONS	DEC. 12, 2011	A-
	JOB NO. 1122	3.0
	DRAWN BY MCS	OF
	CHECKED	

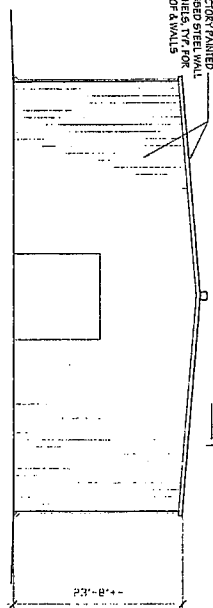
SOUTH
 EXTERIOR ELEVATIONS - TRACTOR SHED
 SCALE: 1/8" = 1'-0"



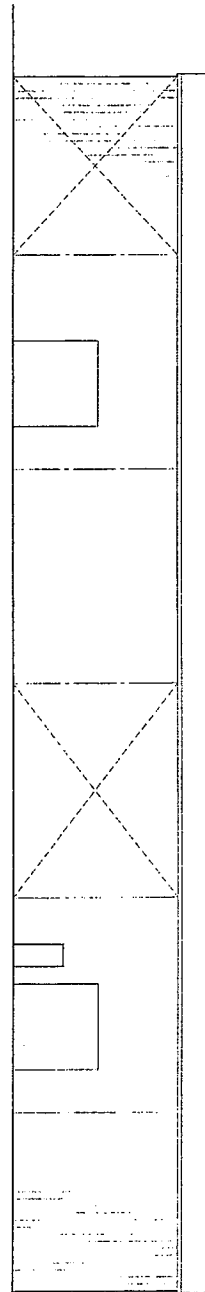
EAST



WEST



NORTH



SHEET TITLE
 TRACTOR SHED EXTERIOR ELEVATIONS- FOR COASTAL PERMIT
 PROJECT
 PROPOSED PACKING SHED & TRACTOR SHED REBUILD
SUNSET FARMS
 167 JENSEN ROAD
 MOSS LANDING, CA

MARTHA CROW SAYLOR, ARCHITECT 29 LINDA VISTA DRIVE, MONTEREY, CA 93940 (831) 372-9215

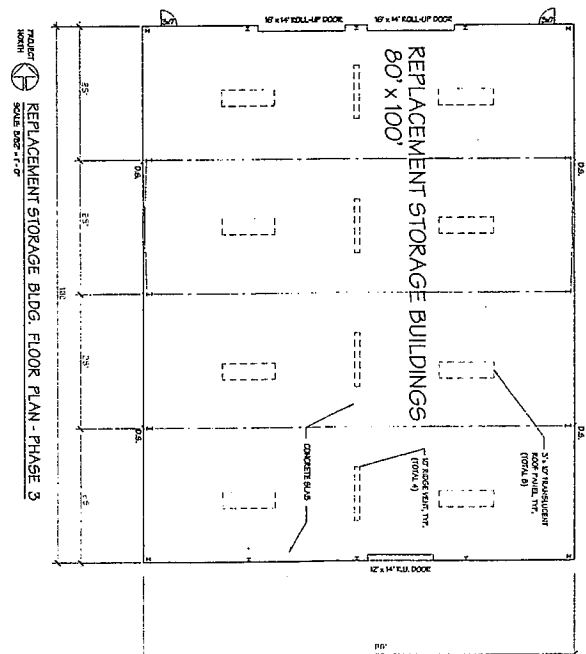
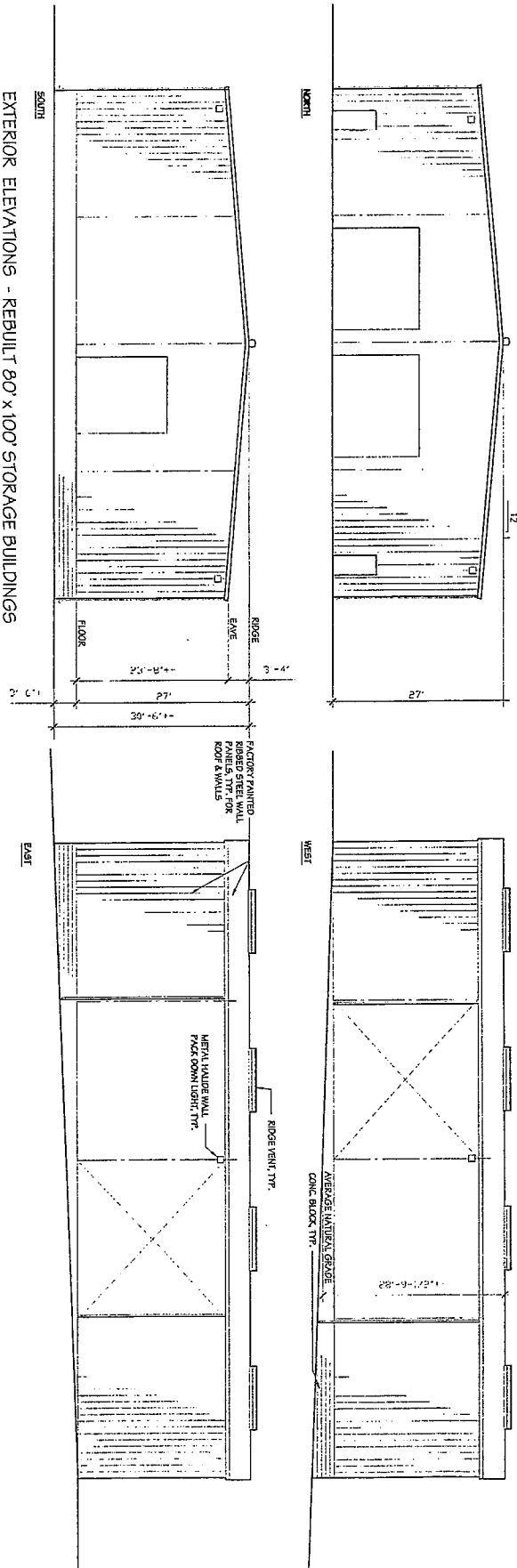
SSB
CONSTRUCTION
 design // build // general contractor

1161 Terveen Avenue, Salinas, California 93901
 T 831-424-1647 // F 831-424-4401
 LICENSE # 191651 www.ssbconstruction.com

PRINT DATE	DATE	SHEET NO
REVISIONS	NOV 22, 2011	A-
	JOB NO. 1122	3.1
	DRAWN: MCS	OF
	CHECKED:	

EXTERIOR ELEVATIONS - REBUILT 80' x 100' STORAGE BUILDINGS

SCALE 1/8" = 1'-0"



SHEET TITLE
FLOOR PLAN 80' x 100' REPLACEMENT BUILDINGS FOR COASTAL PERMIT

PROJECT
PROPOSED PACKING SHED & TRACTOR SHED REBUILD
SUNSET FARMS
167 JENSEN ROAD

MARTHA CROW SAYLOR, ARCHITECT 29 LINDA VISTA DRIVE, MONTEREY, CA 93940 (831) 372-8215

SSB
CONSTRUCTION
design // build // general contractor

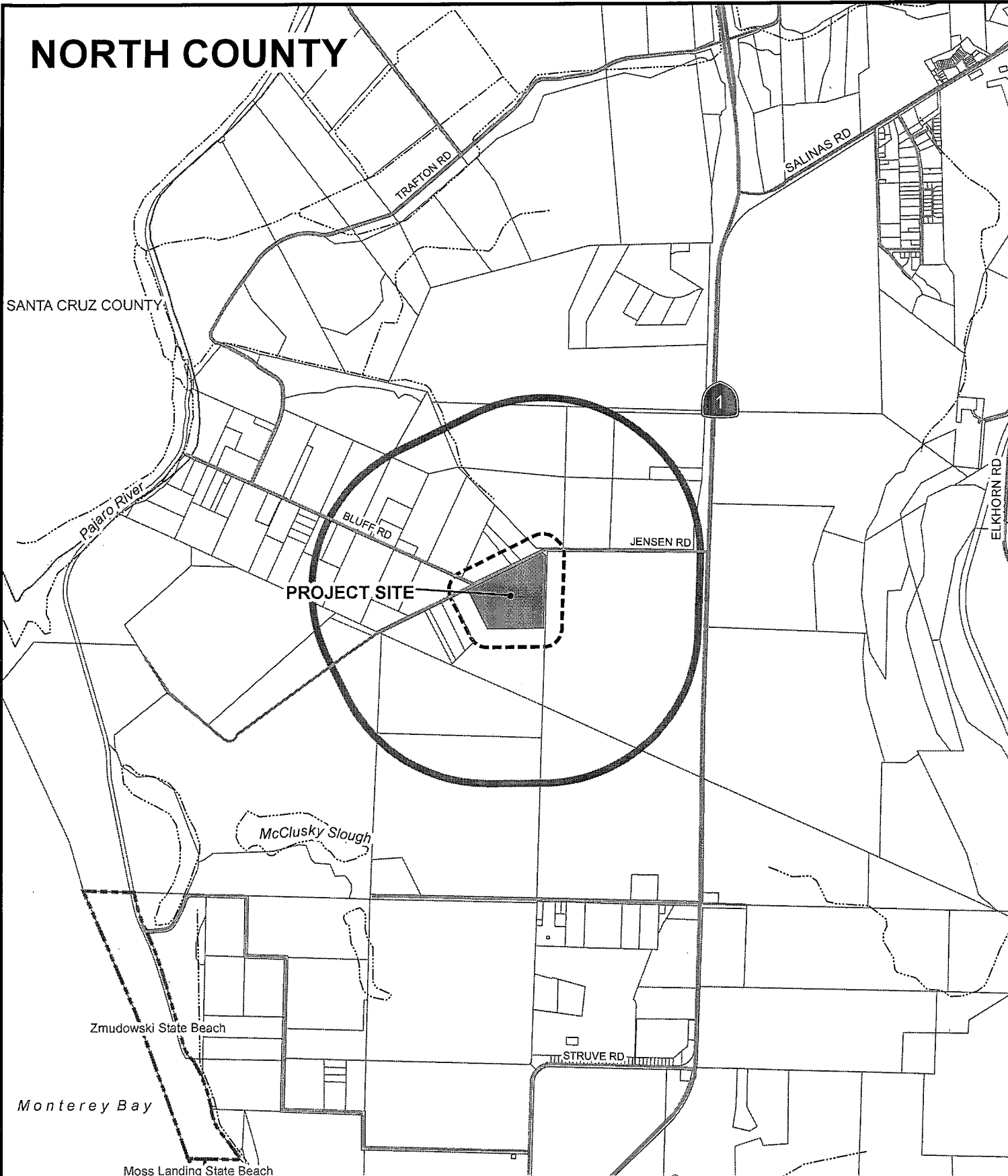
1161 Tervan Avenue, Salinas, California 93901
T 831 424-1047 / F 831 424-4401
LICENSE # 191551 www.ssbconstruction.com

PRINT DATE	DATE	SHEET NO
REVISIONS	DEC 14, 2011	A-
	JOB NO 1022	2.1
	DRAWN UCS	0'
	CHECKED	

**EXHIBIT D
VICINITY MAP
SATELLITE PHOTO**

NORTH COUNTY

SANTA CRUZ COUNTY



APPLICANT: SUNSET FARMS INC

APN: 117-032-001-000

FILE # PLN110544

Water 2500' Limit 300' Limit City Limits

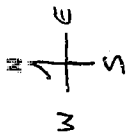


PLANNER: MASON



Proposed Hwy1 access @ Jensen Road, with turn/acceleration lane.

Hwy1 access for existing packing facility to be replaced by proposed project. No turn/acceleration lane.



Project Parcel

EXHIBIT E
VARIANCE JUSTIFICATION LETTER

Catherine A. Philipovitch
Attorney at Law
152 Walnut Avenue
Santa Cruz CA 95060

Telephone (831) 423-9300
Facsimile (831) 471-9872

January 5, 2012

cap@caplawgroup.com

County of Monterey
Resource Management Agency
168 W. Alisal St.
2nd Floor
Salinas, CA 93901

Re: Application for Variance, APN 117-032-001-000

Dear Planners:

I represent Sunset Farms, Inc., the owner of the above-referenced parcel. My client farms Brussels sprouts and other crops on the subject property and on the adjoining land to the east of the subject property. As set forth below, we request that the County grant a variance in order to allow for a lot coverage of 4.53% on the subject site, in lieu of the current lot coverage of 8.4%.

A. Background

The property, consisting of approximately 25 acres, is zoned CAP-CZ. The property currently has a house and numerous storage structures. My client proposes to demolish all but one of the storage structures, and, in their place, construct a packing shed, an equipment storage shed, and rebuild 2 storage buildings. An existing 4,000 square foot storage structure would be left intact. The existing structures total 91,384 square feet (88,824 square feet of existing storage structures, and 2,560 square feet of house area), representing a lot coverage of 8.4%. The owner proposes to reduce the square footage of the existing structures to 49,310, representing a lot coverage of 4.53%. The owner requests a variance from the lot coverage maximum of 3% in order to allow for the proposed new structures. Given the unique circumstances of this application, if the application is denied, the property will continue to be encumbered by a lot coverage of 8.4%, which greatly exceeds the current 3% limitation.

B. Nonconforming Structures

The existing structures are considered legal nonconforming because they were constructed in accordance with the laws at the time of their construction. If the structures were damaged or destroyed by an act of God, they would be allowed to be rebuilt "to a total floor area and volume not exceeding that of the structure destroyed." (Monterey County Code §20.68.050). In this case, the structures have been damaged by acts of God, including strong wind storms, and, over time they have become unfit for food storage. Nevertheless, rather than

rebuild the existing structures in their current configuration (which could pose potential safety issues given the proximity of the structures), the owner would prefer to rebuild new structures that meet current building code and seismic safety standards, in a configuration that will have a greatly reduced lot coverage. The proposed rebuilt structures will create a much safer working environment for workers that use these buildings, and the structures will be more useful to the agricultural operations conducted on the subject property and the adjoining farmland by satisfying food safety standards.

C. Variance Findings

Monterey County Code Section 20.78.040 sets forth the required findings for a variance. The first required finding is that, because of special circumstances applicable to the subject property, the strict application of the applicable zoning regulations would deprive the subject property of privileges enjoyed by other properties in the vicinity with the same zoning classification. (County Code §20.78.040.A). In this case, the subject parcel is used by the owner as part of the owner's adjoining agricultural operations. The subject parcel is unique from other properties in the vicinity in that it is smaller than many of the parcels being actively farmed. The agricultural operations being conducted on the property and on adjoining property under common ownership require adequate on-site storage facilities as an integral part of the operations. The existing storage structures on the property are dilapidated and do not meet food safety standards. In addition, they encumber much more land than is necessary for their intended purposes. If the owner is not allowed to reduce the lot coverage as requested, then the subject property will be deprived of the opportunity to have adequate and safe storage facilities, as well as necessary packing operations for the owner's agricultural products. Moreover, it is a special circumstance that this property already greatly exceeds the lot coverage limitations (albeit with structures that are not safe, seismically sound and adequate for the owner's agricultural operations), and would be put much more in compliance with the lot coverage limitations by the owner's proposal.

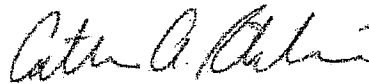
The second required finding for a variance is that the variance must not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. (County Code §20.78.040.B). This finding is satisfied because instead of being a special privilege, the variance would allow the owner to use the parcel for its intended purposes, as other agricultural owners in the vicinity are already able to do. Presently, the owner cannot utilize the existing structures for food storage because they do not meet food safety standards. With the requested variance, the owner would have new structures that comply with food safety standards and current building and seismic codes, and which take up much less lot coverage than the existing structures.

The third required finding for a variance is that the variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zoning. (County Code §20.78.040.C). The CAP zoning expressly allows "all accessory structures such as barns, stables, storage structures, and farm shops." (§20.30.040.C). In this case, the structures will be used primarily for storage purposes, with the packing shed being used for packing purposes incidental to the agricultural operations conducted on site and adjoining property. These are all authorized purposes consistent with the CAP zoning.

All required variance findings are strongly supported by the circumstances of this case. The variance is further warranted by the fact that it will cause the lot coverage to drop from 8.4% to 4.53%, thereby bringing it more into compliance with the current code. Without the variance, the existing structures will remain, subject to the potential that they may be restored. This situation would not benefit the County or the farmer-owner of the property. Finally, the granting of the requested variance would also serve to promote the strong agricultural policies set forth in the Monterey County General Plan's Agriculture component.

We request the County's support in granting the variance in order to bring the subject property more into compliance with current laws and to promote the agricultural uses on the subject site.

Very truly yours,



Catherine A. Philipovitch

cc: client

EXHIBIT F
AGRICULTURAL ADVISORY
COMMITTEE 5/31/2012 MEETING
MINUTES

(Note: As of the publication date of this staff report these minutes are available only in "draft" format as the Committee has not held a subsequent meeting during which certify these minutes could be considered for approval.)

Mason, Steve x5228

Subject: FW: AAC 5/31/2012 meeting minutes

From: Nielsen, Kathleen x7301
Sent: Thursday, July 19, 2012 10:10 AM
To: Mason, Steve x5228
Subject: RE: AAC 5/31/2012 meeting minutes

Hi Steve – I have the minutes but they are in draft form and have yet to be approved by the committee. Is this the information you want?

Planning Department

Taven Kinison Brown, Senior Planner

Sunset Farms, Inc. PLN 110544: Combined Development Permit The site was previously utilized for mushroom farming and now is to be utilized primarily for seasonal (October-January) Brussels sprout processing and limited ongoing flower bulb cultivation. The property is located at 167 Jensen Road, Moss Landing (Assessor's Parcel Number 117-032-001-000), south of the intersection of Jensen and Bluff Roads, North County Land Use Plan, Coastal Zone.

Public Comment: None

Motion: A motion was made by Chris Bunn, seconded by Steve McIntyre, and passed recommending the Planning Committee approve this project.

AYES: 9
NOES: 0
ABSENT: 3 (Hammond, Miller, Violini)
RECUSED: 1*

Steve DeLorimier removed himself from the dias and recused himself from the discussion and from voting on this item due to a possible conflict of interest.

Thanks,

Kathy

Kathy Nielsen
Monterey County Agricultural Commissioner's Office
1428 Abbott Street
Salinas, CA 93901-4507
831.759.7301 Direct Line
831.759.2268 Fax
nielsenk@co.monterey.ca.us
www.ag.co.monterey.ca.us