

# Exhibit B

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## DRAFT RESOLUTION

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

In the matter of the application of:

**JIMENEZ SALVADOR JR. TRUST (PLN140602)**

#### **RESOLUTION NO. 24--**

Resolution by the Monterey County Planning  
Commission:

- 1) Adopting a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
- 2) Approving a second amendment to ZA-3117 and an amendment to ZA-3629 which allowed approximately 156,840 square feet (sq. ft.) vending and outdoor sales (flea market) area and 306,000 sq. ft. of parking area. This amendment grants an additional 34,500 sq. ft. of outdoor vending area, approx. 18,140 sq. ft. vehicle access, and 720 sq. ft. office structure southwest of the Red Barn and legalize an additional 51,446 sq. ft. parking area northeast of the Red Barn to abate Code Enforcement Case Nos. 20CE00297 and 22CE00422;
- 3) Amending an adopted General Development Plan to expand the existing open-air sales (flea market) and to add new uses including corporate events, weddings and quinceñeras within the Red Barn structure and electric carts, nursery events, outdoor movies, paintball club outside and allowing construction of on-site storage (shipping containers or similar) for vendors to rent on the property;
- 4) Approving a Use Permit for grading on slopes in excess of 25 percent as after-the-fact permit to partially abate Code Enforcement Case No. 22CE00422 and
- 5) Adopting a Condition Compliance and Mitigation Monitoring and Reporting Plan.

[Jimenez Salvador Jr Tr (a.k.a. The Red Barn), 1000, 1050, 1060 and 1150 North Highway 101, Aromas, North County Area Plan (APNs: 141-013-035-000, 141-013-034-000, 141-013-037-000 and 141-131-025-000)]

**The JIMENEZ SALVADOR JR. TRUST application (PLN140602) came on for public hearing before the Monterey County Planning Commission on July 10, 2024. 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 that designate this area as appropriate for development.
- EVIDENCE:**
- a) The Project has been reviewed for consistency with the text, policies, and regulations contained in the:
    - 2010 Monterey County General Plan (2010 GP);
    - North County Area Plan; and
    - Monterey County Zoning Ordinance (Title 21).No conflicts were found to exist. Communications were received during the course of review of the project indicating dismay with the establishment but did not present inconsistencies with the text, policies, and regulations in these documents.
  - b) ZA-3117. The Use Permit approved by the Zoning Administrator in 1977 renewed and consolidated previous Use Permits ZA-1047 and ZA-2449 on the subject property (herein after referred to as the “Red Barn”) for indoor and outdoor retail sales of new and used merchandise, beer bar, snack food bar, and wine tasting and sales. The site plan identified the area allowed for retail sales with a dashed line. The area encompassed the Red Barn structure and extended to the south and west to encompass a section of the parking lot. The total area was discussed as approximately 157,050 square feet. (The proposed Project site plan shows it measured at 156,840 square feet.)
  - c) ZA-3629. The Use Permit approved by the Zoning Administrator in 1979 allowed a 17-acre parking lot northeast of the Red Barn to provide 950 parking spaces. The parking area was delineated on an attached site plan.
  - d) Zoning Administrator Resolution 19-018. The Minor Amendment approved by the Zoning Administrator in 2019 allowed a relocation of 17,497 square feet of outdoor retail sales space as a result of outdoor sales space lost to a Cal-Trans interchange project in 2015. The Amendment returned approximately 50 vendor spaces on existing paved ground with no net gain of sales area from the approved Use Permit ZA-3117.
  - e) Project. This project includes amending Use Permit ZA-3629 to modify the boundaries of the approved lower parking lot northeast of the Red Barn by 51,446 square feet and delineate parking stall locations. The project would provide 758 public parking and 95 vendor parking spaces, including Americans with Disability Act (ADA) accessible spaces. The project would include the installation of vehicle directional signage and onsite advertising signage (non-monument) at the northeastern parking lot area facing the frontage road. This may include new “Lane Open” signs for the ticket booths and a new entry sign advertising the Red Barn. In addition, the three flag poles that were removed due to Highway 101

construction would be replaced on the project site between the Red Barn and the ticket booths. The proposed Amendment will expand the current outdoor use area by 52,642 square feet by adding 34,505 square feet of retail sales area and 18,137 square feet of fire lanes/vehicle access area in the southwest area for a total of approximately 191,375 square feet inclusive of the Red Barn (and excluding vehicular access areas, see Site Plan). This would allow 86 additional vendor spaces in the outdoor retail sales area. The total number of vendors would not exceed a maximum of 319 vendors (see General Development Plan, "GDP"). Two new restrooms within two permanent buildings would connect to a new wastewater treatment facility on the property. Food and beverage vendor locations would be limited to areas within 200 feet of a restroom with flush toilets as required by applicable sections of the California Retail Food Code. A second 720 sq. ft. modular office would be permitted to remain on the site (one 720 sq. ft. modular office was already permitted on the site). The GDP also describes new uses for indoor and outdoor areas. The new uses would include social activities, holiday-themed commercial activities, and entertainment activities. Construction of on-site storage (shipping containers or similar) for vendors to rent is also proposed. See evidence "i" for the specifics. Approximately 300 cubic yards of grading shall be permitted, including some grading on slopes, through this entitlement which abates the code violations which have occurred on the site. See Finding 4.

- f) Allowed Use. The property is located at 1000, 1050, 1060 and 1150 North Highway 101, Aromas, North County Area Plan (APNs: 141-013-035-000, 141-013-034-000, 141-013-037-000 and 141-131-025-000). Parcels identified as APNs 141-131-025-000, 141-013-034-000, -035, and the front half of -037 are zoned Light Commercial (LC). Light commercial uses such as the flea market, special events and additional commercial opportunities described in the GDP are allowed in the LC zoning with a GDP, while parking lots and open air retail and wholesale sales are permitted with a Use Permit (Monterey County Code ["MCC"] sections 21.18.030 and 21.18.060.C, and F, respectively). The rear half of the parcel identified as APN 141-131-037-000 is zoned Rural Density Residential (RDR). The use of this area is proposed to be a paintball club. The paintball club would provide barriers and obstacles in the field and used for "cover" during paintball games. No permanent facilities would be constructed. This activity is allowed in the RDR zoning with a Use Permit (MCC section 21.16.050.HH, other similar uses to [D] golf course or (GG) riding and roping arena [GG]). The GDP states a separate entitlement will be obtained for this use. Therefore, the Amended Use Permit and GDP include allowed uses.
- g) Lot Legality. The lot that is APN 141-013-037-000 is shown in the same design as Parcel A of Vol 9 Parcel Maps Page 145 (Vossler subdivision, 1975). The lot that is APN 141-131-025-000 is shown in the same design as Parcel 1 in Vol. 15 of Cities and Towns Page 33 (Ballantree Estates subdivision, 1981). The lots that are APN 141-013-035-000 and 141-013-034-000 are identified as Lot 37A in the 1972 Assessors Parcel Map 141 Page 01-2, except an area which was removed by Cal Trans as described in

Document #2016028278. Therefore, the County recognizes the parcels as legal lots of record.

- h) Development Standards. The project is subject to the development standards of the LC zoning district (MCC section 21.18.070). Minimum setbacks in LC zoning are established through the GDP. The maximum height is normally 35 feet, but the Red Barn is grandfathered at a height of approximately 52 feet as an historic structure. Other structures on the LC zoned parcel are not taller than 15 feet (sheds and modular office). The project is under the building site coverage maximum of 50 percent for LC zoning district. The LC-zoned APN 141-131-025-000 which includes the Red Barn and accessory structures is 6.5 acres in size (283,140 square feet) and at 50 percent, the maximum building site coverage would be 141,570 square feet. The project coverage of the lot includes the Red Barn (20,062 sq. ft.), two restrooms (786 sq. ft. each), an accessory structure (approx. 400 sq. ft.) and two modular office buildings (approx. 720 sq. ft. each) which is a total of 23,474 sq. ft. coverage. Therefore, the project conforms with the development standards for LC zoning district. There is a second barn and a mobile home on APN 141-013-037-000 in the front portion of the lot where it is zoned LC. This "Dairy barn" is approximately 2,400 sq. ft. in size and does not exceed the coverage of the parcel. The height is well below the 35 maximum, at approximately 25 feet. The mobile home is approximately 720 sq. ft. in size. Parking standards for flea markets/open air sales, pursuant to MCC section 21.58.040, require 1 space for every 200 square feet sales area. The sales areas are approx. 100 sq. ft. each. Therefore, with a project maximum of 319 vendor spaces (per the GDP attached to this resolution), the project would require 163 parking spaces. On the days that the nursery is held at the same time as the flea market, it would require an additional 1 space per 2,000 sq. ft. The indoor events, relate to the "meeting hall," "dance hall" or similar type of parking, requiring 1 space for every 50 square feet. The events would require 401 spaces. The project includes 853 parking spaces. Even if the nursery, flea market and indoor events were held at the same time, there would be adequate parking. However, the GDP indicates that corporate and other social events would not be held at the same time as the flea market/nursery. MCC Chapter 21.58 parking regulations are met. Part of the after-the-fact permitting to abate Code Violation No. 20CE00297 is the expansion of grading and asphalt on APN 141-131-025-000 (see Site Plan) and added new parking on approximately 3,100 sq. ft. of undeveloped weed/dirt area. MCC section 21.18.070.D requires a minimum of developed site area to be landscaped. Previous owners of the site agreed to restore landscaping in compliance with approved landscape plans and made limited attempts to comply (Board of Supervisors Resolution No. 10-037) and no new landscaping was proposed by the applicant as part of this amendment. By applying a condition of approval for a North County Native Landscaping Plan (Condition No. 15) to the proposed project, the obligation to landscape ten percent of the LC zoned portions of the property is brought forward for the current owner/applicant. The ten percent shall be calculated from the expanded parking area which is 51,446 sq. ft. which had been open ground for total

of 5,145 sq. ft. of landscaping (other use expansions do not increase impervious coverage). Lighting is required to be consistent with Design Guidelines in MCC section 21.63.020, unless exempt under Section 21.63.020.D. Sign regulations are described in MCC Chapter 21.60. Permits are required and the size, design, siting in relation to setbacks shall follow Chapter 21.60 because the proposed amended GDP did not establish a sign program (Section 21.60.065.C).

- i) General Development Plan. MCC section 21.18.030 establishes criteria for approval of General Development Plans (GDPs) in the LC zoning district. The project was considered to have a GDP from the time that ZA-3117 Use Permit allowed the renewal of Use Permits ZA-1047 and ZA-2449. The property approved for use under the permit was within the General Commercial (“C-2”) zoning district, with Parking (“P”) and Mobile Home Exclusion (“V”) overlays. GDPs were required for development in C-2 zoning, as they are in LC zoning districts. The site plan was referred to in the approval “said application for a Use Permit be granted as shown on the attached sketch.” In 1978, County approved a Use Permit (ZA-3567-D) to allow expansion of the parking lot (approx. 950 spaces) onto the terrace above and south of the Red Barn structure, which at the time was zoned Rural (“N”) with Trailer Exclusion (“J”). Again, the approval stated it was “granted as shown on the attached sketch, subject to the following conditions of approval.” When development is allowed in a general sense as sketched, historically County has considered that sketch a GDP. In the subject permit, the GDP is expanded to include a narrative. Therefore, the proposed GDP could be considered an amended GDP.

The amended GDP expands both the vending area and the parking lot area that were explicitly limited by the prior Use Permits and GDP. The upper area of parking which was zoned N-J in 1978 was changed to LC zoning in 1991. The rear of the upper terrace area was rezoned from N-J to Rural Density Residential (RDR) in 1991, as well. The amended GDP proposes a new use for the RDR area – a paintball club activity area. The GDP identifies that the use is appropriate for this area and acknowledges a separate permit would be required prior to establishing the use. The amended GDP proposes new outdoor uses in the lower terrace vending lot area (LC zoning) includes drive-in movies anticipated to be held on Friday and Saturday evenings, electric carts for rental driving in the lot on Saturdays between 10 a.m. and 4 p.m., and “nursery events (Christmas tree sales, pumpkins, etc.)” during fall and winter holiday seasons (approx. 10 weeks) between 10 a.m. and 8 p.m. Indoor uses for the Red Barn are proposed – weddings, quinceañeras, corporate events to be held on Friday and Saturday evenings. These uses are allowable in the LC zoning district. Construction of on-site storage (shipping containers or similar) for vendors to rent is proposed. The GDP is attached to this resolution.

- j) North County Area Plan (NCAP) Consistency. The intent of the NCAP is to maintain and enhance the County’s rural character, natural resources, and economic base by providing for adequate residential, agricultural, commercial, and industrial growth in areas best suited for the respective development. The project is consistent with the NCAP, as it is typical use

for the LC zoned area. NCAP Policy NC-1.1 permits intensification of existing commercial development subject to a discretionary permit to be designed to minimize traffic, noise, visual, and/or other impacts on the surrounding area to the greatest extent feasible. Highway 101 and the existing roadway system allow for attendee and vendor vehicular commute without substantial impact to traffic. The GDP proposes onsite storage options for vendors, which would minimize the trips required for vendor set-up and take-down. Finally, through a mitigation for greenhouse gas emissions, the project shall incorporate shuttles during corporate events. In these ways, the project minimizes traffic. The site is subject to the Monterey County Noise Ordinance of Title 10. Section 10.60.030 prohibits the operation of any device that generates at noise level in excess of 85 dBA at 50 feet from the property line at any time of day. Outdoor gatherings and events are exempt from the sound level limits in Section 10.60.040(C), provided that the event complies with applicable permitting requirements. Noise impacts would be further minimized through implementation of proposed mitigation measures N-1 and N-2 (see Finding 3, evidence “h” and Finding 8, Evidence “g”). Potential visual impacts would be minimized through implementation of proposed mitigations AES-1 and AES-2 (see Finding 8, Evidence “g”) and standard conditions of approval including landscaping and lighting plan (Condition Nos. 15 and 20). Policy NC-3.9 requires that new development shall be prohibited on slopes in excess of 25 percent. The project does not comply with this policy, but the after-the-fact Use Permit may be granted as the Building Official found allowing the completion of the retaining walls to better resolve the potential issues of erosion and destabilized slope than restoration to previous state. Policy NC-5.1 requires new developments shall be designed to maximize prime groundwater recharge capabilities and to minimize runoff from the property. Condition No. 5 requires the applicant to submit a Stormwater Control Plan. As proposed, conditioned and mitigated, the project would be consistent with the North County Area Plan’s policies involving outdoor development and expansion.

- k) Land Use Element Consistency. 2010 General Plan (GP) Policy LU-1.19 sets Community Areas, Rural Centers, and Affordable Housing Overlay districts as the top priority for development in the unincorporated areas of the County. The Project is outside of a Community Plan Area, therefore in order to be consistent with this Policy, County performed the proscribed evaluation following the Development Evaluation System (DES). See Finding 6 and supporting evidence. The 2010 General Plan Policy LU-4.7 requires provisions to be made to designate adequate access routes, street and road rights-of-way, off street parking, bike paths and pedestrian walkways in areas of anticipated commercial growth and expansion. The expansion of the Red Barn vending and other commercial uses is balanced with an increase in off street parking and improved internal vehicular access. Policy LU-4.8 requires commercial areas to be designated in locations that offer convenient access. The Red Barn the location is convenient to Highway 101 and the access road has the capacity to serve the project, as analyzed in the project Traffic Report and the Initial Study.



- l) Public Services Element Consistency. 2010 GP Policy PS-1.6 requires that only those developments that have or can provide adequate public services and facilities shall be approved. The Project shall be served by Monterey County Sheriff's Department and the City of Watsonville Police Department. The Monterey County Sheriff's Headquarters is approximately 13.9 miles away. City of Watsonville Police Department is 10.3 miles away. Monterey County has reciprocal agreements for service with neighboring jurisdictions including the City of Watsonville and the County of Santa Cruz. Emergencies are responded to by the nearest available emergency responders. The Sheriff's Department added four conditions of approval to the Project. Condition No. 18 requires phone service made available in areas such as: information booths, ticket sale booths, parking attendant booths, any Security Guard shacks, and any areas where monies are located for sales and/or to provide change to customers and vendors. Condition No. 19 requires adequate locks to be installed and maintained on the doors of the mobile office trailers(s) used for site management operations and secure storage. A burglar alarm and/or camera must be provided for the storage area. Prior to commencement of use, applicant shall arrange for an inspection with the sheriff's office. Condition No. 16 reinforces the ABC requirements for all on-site alcohol sales. Finally, Condition No. 17 states that security officers shall be on the grounds during events. As conditioned, the project conforms with 2010 GP Policy PS-1.6.

Policy PS-2.8 requires that all projects be designed to maintain or increase the site's pre-development absorption of rainfall (minimize runoff), and to recharge groundwater where appropriate. The Project will implement appropriate measures to increase runoff retention, protect water quality, and enhance groundwater recharge. 2010 GP Policy PS-3.1 requires proof, based on specific findings, and supported by the evidence of a "long-term sustainable water supply." This finding is made below (see Finding 5 and supporting evidence).

Policy PS-4.1 requires new development to assure that adequate wastewater treatment facilities are completed concurrent with new development. The project plans includes a sketch of the restroom facilities and food vendor distances; these restrooms are anticipated to be connected to an onsite wastewater treatment system (Condition Nos. 6 through 9). Policy PS-4.4 ensures adequate treatment and disposal of wastewater by encouraging groundwater recharge through the use of reclaimed wastewater, not including primary treated wastewater. There is no wastewater anticipated that could be reclaimed, but if there is it shall be identified as part of the function of the Stormwater Control Plan and the Landscape Plan (Condition Nos. 5 and 15, respectively). Through adherence with the conditions of approval of this permit, the Project shall be consistent with these Public Services policies.

- m) Safety Element Consistency. In accordance with 2010 GP Policy S-3.1, post-development off-site peak flows are not expected to be greater than pre-development levels. Policy S-3.2 requires best management practices to be incorporated into development to protect groundwater and surface

water quality. Policy S-3.3 requires post-development peak flow impact of new development to be installed concurrently with the development. The project has been conditioned to require a stormwater control plan, pursuant to the Post Construction Stormwater Management Central Coast Region, Central Coast Regional Water Quality Control Board Resolution No. R3-2013-0032, and the Monterey Regional Stormwater Management Program guidance (Condition No. 5). The drainage system will be checked to confirm that it conforms with current regulations and requirements, including the County of Monterey flood control requirements set forth in MCC section 16.16.050. The majority of the project site is not in a special flood hazard area, except for the very southern portion of the project site which is mapped on the Federal Emergency Management Agency Flood Insurance Rate Map as Zone AE. However, the existing development and planned expansion are not in this area and would not be subject to inundation. Carneros Creek bisects the site from northeast to southwest. There are three existing bridges that cross the creek. The expansion of the parking area on the northeast side of the Red Barn shall conform with the requirements of Policies S-3.1, S-3.2, and S-3.3 through adherence with Condition No. 5. Safety Policy 4.14 requires water systems to be constructed, extended, or modified to serve a new land use or change/intensification of land use and the system shall be designed to meet peak daily demand and recommended fire flow. There is an onsite well with sufficient capacity to serve the expanded use without change. There are two hydrants within the area (one is just off the property). The Fire District reviewed the installation of the fire sprinklers in the Red Barn and confirmed that the connection to the appropriate water source was made. The Fire District shall cover the additional sprinkler installation required by their Condition No. 13. Also, the Project MND recommended mitigation measure HYD-2, which requires the structures to utilize low-flow fixtures (Condition No. 25). Finally, Policy S-6.1 requires the availability of sheriff, ambulance, and fire services and resources personnel and equipment to be considered prior to approving intensification of use on an existing lot. The sheriff, ambulance and fire services can access the site via the frontage road off of Highway 101. Adequate space for these vehicles and equipment is in the proposed design. Furthermore, two hydrants serve the Project site. The Sheriff recommended conditions of approval to increase onsite safety. These are Condition No. 17, Security Officers to be on the grounds during operating hours, and Condition No. 18, requiring adequate phone service in the information booths, ticket sales and parking attendant areas and the offices. As conditioned and designed, the Project is consistent with Policy S-6.1.

n) Circulation Element consistency/Traffic Assessment.

The project is consistent with 2010 GP Circulation Policy C-1.1. 2010 GP Policies C-1.1 requires that County roads and intersections shall be Level of Service (LOS) D, except as in relation to Community Plan development. Policy C-1.2 describes how the LOS on the transportation system of County roads is to be maintained through Traffic Impact Fees and coordination with other agencies' adopted transportation

improvement programs. During project review, the applicant caused a Traffic Study to be prepared. The traffic study, “Flea Market Traffic Volume Report” by Larry Hail, (October 16, 2015. HCD Library Doc. No. LIB150400) and a Project Trip Generation Analysis and Applicable Development Fee Estimate (Hail, September 25, 2020, updated April 8, 2021, HCD Library Doc. Nos LIB200171 and LIB210079). Highway 101 and San Juan Road interchange improvements (completed by Caltrans in 2015) significantly improved operations along Highway 101 and the access to the Red Barn property. Caltrans traffic operations analysis indicate the Northbound Off-Ramp and San Juan / frontage road intersection would continue to operate at a LOS A or better in 2035. The Sunday flea market currently generates about 5,014 trips (in & out) for the day. The Project will generate an additional 2,252 trips (in & out) with the expanded outdoor area and would increase traffic to a lesser extent during other days of the week. (The GDP suggests that events such as drive-in movies will be timed to avoid peak traffic times.) The total trips with the expanded area will be approximately 7,266 ADT, well below the approximate 12,000 ADT capacity of the frontage road.

The Project is consistent with 2010 GP Policies C-1.7 and C-1.8 through the conformance with adopted traffic impact fee programs. Direct Project impacts to traffic are mitigated by the Regional Development Impact Fee, Condition No. 11. County-wide Project impacts to traffic are mitigated by the Countywide Traffic Impact Fee, Condition No. 10.

The Project is consistent with Public Transit Services Goal C-6 in the 2010 GP Circulation Element, intended to Promote Viable Transportation Alternatives. As part of Mitigation Measure GHG-1, transportation to and from corporate events shall be provided by the hosts and required to be part of the lessee agreements with the Red Barn managing company owned by the Applicant (101 Red Barn LLC).

- o) Archaeological Resources. The site is in a high archaeological sensitivity area. Although archaeological resources are not anticipated to be onsite, tribal cultural resources but have been identified within the area. Pursuant to MCC section 21.66.050, staff required a preliminary archaeological assessment to determine whether archaeological resources were present. A Phase 1 Archaeological Resource Assessment (HCD Library Document No. LIB020128) was submitted that concluded it is unlikely that the resources would be uncovered during construction. However, because areas were graded for the expansion of the parking lot and on slopes to install wood retaining walls without benefit of permits, and the conditions of approval including the installation of an onsite wastewater treatment system may result in further soil disturbances, resources could potentially be under the disturbed topsoil. The standard “stop work” condition of approval (Condition No. 3) is applied to the project. Potential tribal cultural resources are discussed in Finding 8.
- p) Development on Slopes. There was unpermitted development on slopes of 25 percent or greater on APNs 141-013-035-000 and 141-013-037-000 which involved grading and installation of new retaining walls as well as restoration of existing retaining walls. Because the development involved

natural slopes, a Use Permit would have been required pursuant to Title 21 section 21.64.230.C.1. See Finding 7 and supporting evidence.

- q) Land Use Advisory Committee (LUAC). The project was not referred to the North County Land Use Advisory Committee (LUAC) because the vending area and parking, the two uses which are herein amended, are already underway at the Red Barn. When permits for development described in the GDP which alter the nature of the Red Barn's presence in the neighborhood or propose design in the public viewshed are processed, they will be reviewed by the LUAC. In this way, the LUAC shall have opportunity to provide input on the specific improvements.
- r) The Project planner conducted a site inspection on January 23, 2015 and virtual site inspection via Google Earth on January 28, 2021 to verify that the subject parcel and vicinity conform to the reports and site sketches included in the plans listed above.
- s) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN140602.

**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: HCD-Planning, North County Fire Protection District, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, the Monterey County Sheriff's Office, and Public Works Facilities & Parks. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions and mitigation measures recommended have been incorporated.
  - b) The site is suitable for the development proposed in that geologic and erosion hazards are low, no protected trees are proposed for removal, and the property is not considered Environmentally Sensitive Habitat. The site is already developed, has an adequate onsite well to serve the uses, and the site is accessed from Highway 101 on a frontage road that is designed to support the traffic involved. Mitigation measures have been proposed to mitigate potential impacts to Aesthetics, Greenhouse Gasses, Noise, and Tribal Cultural Resources to less than significant levels. These mitigation measures are listed in Finding 8. Evidence supports the conclusion that impacts would be less than significant with mitigation incorporated for these resource subjects, and that the site is suitable for the uses proposed. Such evidence includes the following reports, prepared and utilized in the environmental assessment of the Project:
    - "Preliminary Archaeological Reconnaissance," Doane, Mary, B.A. and Trudy Haversat, June 18, 2002 (LIB020128);
    - "The Big Red Barn Project (PLN140602); Monterey County, CA Flea Market Traffic Volume Report," Larry Hail, October 16, 2015 (LIB150400);
    - "Project Trip Generation Analysis and Applicable Development Fee Estimate," Larry Hail. September 25, 2020 and updated April 8, 2021, (LIB200171 and LIB210079);

- "VMT Assessment for Red Barn Flea Market in Monterey County, California," Ollie Zhou and Daniel Choi, June 30, 2023 (LIB23265)

The above-mentioned technical reports by outside consultants found no physical or environmental constraints that would indicate that the site is not suitable for the proposed use, as mitigated. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on January 23, 2015 and virtual site inspection via Google Earth on January 28, 2021 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD-Planning for the proposed development found in Project File PLN140602.

**3. FINDING:**

**HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure 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 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 HCD-Planning, North County Fire Protection District, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, the Monterey County Sheriff's Office, and Public Works Facilities & Parks. Where appropriate, the respective agencies have recommended conditions to ensure the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Construction of a wastewater treatment facility is required by Monterey County Superior Court Case #M104908 and Monterey County Code, Chapter 15.20. The wastewater treatment facility shall be designed to accept and treat wastewater from all proposed commercial uses on the property, except for the flea market, prior to onsite disposal. The design and ongoing operation of the wastewater facility will be regulated the Regional Water Quality Control Board (RWQCB), Central Coast Region, in accordance with State Water Resources Control Board Order No. 2014-0153-DWQ, or other general or individual order as determined appropriate by RWQCB. As conditioned by staff, the Project shall address the requirement for wastewater treatment (Condition No. 6).
- c) The property is authorized to utilize a combination of chemical toilets and permanent restrooms (flush toilets). Flea market operations and up to thirty days per calendar year of special events may utilize chemical toilets with portable handwashing basins or permanent restrooms. During flea market operations, food vendors shall be located no farther than two hundred feet (200') from a permanent restroom with handwashing. Employees, customers and patrons of non-flea market commercial operations on the site shall have access to permanent restrooms that are connected to the wastewater treatment facility on the site. A sufficient number of chemical toilets shall be available during flea market operations and special events, in accordance with Title 15 section

- 15.20.040. As conditioned by staff, the Project shall address the need for additional toilets during peak visitor times (Condition No. 8).
- d) The Project will continue to be served by on onsite well, El Camino WS #16 (Local Primacy Agency, LPA, No. 2700575), on APN 141-013-035-000, which is a transient, non-community public water system that does not require any treatment to meet primary drinking water standards. The well has been tested for flow capacity and shows the capacity to meet the needs of the Project. No new wells will result from this Project. The new and expanded uses are low-water use. Current water consumption at the Red Barn site is 0.478 AFY. The total water use for the proposed Project is 2.44 AFY. The Initial Study analyzed the potential for water use by the Project to create a substantial increase in demand on the currently overdrafted groundwater basin and found the impact to be less-than-significant. This is discussed in Finding 5 and supporting evidence.
  - e) The Project includes grading of approximately 300 cubic yards, including grading on slopes in excess of 25 percent which this entitlement includes granting of an after-the-fact Use Permit. As a part of the construction permit, the applicant is required to comply with erosion control regulations as outline in MCC Chapter 16.12. HCD-Engineering Services and HCD-Environmental Services reviewed the project in relation to 32CP02096, a construction permit for 427 linear feet of new retaining wall up to four feet in height and 143 linear feet of restored existing retaining wall up to two feet in height. There was an approved Erosion Control Plan as part of the approved plans.
  - f) The Aromas Tri-County Fire Protection District has reviewed the proposed project and all applicable materials and found that the Project will provide adequate emergency access. The Fire District applied three conditions of approval. They include Condition No. 13, requiring that all structures in excess of 500 square feet (the proposed restrooms) will have fire sprinklers installed, and Condition No. 14, requiring adequate installation and maintenance of fire extinguishers in accordance with both Title 19 California Code of Regulations and the Monterey County Fire Code.
  - g) A memo from the waste management provider for the area dated June 23, 2021 was submitted that confirms it will be able to provide weekly collection services of trash, recyclables, and organic waste and recommended receptacle sizes for the Project.
  - h) Noise Hazards are regulated by the Noise Control Ordinance (Title 21, Chapter 10.60). Noise control in the County is required to conform with 2010 GP Policies S-71., such that new noise-sensitive land uses may only be allowed in areas where existing and project noise levels are acceptable (per Figures 9-A-H and 10 A-E). In these figures, the project site is within a 65 CNEL Noise Contour and no sensitive noise receptors (convalescent home, library, place of worship, or school) are shown near the Project. Site planning and design techniques are to be integrated into new uses to achieve acceptable noise levels (in the case of the Red Barn, 65 CNEL). Per Policy S-7.5, new noise generators are permitted if mitigation to reduce both indoor and outdoor noise levels are required. Noise may be a factor in the future entitlement of some of the uses proposed in the GDP. One source of new noise is the social activities.

Crowd noise and amplified sound may reach the quiet environment of the neighborhood above the Red Barn. Also, the proposed paintball club as a potential source of noise that could stress pets and residents in the neighborhood. A Noise Management Plan is a recommended mitigation for potential noise impacts from the social activities proposed in the GDP; the plan includes a series of steps that must be taken if noise complaints are received. If County finds that uses are not meeting the requirements of the Noise Management Plan, the uses may be further restricted as informed by an acoustical analysis. Also, restriction of paintball activity to the hours of 10 a.m. and 8 p.m. is a recommended mitigation (Condition Nos. 26 and 27). Furthermore, if/when the owner seeks a use permit for the paintball club, the project shall be taken to the LUAC for input and such recommendation(s) shall inform the decision of the decision maker(s). It is possible that these mitigations will not completely eliminate noise complaints from the HOA and other neighbors. There are remedies for noise complaints identified in the Chapter 10.60, Noise Control, and Chapter 21.84, Code Violation.

- i) Staff conducted a site inspection on January 23, 2015 and virtual site inspection via Google Earth on January 28, 2021 to verify that the site is suitable for this use.
- j) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD – Planning for the proposed development found in Project File PLN140602.

**4. FINDING:**

**VIOLATIONS** – The subject property is not in compliance with rules and regulations pertaining to zoning uses of the County’s zoning ordinance as violations exist on the property. However, the granting of this permit, after-the-fact grading permit for the parking lot expansion, and payment of retroactive fees shall resolve the code violations currently at the property.

**EVIDENCE:**

- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and found violations existing on subject property related to the unpermitted expansion of parking lot, grading on slopes, and expansion of vendor areas. The violations have a very long history and involve numerous reports and code enforcement cases which, after an appeal, were regulated by Monterey Superior Court Case #M104908. Then, additional citations were reported and investigated. HCD and the applicant worked closely through regular meetings and inspections in 2022-2024 to correct many violations that did not require discretionary hearing.
- b) On February 19, 2021, an updated administrative citation on APN 141-013-025-000 was sent after two site inspections in 2020 on violations accumulated in code enforcement case No. 20CE00297. The violation had been reduced to the 3,100 sq. ft. expansion of parking lot.
- c) On August 31, 2022 an additional code enforcement case on APN 141-013-025-000 and APN 141-013-037-000 for construction of new retaining walls and replacement of existing retaining walls and grading on slopes of 25 percent (No. 22CE00422) was opened and a courtesy notice was sent to the property owner. An Administrative Citation was subsequently filed on October 24, 2022. Additional violations involving

unpermitted structures and trenching of over 100 linear feet were added to the same case for violation complaints on August 31, 2022, August 22, 2023, October 19, 2023 and November 3, 2023. The case was partially abated through the issuance of a construction permit (No. 20CP03023) on November 9, 2023 for demolition of two metal canopy sheds. The case was partially abated through the issuance of a construction permit (No. 23CP02096) on November 16, 2023 for after-the-fact retaining wall 427 linear feet, reconstruction of a wood retaining wall (height 24"- 48"), 143 linear feet, height (16"- 24") and associated grading of 100 cubic yards cut and 100 cubic yards fill. The reported trenching is part of an extended application for installation of an OWTS (No. 22CP00896). The case included notice to remove or legalize the office trailer which is located on APN 141-013-025-000. However, the case cannot be closed until the discretionary permit for the development on slopes and permit for the GDP, which includes an office located at an appropriate location for visual access to the Red Barn and includes conditions of approval related to the OWTS, is granted.

- d) On a disabled APN in the project site, in October, 2008, a large set of code violations were assessed. The list included unpermitted expansion of the flea market sales area and number of vendors, unpermitted structures, and health concerns with the lack of access to bathrooms and handwashing stations. A compliance order was issued December 8, 2009. A second compliance order was issued March 23, 2010. The owner appealed to the Superior Court on January 18, 2012. An adjusted outdoor vending area, allowing for 50 more vendors, was approved by the Minor and Trivial Amendment to ZA-3117 in 2019 (Zoning Administrator Resolution No. 19-018). The vending area was set to the 1977 approved size. Code enforcement has not verified compliance with the size, as Sundays are not normal working hours. No complaints have been received about the vending area. The present and future operations on the property are subject to Monterey Superior Court Case #M104908 and the approval of this amendment permit and GDP are authorized pursuant to the terms of the existing Judgment in that case and implement its requirements.
- e) By Planning Commission approval of the project, this code enforcement will be cleared through their discretionary action, an after-the-fact grading permit, and payment of code enforcement fees.
- f) Staff conducted a site inspection on January 28, 2021 and researched County records to assess if violations exist on the subject property.
- g) The application, plans and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN140602.

**5. FINDING:**

**LONG-TERM SUSTAINABLE WATER SUPPLY AND**

**ADEQUATE WATER SUPPLY SYSTEM** – The Project has a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development and therefore is consistent with 2010 GP Policies PS-3.1 and PS-3.2, respectively.



- EVIDENCE:**
- a) Historically permitted water uses are reflected by Zoning Administrator Resolution No. 19-018, which states that the CEQA-exempt water uses include flush toilets to serve an additional 50 vendor stalls for a total of 237 vendor spaces. On the ground, most of the water demand for the project site has been associated with flea market use of portable toilets, flush toilets with a haul-away system, and the office's flush toilet that goes to a septic system. Special events water use is projected to be minimal because the well water is not potable. Well usage data was not available for analysis; therefore, wastewater output was analyzed to arrive at water use assumptions. Wastewater is largely a byproduct of water consumption, and the wastewater production is known. Extrapolating the volume of water as 50 percent of the wastewater design value, the amount of water currently used by the Red Barn site is 3,050 gallons per week, or 158,600 gallons per year, or 0.478 acre-feet per year (AFY). All existing and proposed uses would result in an estimated total 795,450 gallons of water per year, or 2.43 AFY of the onsite well water.
  - b) In 2014, California passed legislation known as the State Groundwater Management Act (SGMA) to help protect groundwater resources over the long-term. SGMA requires local agencies to form Groundwater Sustainability Agencies (GSAs). GSAs are charged with developing Groundwater Sustainability Plans (GSPs) to avoid undesirable results and mitigate overdraft in high and medium priority basins within 20 years. GSPs are recognized by the State Department of Water Resources (DWR) as mechanisms to mitigate overdraft and reverse seawater intrusion. There is not a GSP that includes the subject parcel. It is within the Granite Ridge subbasin, which is within the non-jurisdictional area of the Pajaro-Corralitos groundwater basin. The Pajaro-Corralitos groundwater basin is recognized by Bulletin 118 (2018) as part of the Pajaro Valley Groundwater Subbasin, a critically over-drafted subbasin, but the Granite Ridge area of it is not within the Pajaro Valley GSP jurisdictional planning area. Granite Ridge is surrounded by that subbasin, and hydrogeological reports indicate mutual influence. Although historical reporting does not indicate the wells within Granite Ridge over-pump the groundwater, over-pumping is a problem within the Pajaro Valley Groundwater Subbasin and that influence has been the historical driver for overdraft in Granite Ridge.
  - c) The proposed water supply was reviewed using the criteria in County General Plan Policy PS-3.2 (Policy criteria in italics):
    - *Water Quality:* The project's domestic water service is from the onsite well (at APN 141-013-035-000) called El Camino WS #16 (Local Primacy Agency, LPA, No. 2700575), a transient, non-community public water system. The well water does not require any treatment to meet primary drinking water standards.
    - *Authorized production capacity of a facility operating pursuant to a permit from a regulatory agency, production capability, and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates:* The water source is a transient, non-community public water system, El Camino WS #16 (Local Primacy Agency, LPA, No. 2700575). The water system is

permitted and regulated by the EHB and the use of the underlying aquifer is monitored by PVWMA.

- *Technical, managerial and financial capability of the water purveyor or water system operator:* The water source is a transient, non-community public water system, El Camino WS #16 (Local Primacy Agency, LPA, No. 2700575), which is regulated by the EHB, and as a result has proven technical, managerial and financial capacity to deliver water.

- *The source of the water supply and the nature of the right(s) to water from the source:* El Camino WS #16 (Local Primacy Agency, LPA, No. 2700575) is an onsite well. The water system is permitted and regulated by the EHB and is the use of the underlying aquifer monitored by PVWMA. PVWMA is a state-chartered special purpose district formed in 1984 under State Law pursuant to the Pajaro Valley Water Management Agency Act. PVWMA was formed to manage existing and supplemental water supplies in an efficient and economical manner to prevent further increase in, and to accomplish continuing reduction of, long-term overdraft for the Pajaro Valley subbasin. Overdraft of the groundwater in the basin has led to sea water intrusion. The PVWMA service area is comprised of portions of three counties, which are Santa Cruz, Monterey, and San Benito Counties. PVWMA serves as the sustainable GSA in the area. The GSP adopted by the GSA includes immediate actions the PVWMA can take to help alleviate overdraft of the Pajaro Valley subbasin as well as measures to stop seawater intrusion from advancing as a long-term goal. Furthermore, the job of the PVWMA is to provide and ensure sufficient water supplies for present and anticipated needs within its boundaries. The current guiding documents for PVWMA are the Water Quality Control Plan for the Central Coastal Basin June, 2019 and the 5-year update of the Pajaro Valley Groundwater Sustainability Plan Alternative (PV GSP). In its approval of the PV GSP Alternative, DWR provided 10 recommended actions for PVWMA to address in the 5-Year Update of the PV GSP Alternative. The PVWMA prepared a Pajaro Valley Basin Groundwater Sustainability Update in 2022 (“GSU22”) to address the 10 recommended actions from DWR. PVWMA has conducted extensive studies of the basin and has adopted a GSP for the basin that contains programs, policies, and projects that help mitigate overdraft and avoid undesirable results within the basin. The state Water Resources Control Board reviews and approves GSPs and each GSA is required to report annually to the state and to update their plans regularly. If a GSA is not achieving their goal, they can be put on probation by the State and the State may take control of groundwater management in the area to ensure success. DWR approved the PV GSP Alternative because it found that the PV GSP Alternative is likely to achieve the sustainability goal for the Basin. Several projects and management actions identified in the PV GSP are operational, including a Conservation Program for domestic and agricultural users and the Recycled Water Facility Optimization Project, the Coastal Distribution System F-Pipeline Expansion Project as well as the Coastal Distribution System Expansion Project which increased recycled water deliveries.

Other projects are in the process of being implemented, such as the College Lake Integrated Resources Management Project for coastal distribution of water, and the Watsonville Slough System Managed Aquifer Recharge and Recovery Projects which are expected to improve the Harkins Slough and Watsonville Slough groundwater recharge basins. A formal review and assessment of the projects and management actions will take place by 2025. The Project will not conflict with the GSP for the greater area and it can be inferred that the many projects underway and the PVWMA planning effort that is geared to balance the overdraft of the Pajaro Valley subbasin surrounding Granite Ridge will stabilize the Granite Ridge aquifer. PVWMA includes the Granite Ridge area in its affected area which is just outside of its jurisdictional boundary. There are no projects underway that are specifically geared to address Granite Ridge's local overdraft issues, and the Project proposes to increase well water use by approximately 2.4 acre-feet per year. Through the continued use of the onsite well, the owner has adequate groundwater supply and water rights to serve existing development and the proposed development. Monitoring of the well use is a mitigation measure proposed in the Mitigated Negative Declaration (MND). The use of low-flow fixtures is a mitigation measure proposed in the MND. No new wells will result from this project.

- *Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply:* Cumulative conditions were considered when establishing significance criteria for the water supply analysis in the Initial Study (IS) prepared for the project, i.e. no net increase in consumptive water use, no net reduction in groundwater recharge and no substantial adverse change in instream flows in the Pajaro River. All existing and proposed uses of the project would result in an estimated total 2.43 AFY water. The project is within the non-jurisdictional area of the Pajaro-Corralitos groundwater basin, just outside the boundary of PVWMA. PVWMA has requested notification of all well permits, land use changes, zoning changes, or proposed development within the non-jurisdictional area of the basin because they (PVWMA) are still responsible for assessing how activities in this area impact implementation of the GSP within the area managed by PVWMA. Therefore, data from the Pajaro Valley Subbasin Water Year 2022 Annual Report was utilized in the assessment of cumulative impacts in the IS.

The most recent report on the recharge status for the Granite Ridge area was completed in 1995 (Fugro West, 1995). Between 1970 and 1992, Granite Ridge was modelled to have deep percolation inflow of 1,720 AFY, recharge from rain of 1,371 AFY, and loss of recharge to the boundary areas. Pumping was only 610 AFY, and at the time, that was a sustainable yield. Area impacts were assessed to reduce the storage within Granite Ridge by 1,350 over the twenty-two year period.

PVWMA has groundwater recharge activities and projects that are underway as part of the State-accepted GSP "Alternative" that have the potential to reduce the nearby aquifers' pull on Granite Ridge. These

projects are operating: a Conservation Program for domestic and agricultural users and the Recycled Water Facility Optimization Project, the Coastal Distribution System F-Pipeline Expansion Project, and increased recycled water deliveries. Other projects are in the process of being implemented, such as the College Lake Integrated Resources Management Project for coastal distribution of water, and the Watsonville Slough System Managed Aquifer Recharge and Recovery Projects which are expected to improve the Harkins Slough and Watsonville Slough groundwater recharge basins. However, as the status of the Pajaro Valley groundwater subbasin is still critical overdraft, well water use should be minimized to the extent possible and the use should be monitored. The project as designed would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The Project can rely on PVWMA projects, both underway and planned, that are intended to balance the groundwater basin to provide long-term, sustainable water supply, both in quality and quantity to serve the development. Therefore, the project does not contribute to the cumulative impacts on Granite Ridge overdraft. The GSA management of the Pajaro Valley groundwater subbasin shows the ability to reverse trends contributing to an overdraft condition and the project does not conflict with PVWMA's plans or projects.

- *Effects of additional extraction or diversion of water on the environment including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species:* In accordance with 2010 GP Policy S-3.1, post-development, off-site peak flows are not expected to be greater than the pre-development levels. The project has been conditioned to require a Stormwater Control Plan pursuant to the Post Construction Stormwater Management Central Coast Region, Central Coast Regional Water Quality Control Board Resolution No. R3-2013-0032, and the Monterey Regional Stormwater Management Program guidance. The drainage system will be constructed to meet current regulations and requirements, including the Monterey County flood control requirements pursuant to MCC section 16.16.050. Accordingly, the project shall implement Stormwater Control Measures and reduce peak site discharge for storms to less than current condition levels. Thus, it will not result in impacts to riparian vegetation, wetlands, fish, or other aquatic life.

- *Completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions:* The Project will not adversely affect aquifer or basin functions or hinder other efforts to renew aquifer or basin functions, such as the construction and implementation of PVWMA projects and programs described in the "Pajaro Valley Groundwater Sustainability Plan Alternative". Several projects are underway or planned that are intended to balance the groundwater basin. The Project can rely on these to provide long-term, sustainable water supply, both in quality and quantity, to serve the

development.

- *The hauling of water shall not be a fact or nor a criterion for the proof of a long term sustainable water supply:* Hauling of water is not proposed.

- 6. FINDING: DEVELOPMENT EVALUATION SYSTEM** – The 2010 GP Land Use Policy LU-1.19 frames the development goals for the County. Community Areas, Rural Centers and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County. Outside of those areas, a Development Evaluation System (DES) shall be established to provide a systematic, consistent, predictable, and quantitative method for decision-makers to evaluate developments of five or more lots or units and developments of equivalent or greater traffic, water, or wastewater intensity. The DES has not been established at the time of this writing, and staff reviews projects outside of against the Policy guidance. The proposed Red Barn project “passes” the DES by providing commercial and entertainment opportunities which will add jobs to the west side of North County at an established site while impacts to infrastructure and the environment are minimal, and where they are potentially impactful, are minimized by mitigation and conditions of approval.
- EVIDENCE:**
- a) Site Suitability. The Red Barn and flea market have been operating on the subject property for nearly 60 years. The uses have evolved but the site; zoned Light Commercial in the sections closest to Highway 101, continue to be suitable for the established and proposed light commercial uses because the site is graded with adequate flat areas for vendors and parking and the large barn provides adequate room for indoor events. In 2015, the Caltrans San Juan Interchange project resulted in the loss of 17,669 square feet of retail sales area. A CalTrans mobile office was utilized very close to the area of CalTrans construction. At the time of the Minor Amendment which exchanged retail sales area locations (Zoning Administrator Resolution No. 19-018), it was anticipated that the CalTrans mobile office would be removed from the site. The office is still on the Red Barn premises and is contemplated as a second office but is currently used for storage. As the mobile office has the potential to be placed in a location that would disrupts views of the Red Barn, the MND recommends Mitigation Measure AES-1 requiring the owner/applicant to move the office to a appropriate location and also allow HCD site review and approval for signs, lighting, and related construction.
  - b) Infrastructure. The site is accessible by existing roads. Highway 101 offramp to the frontage road and the gates in the front of the property makes transportation to and from the site highly accessible. The project’s domestic water service is from the onsite well El Camino WS #16 (Local Primacy Agency, LPA, No. 2700575), a transient, non-community public water system that has sufficient water service for the project water standards (see Finding 5 and supporting evidence). Improvements for the wastewater treatment system and flush toilets were required to be completed within two years of the approval of PLN170974. This requirement is incorporated into the current Project application. County

of Monterey Environmental Health Bureau added Conditions of Approval to PLN140602 for the completion of the two restrooms with flush toilets prior to operation of any new uses and that set a threshold of effluent for the wastewater system. Therefore, sufficient infrastructure is existing or planned (see Finding 3, Evidence “b” and “c” and Condition of Approval Nos. 8 and 9 for Sanitary Facility Maintenance and Reporting).

- c) Resource Management. The Red Barn and flea market site is already graded in areas that would serve the uses described in the GDP. Approximately 300 cubic yards of grading is assumed in association with the previous expansion of parking and vehicular access and the after-the-fact grading for retaining walls. The retaining walls were permitted with an Erosion Control Plan. The parking area is relatively flat. A stormwater control plan shall be prepared prior to the after-the-fact grading permit for the parking lot expansion. An ephemeral stream informally called “Carneros Creek” crosses the project site and the uses do not interfere with its flow (bridges cross in three locations). The stormwater control plan (Condition No. 15) shall ensure water quality will be protected.
- d) Proximity to a City, Community Area, or Rural Center. The Red Barn is somewhat close to a City, Community Area, or Rural Center because the nearest town of San Juan Bautista at 6.2 miles away and Pajaro at 9.8 miles away are both short trips.
- e) Mix/Balance of uses including Affordable Housing consistent with the County Affordable/Workforce Housing Incentive Program adopted pursuant to the Monterey County Housing Element. The Project does not involve additional housing but does offer part-time and “gig” jobs to residents in the area. See evidence “h.”
- f) Environmental Impacts and Potential Mitigation. Potential impacts are analyzed in the Project’s Initial Study are all found mitigatable. See Finding 8 and supporting evidence.
- g) Proximity to multiple modes of transportation. The Project area is not served by public busses or trains. The only transportation to and from the site is vehicular. Corporate events shall be served by shuttles.
- h) Jobs-Housing balance within the community and between the community and surrounding areas. The proposed GDP has the potential to provide 116 part-time or “gig” jobs in the North County. The flea market attracts dozens of vendors weekly. Most of North County is residential and agricultural. The Project improves the balance of jobs with housing in the area by adding jobs.
- i) The application, plans, and supporting materials submitted by the applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN140602.

**7. FINDING: DEVELOPMENT ON SLOPES** – In order to approve development on slopes of 25 percent or more, the Planning Commission finds, based on substantial evidence, that the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives.

- a) In accordance with 2010 GP Policy OS-3.5 and Title 21 section 21.64.230.C.1, and in order to regulate activity on slopes to reduce

impact to water quality and biological resources, development on slopes in excess of 25 percent may be allowed pursuant to a Use Permit.

- b) The development on slopes of this project involved construction/reconstruction of 530 linear feet (LF) of wood retaining walls of heights up to 4 feet with 100 cubic yards (CY) of cut and 100 CY fill. Therefore, the project includes an after-the-fact approval of a Use Permit to legalize said development.
- c) Development constraints on the subject parcels (APN Nos. 141-013-035-000 & 141-013-037-000) include terraces with internal roadways and parking/vending areas. The slopes between them were showing failure on 143 LF of existing retaining walls and other slopes were appearing unstable during rain events. The construction of new retaining walls and reconstruction of existing retaining walls shall control erosion better than the previous state of the site, better complying with 2010 GP Goal OS-3, Prevent Soil Erosion to Conserve Soils and Enhance Water Quality.
- d) 2010 GP Policy S-3.1, post-development, off-site peak flows are better met as the after-the-fact permitting of the grading on slope is part of the reason HCD-Environmental Services requires a Stormwater Control Plan (Condition No. 5). As conditioned, the proposed project is not expected to cause offsite runoff, impact water quality, or deter groundwater recharge.
- e) The application, plans, and supporting materials submitted by the applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN140602.

**8. FINDING: CEQA (Mitigated Negative Declaration) -** Based on the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration (MND) reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code section 21080.d and California Environmental Quality Act (CEQA) Guidelines section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) County of Monterey HCD-Planning prepared an Initial Study (IS) pursuant to CEQA. The Initial Study is on file in the offices of HCD-Planning and is hereby incorporated by reference (PLN140602).
  - c) The Initial Study identified several potentially significant effects, but revisions have been made to the project and/or the applicant has agreed to proposed mitigation measures and standard HCD conditions of approval that would avoid or mitigate the effects to a point where the project would not cause significant environmental effects.
  - d) All project changes required to avoid significant effects on the environment have been incorporated into the Project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and Reporting Plan has been prepared in accordance with County regulations. Pursuant to the Condition of Approval Mitigation Monitoring and Reporting Program (Board Resolution 22-311), the applicant must enter an "Agreement to Implement a Mitigation

Monitoring and/or Reporting Program” as a condition of project approval.

- e) The Draft MND for PLN140602 was prepared in accordance with CEQA and circulated for public review from April 17, 2024 through May 17, 2024 (SCH#2024040732).
- f) Potential Impacts analyzed in the Mitigated Negative Declaration include impacts on aesthetics, air quality, biological resources, cultural resources, energy, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, noise, population/housing, transportation/traffic, tribal cultural resources, and utilities/service systems.
- g) Impacts and Measures in the IS. Potential impacts to Aesthetics, Greenhouse Gasses, Hydrology and Water Quality, Noise, and Tribal Cultural Resources were identified. The MND recommends incorporating Mitigation Measures (MMs) to reduce project impacts to a less-than significant-level. Other potential impacts were identified but were able to be reduced to a less-than-significant level through the implementation of County and State regulations.

*Aesthetics:* Although the project site is not in a sensitive area, viewshed, scenic roadway or scenic waterways, the Red Barn structure is a recognizable historic landmark and degradation of views of the barn from the Highway have shown potential aesthetic impacts. To mitigate for the potential impact to aesthetics, the Applicant shall comply with MMs AES-1 and AES-2. Mitigation Measure AES-1, *Protected Views of Red Barn*, requires future improvements, including signage, to be reviewed and approved by HCD-Planning and Building Services prior to installation, to ensure retention of views of the red barn from Highway 101. On a case-by-case basis, staff shall assess the need to bring development proposals to the North County Land Use Advisory Committee for review prior to permitting. Similarly, Mitigation Measure AES-2, *Control of Offsite Glare*, requires staff review of the temporary movie screen position to ensure the movie screen shall be installed at an angle so that no off-site glare is visible from Highway 101. When the owner/applicant submits a special event questionnaire to County HCD for drive-in movie events, the screen angle shall be demonstrated.

*Greenhouse Gas (GHG) Emissions.* The operational production of CO<sub>2</sub>e emissions from the increase in vending and parking in the amendment would be approximately 473 metric tons of CO<sub>2</sub>e (MT CO<sub>2</sub>e) above existing conditions. Mitigation Measure GHG-1, *Greenhouse Gas Reductions*, requires the project to have at least 10 percent of new parking spaces electric vehicle charging station capable, for corporate events to include shuttles to and from the Red Barn, and for solar arrays to be constructed onsite, preferably above surface parking lot areas, to produce a minimum of the kilowatts per year that would balance with the operational emissions increase (472.2 metric tons CO<sub>2</sub>e per year). Other efforts to reduce annual GHG production can be proposed from those recommended in what is now the California Air Resources Board Draft 2022 Scoping Plan. Through implementation of Mitigation Measure



GHG-1, potential impacts to GHG emissions would be reduced to a less-than-significant level.

*Hydrology and Water Quality:* As discussed in Finding 5, well usage data was not available for analysis; therefore, wastewater output was analyzed to arrive at water use assumptions. Wastewater is largely a byproduct of water consumption, and the wastewater production is known. Extrapolating the volume of water as 50 percent of the wastewater design value, the amount of water currently used by the Red Barn site is 3,050 gallons per week, or 158,600 gallons per year, or 0.478 acre-feet per year (AFY). All existing and proposed uses would result in an estimated total 795,450 gallons of water per year, or 2.43 AFY water. This is a minimal amount of water usage. However, the Initial Study found that the Project has the potential to use more than this low estimate of water from the critically overdrafted subbasin if the project's well water usage is unattended. Mitigation Measures HYD-1, *Metered Water Well Usage* and HYD-2, *Low-flow Water Fixtures* are recommended to be implemented to reduce the potential hydrological impacts to a less-than-significant level.

*Noise:* As an event venue within the LC zoning district, the project requires a Noise Management Plan. The potential noise issues related to the sensitive receptors in the neighborhood were explored in the IS. To mitigate for the potential impact to noise, the Applicant shall comply with MMs N-1 and N-2. Mitigation Measure N-1, *Noise Management Plan*, requires a plan with required points of contact for lessee events clearly stated as requirement in the rental agreements and a series of remedial actions to be followed in the case that noise complaints are received by County. The Plan is to be reviewed by HCD-Planning and Building Services for approval prior to the advertisement of new social events pursuant to the GDP. One of the activities in the GDP is an area close to the residential neighborhood to be used for a paintball club. The IS found that there is potential for significant noise impacts to sensitive receptors due to this activity. Mitigation Measure N-2, *Allowable Hours for Paintball Activity*, requires the paintball club to be restricted to the hours of 10 a.m. to 8 p.m. As mitigated, the project's impacts on Noise shall be reduced to a less-than-significant level.

*Tribal Cultural Resources:* Tribal consultation has occurred with the Ohlone Costanoan Esselen Nation. During consultations with Tribal Cultural representatives as required by Public Resources Code Section 21080.3.1 et seq., representatives requested monitoring because they knew of pre-historic use of the area and asserted that this area may contain tribal cultural resources. Therefore, the Initial Study recommends Mitigation Measure TCR-1, *Tribal Monitor*. This measure requires incorporating tribal monitoring during any work on permits involving ground disturbance. Through the incorporation of TRC-1, impacts to tribal cultural resources will be reduced to a less-than-significant level.

- h) All other categories analyzed were found to have no impacts or less than significant impacts from the project as proposed and regulated by County

and State law, expressed as standard conditions of approval. Potential impacts from the project, as detailed in the preceding evidence, will be less than significant with mitigation and conditions of approval incorporated.

- i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2 and supporting evidence), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in HCD-Planning (PLN140602) and are hereby incorporated herein by reference.
- j) Staff analysis contained in the Initial Study and the record indicate the project could result in changes to the resources listed in section 753.5(d) of the California Department of Fish and Game regulations. All land development projects that are subject to environmental review are subject to a state filing fee plus the County recording fee, unless the Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources. For purposes of the Fish and Game Code, the Project may impact the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Wildlife for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the County of Monterey Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD, Condition No. 29).
- k) During the public comment period, comments were received on the IS/MND. The County has considered the comments and has found the comments require revisions to the project. The edits are as follows: A comment from Joel Panzer, agent for the project, supplied a new archaeological report after the IS was circulated. The 2024 report supports his IS comment that the standard condition of approval for negative archaeological reports (Condition No. 3) is sufficient to reduce project impacts to archaeological resources to a less-than-significant level. Sufficient evidence was provided that the project does not require an archaeological monitor. Therefore, a mitigation measure that was included in the draft IS/MND, C-1, has been replaced with the standard condition of approval. Although Mr. Panzer requested that the tribal cultural monitor requirement also be removed, County cannot do so because the mitigation is included as a result of a tribal cultural consultation in which potential impacts to tribal cultural resources were identified. Therefore, tribal cultural monitoring during ground disturbing activities (TRC-1) is still required to reduce potential tribal cultural resource impacts to a level of less significant.

A comment letter from Dale Ellis, another representative for the project, offered opinions on the format of the IS including that the project history presented in Section II.A may confuse public as to what is currently permitted and what is not, and the project baseline. Responsive edits were made by staff in the form of a new table in Section II.A which lists the existing development on the site at the time of the Notice of Preparation and related the development's permit status at that time. A few other edits

that were suggested in the comment letter were made by staff to clarify and amplify the previously identified impacts of the project. These edits clarify that a sprinkler system has been installed in the Red Barn structure and improved internal consistency on proposed GDP use hours.

A comment letter from Monterey Bay Air Resources District (MBARD) offered the rules and regulations for hazardous materials and air quality controls in the case that the project includes demolition. No edits are required to address these comments. The commenter supported the incorporation of electric vehicle infrastructure in the project plan (Mitigation Measure GHG-1) and recommended the infrastructure include publicly available dual port Level 2 and DC fast-charge charging stations throughout the project area. The recommendation was found to improve the mitigation measure, so a responsive edit was made to add this to the measure.

- l) Revisions to the IS/MND to clarify and amplify the analysis have been made in response to comment letters from two representatives of the applicant. No additional mitigation measures were proposed as a result of the IS/MND revisions. Pursuant to CEQA Guidelines section 15073.5(c), recirculation of the IS/MND is not required because the project revisions 1) did not identify a new, avoidable significant effect requiring additional measures to reduce the effect to insignificance; and 2) new revisions were added in response to comments on the public draft that did not identify new, avoidable significant effects. The revisions are presented in a redline version of the IS with strike-out and underline for information on pages 3, 10, 23, 29-33, 39, 42, 50, 58-59, and 61. By adding a new table on page 3, other tables were renumbered throughout the document. The redline version was reviewed by the Planning Commission as part of the decision without recirculation pursuant to CEQA Guidelines section 15164. The redline version is the adopted IS/MND.
- m) County of Monterey HCD-Planning, located at 1441 Shilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.

9.           **FINDING:**           **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:**           MCC Section 21.80.040 provides that this decision on the Project is appealable to the Board of Supervisors.

**DECISION**

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

1. Adopt a Mitigated Negative Declaration pursuant to section 15074 of the CEQA Guidelines;
2. Approve a second amendment to ZA-3117 and an amendment to ZA-3629 which allowed approximately 156,840 square feet (sq. ft.) vending and outdoor sales (flea market) area and 306,000 sq. ft. of parking area. This amendment grants an additional 34,500 sq. ft. of vending area, approx. 18,140 sq. ft. vehicle access, and 720 sq. ft. office structure southwest of the Red Barn and an additional 51,446 sq. ft. parking area northeast of the Red Barn to abate Code Enforcement Case Nos. 20CE00297 and 22CE00422;
3. Amend an adopted General Development Plan to expand the existing open-air sales (flea market) and to add new uses including corporate events, weddings and quinceañeras within the Red Barn structure and electric carts, nursery events, outdoor movies, paintball club outside and allowing construction of on-site storage (shipping containers or similar) for vendors to rent;
4. Approve Administrative Permit for grading on slopes in excess of 25 percent as after-the-fact permit to partially abate Code Enforcement Case No. 22CE00422; and
5. Adopt the attached Condition of Compliance Mitigation Monitoring and Reporting Plan.

All of which is in general conformance with the attached plan set and subject to the attached conditions and mitigation measures, attached hereto.

**PASSED AND ADOPTED** this 10th day of July 2024, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Melanie Beretti, AICP, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_.

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

NOTES

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

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

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from County of Monterey HCD-Planning and HCD-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.

# County of Monterey HCD Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140602

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This Use Permit and General Development Plan (GDP, PLN140602) allows the owner to retain the existing uses under the Use Permit ZA-3117 within the expanded area approved under ZA-3629, incorporate the new wastewater treatment system and flush toilets that were required by ZA Resolution No. 19-018, and would develop the existing open air vendor sales area, update the Use Permit to include indoor areas, add onsite vendor storage in the upper terrace, and legalize the expanded parking lot (total number of vendors would not exceed a maximum of 319 indoor and outdoor vendor spaces); potential new uses in the GDP include social activities including but not limited to weddings, quinceañeras, community activities, and corporate events and a winter nursery, an electric cart track, a drive-in movie theater, on-site paintball club. The property is located at 1000 Harry Ellingwood Drive (Assessor's Parcel Numbers 141-013-034-000, 141-013-035-000, 141-013-037-000 & 141-131-025-000), North County Area Plan. This permit 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 HCD Chief of Planning. 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)

**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

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A [Type of Permit] (Resolution Number \*\*\*) was approved by [Name of Hearing Body] for Assessor's Parcel Number \*\*\* on [Date the permit was approved]. The permit was granted subject to \*\*\* conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of building permits or commencement of the use. (HCD - Planning)

**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.

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

**Responsible Department:** Planning

**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. Monterey County HCD - Planning 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.  
(HCD - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis.  
Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning 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. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel-Risk Management

**Condition/Mitigation Monitoring Measure:** Owner/Applicant agrees as a condition and in consideration of 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 and/or its agents, officers, and/or employees from any claim, action, or proceeding against the County and/or its agents, officers, and/or or employees to attack, set aside, void, or annul this approval and/or related subsequent approvals, including, but not limited to, design approvals, which action is brought within the time provided for under law. Owner/Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action.

The County shall notify Owner/Applicant of any such claim, action, and/or proceeding as expeditiously as possible. The County may, at its sole discretion, participate in the defense of such action. However, such participation shall not relieve Owner/Applicant of his/her/its obligations under this condition. Regardless, the County shall cooperate fully in defense of the claim, action, and/or proceeding.

Owner/Applicant shall execute and cause to be notarized an agreement to this effect concurrent with the issuance of building permits, use of the property, filing of the final map, recordation of the certificates of compliance, or demand of the County Counsel's office, whichever occurs first and as applicable. Owner/Applicant shall submit such signed and notarized Indemnification Agreement to Housing and Community Development – Planning for the County's review and signatures.(County Counsel-Risk Management)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

#### 5. STORMWATER CONTROL PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a preliminary stormwater control plan and supporting stormwater control report, prepared by a licensed engineer, that addresses the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. The report and plan shall demonstrate that the Regulated Project design meets Performance Requirements No. 1, 2, and 3.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a stormwater control plan, with a supporting stormwater control report, to RMA-Environmental Services for review and approval.



## 6. EHSP01 – WASTEWATER TREATMENT FACILITY DESIGN (Non-Standard)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Construction of a wastewater treatment facility is required by Monterey County Superior Court Case #M104908 and Monterey County Code, Chapter 15.20. The wastewater treatment facility shall be designed to accept and treat wastewater from all proposed commercial uses on the property, except for the flea market, prior to onsite disposal. The design and ongoing operation of the wastewater facility will be regulated the Regional Water Quality Control Board (RWQCB), Central Coast Region, in accordance with State Water Resources Control Board Order No. 2014-0153-DWQ, or other general or individual order as determined appropriate by RWQCB.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permit for the wastewater treatment facility, the applicant shall provide to the Environmental Health Bureau (EHB) documentation that the Report of Waste Discharge and wastewater treatment facility plans are acceptable to the RWQCB.

## 7. EHSP02 – CONSTRUCT WASTEWATER TREATMENT FACILITY (Non-Standard)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Construct the wastewater treatment facility as approved by the Regional Water Quality Control Board (RWQCB), Central Coast Region and obtain inspection of the dispersal system fields from the County of Monterey, Environmental Health Bureau (EHB).

**Compliance or Monitoring Action to be Performed:** Prior to commencement of operations, activities or events that are not specifically required to sustain the extent of flea market operations authorized by the County of Monterey prior to approval of this permit, the applicant shall construct the wastewater treatment facilities to the satisfaction of RWQCB and EHB.

The applicant shall coordinate inspection of dispersal system installation with the EHB and pay applicable inspection fees in accordance with the approved EHB hourly rate.

## 8. EHSP03 – SANITARY FACILITY REQUIREMENTS (Non-Standard)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The property is authorized to utilize a combination of chemical toilets and permanent restrooms (flush toilets). Flea market operations and up to thirty (30) days per calendar year of special events may utilize chemical toilets with portable handwashing basins or permanent restrooms. During flea market operations, food vendors shall be located no farther than two hundred feet (200') from a permanent restroom with handwashing. Employees, customers and patrons of non-flea market commercial operations on the site shall have access to permanent restrooms that are connected to the wastewater treatment facility on the site. A sufficient number of chemical toilets shall be available during flea market operations and special events, in accordance with Section 15.20.040 of the Monterey County Code.

Chemical toilets (number of toilets in use) and wastewater effluent discharge from the wastewater treatment facility shall be monitored and logged daily. The weekly average of effluent discharge shall not exceed 40,800 gallons per week (80% of design capacity).

**Compliance or Monitoring Action to be Performed:** Applicant shall maintain a log of the number of chemical toilets available for use during flea market operations, as well as volume of effluent discharged to the wastewater treatment facility's dispersal system daily, to be made available to the EHB upon request.

The weekly average of effluent discharge shall not exceed 40,800 gallons per week (80% of design capacity). When the weekly volume of effluent discharge exceeds 40,800 gallons per week for two (2) consecutive weeks, the applicant shall notify the EHB and implement operational changes to reduce wastewater generation to 40,800 gallons per week or less. For example, restricting access to the permanent restrooms during flea market operations to food vendors only.

If the weekly volume of effluent discharge continues to exceed 40,800 gallons per week beyond 2 weeks, the applicant shall conduct an evaluation of all wastewater generating uses on the property and submit a plan including specific measures to meet the standards of this condition to be reviewed and accepted by EHB and HCD. Cost recovery fees to review the effluent discharge log, evaluation and proposed measures to reduce the volume of wastewater shall be paid by the applicant.

The EHB shall not approve construction permits, tenant improvements, or changes in use that could increase wastewater generation when historical records indicate weekly effluent discharge has exceeded 40,800 gallons per week more than 3 times within a 6 month period, unless an EHB-approved plan has been implemented and the weekly volume of effluent discharge has been demonstrated to reduce effluent discharge in accordance with the limits of this condition.

**9. EHSP04 – SANITARY FACILITY MAINTENACE (Non-Standard)**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Permanent restrooms on the site shall be stocked with toilet paper and maintained in a clean and sanitary condition, with access to handwashing sinks with soap, water, and paper towels provided.

Chemical toilets shall be stocked with toilet paper and pumped by a licensed liquid waste hauler after each special event or flea market operating day, or as often as necessary to maintain clean and sanitary conditions. Portable handwashing basins shall be stocked with water, soap and paper towels. Permanent restroom, chemical toilets and portable handwashing basins shall be monitored and restocked as necessary during flea market operations and special events.

**Compliance or Monitoring Action to be Performed:** Applicant shall submit a maintenance log template to the EHB for review and approval. Applicant shall maintain permanent restrooms and chemical toilets and handwashing stations in accordance with the standards specified by this condition on an on-going basis and maintain a daily log of monitoring. Monitoring records shall be retained by the applicant for the current and preceding calendar year, and be made available to the EHB for review upon request.

**10. PW0045 – COUNTYWIDE TRAFFIC FEE**

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County RMA Building Services the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to RMA Development Services.

**11. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE**

**Responsible Department:** Public Works

**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.

**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. Owner/Applicant shall submit proof of payment to the DPW.

**12. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (HCD- Planning)

**Compliance or Monitoring Action to be Performed:** Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to HCD-Planning.

**13. FIRE\_001**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** All new structures in excess of 500 square feet (the proposed restrooms) will require the installation of fire sprinklers. (Monterey County Fire Code §903.2)

**Compliance or Monitoring Action to be Performed:** Fire sprinklers must be installed prior to final inspection.

**14. FIRE\_002**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** Fire extinguishers shall be installed and maintained in accordance with both Title 19 California Code of Regulations and the Monterey County Fire Code §906 et al.

Prior to commencement of use, applicant shall provide verification from Fire department staff that fire extinguishers have been installed.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of use, applicant shall provide verification from Fire department staff that fire extinguishers have been installed.

On an ongoing basis, fire extinguishers shall be maintained in accordance with Title 19 California Code of Regulations and the Monterey County Fire Code §906 et al.

**15. PD012(H) - LANDSCAPING PLAN (NO. COUNTY NATIVE)**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (Suggested Native Species Landscaping List - North County Coastal Zone) from HCD - Planning. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the HCD - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

**16. SHF004\_ABC REQUIREMENTS**

**Responsible Department:** Sheriff

**Condition/Mitigation Monitoring Measure:** Comply with all State of California's Department of Alcoholic Beverage Control requirements pertaining to the liquor licenses issued for the on-site sale of beer and wine. (The 4-6 proposed beer stands as well as any winetasting areas)

**Compliance or Monitoring Action to be Performed:** As requested by the sheriff's office, applicant shall submit evidence that the operations are in compliance with ABC requirements.

**17. SHF003\_SECURITY OFFICERS**

**Responsible Department:** Sheriff

**Condition/Mitigation Monitoring Measure:** Security Officers shall be on site on the grounds, including the parking lot areas during the Sunday operating hours.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of use, applicant shall submit evidence to the sheriff's office that security officers will be on site during Sunday operating hours.

**18. SHF002\_PHONE SERVICE**

**Responsible Department:** Sheriff

**Condition/Mitigation Monitoring Measure:** Areas such as: information booths, ticket sale booths, parking attendant booths, any Security Guard shacks, and any areas where monies are located for sales and/or to provide change to customers and vendors, etc, should either have a landline (if feasible) or cellular phone provided to staff in order to dial 9-1-1 in case of any disturbances or robbery.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of use, applicant shall arrange for inspection by sheriff's department staff to verify that phone service is provided.

**19. SHF005\_LOCKS**

**Responsible Department:** Sheriff

**Condition/Mitigation Monitoring Measure:** Adequate locks must be installed and maintained on the doors of the two mobile office trailers used for site management operations and secure storage. A burglar alarm and/or camera must be provided for the storage area.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of use, applicant shall arrange for an inspection with the sheriff's office to verify locks and alarm/camera are in place.

**20. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN**

**Responsible Department:** Planning

**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. Exterior lights shall have recessed or shielded lighting elements. The applicant shall submit an exterior lighting plan as part of the construction plan set. 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 indicate the location, type, and wattage of all light fixtures and show a photograph or sketch of the proposed lighting fixtures. The exterior lighting plan shall be subject to approval by the HCD-Chief of Planning, prior to the issuance of building permits.  
(HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits, the Owner/Applicant shall submit exterior lighting plans as part of the construction permit plan set for review and approval by HCD-Planning.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

**21. MITIGATION MEASURE AES-1 -- PROTECTED VIEWS OF RED BARN**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure AES-1, Views of the red barn from the highway shall be retained. The owner/applicant shall submit design plans for future improvements including signage and any other development that is greater than six feet in height to HCD-Planning and Building Services for review and approval prior to installation.

**Compliance or Monitoring Action to be Performed:** The owner/applicant shall submit design plans for future improvements including signage and any other development that is greater than six feet in height to HCD-Planning and Building Services for review and approval prior to installation.

**22. MITIGATION MEASURE AES-2 -- CONTROL OF OFFSITE GLARE**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure AES-2. When/if a drive-in movie use is initiated, the movie screen shall be installed at an angle so that no off-site glare is visible from Highway 101. The owner/applicant shall submit an installation plan to HCD-Planning and Building Services for review and approval prior to use.

**Compliance or Monitoring Action to be Performed:** Prior to use of outdoor movie theater, the owner/applicant shall submit an installation plan to HCD-Planning and Building Services for review and approval. The screen shall shown orientation that does not have glare visible from Highway 101.

The condition is on-going after the first review. If the location/orientation of the movie screen is changed during the life of the General Development Plan, the owner/applicant shall resubmit the installation plan to HCD-Planning and Building Services for review and approval.

## 23. MITIGATION MEASURE GHG-1 -- GREENHOUSE GAS REDUCTIONS

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** GHG-1 – Prior to construction, the Applicant shall be required to demonstrate project consistency with greenhouse gas-reducing measures in the California Air Resources Board Draft 2022 Scoping Plan to the extent feasible. Measures shall include:

- At least 10 percent of new parking spaces shall be electric vehicle charging station capable, consistent with 2019 California Green Building Standards Code Tier 2 requirements. These shall include publicly available dual port Level 2 and DC fast-charge charging stations.

AND

- Solar panels shall be installed in the project site, preferably above surface parking lot areas, to produce a minimum of the kilowatts per year that would balance with the Annual Operational Emissions (472.2 metric tons CO<sub>2</sub>e). Most solar panels have ratings of 250 to 400 watts. The most efficient solar panels on the market are 370- to 445-watt models. The higher the wattage rating, the higher the output, and in turn, the fewer panels that would be required. Therefore, the Applicant shall prepare a solar paneling plan with panel model specifics, area proposed, and a calculation to show that Annual Emissions are balanced for by the power produced without fossil fuels at the site.

AND

- As part of all corporate event agreements with 101 Red Barn LLC, event hosts shall provide a shuttle for event guests from a location central to guest location, such as from an employer's local office. Documentation shall be provided to County HCD for review as part of special event questionnaire.



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

a: Prior to issuance of construction permits for grading or building, the owner/Applicant shall include a note on the construction plans encompassing the language in Mitigation Measure GHG 1, including all compliance actions. The owner/Applicant shall submit said plans to County HCD for review and approval.

b: Prior to issuance of construction permits for grading, the owner/Applicant shall submit to County HCD for review and approval a parking plan sheet which indicates the parking spaces that will be electric vehicle charging station capable and provide at least one contract in process with an EV charging provider.

c: Prior to issuance of construction permits for grading, the owner/Applicant shall submit to County HCD a draft solar power installation plan for review and approval which shall include the calculation for equivalent solar power production of a minimum of the kilowatts per year that would balance with the Annual Operational Emissions (472.2 metric tons CO<sub>2</sub>e), the types of solar paneling including panel model specifics, area proposed, and area to be used to meet that amount of energy production, and provide at least one contract in process with an installation provider.

d: Within two years of operation of the Use Permit, the owner/Applicant shall submit to County HCD evidence that at least 10% of parking spaces are equipped with electric vehicle charging stations and provide a copy of at least one contract in place with an EV charging provider.

e: Within two years of operation of the Use Permit, the owner/Applicant shall submit to County HCD evidence that at least 50% of the solar arrays are installed per the staff-approved solar power installation plan. The remaining solar power installation plan must be completed within five years.

f: As part of every special event questionnaire to County HCD, the owner/Applicant shall provide documentation that, as part of the event agreement, event hosts shall provide a shuttle for event guests from a location central to guest location, such as from an employer's local office for corporate events. The special event shall not be approved by Planning without this documentation unless there are expressed and particular special circumstances that such accommodations cannot be made – no more than one corporate event shall be granted exception to this mitigation per calendar year.

## 24. MITIGATION MEASURE HYD-1 -- METERED WATER WELL USAGE

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Mitigation Measure HYD-1: Metered Water Well Usage

Owner/Applicant shall place a meter on the well to monitor use. Annual Usage reports shall be submitted to EHB and HCD for six years and upon demand after six years. If the total well water pumped exceeds 2.44 AF in a year for two consecutive years, the owner/applicant shall meet and confer with EHB and HCD staff to develop a water usage reduction plan for the property. If the subsequent annual water use reports do not show compliance with the 2.44 AF threshold, the owner/applicant shall meet and confer with EHB and HCD staff again to reduce water uses by reducing the events per year or eliminating water-intensive uses of the General Development Plan.

**Compliance or Monitoring Action to be Performed:** The owner/applicant shall install a meter on the existing onsite well to monitor use within 60 days of permit issuance.

The owner/applicant shall submit to EHB and HCD an annual water use report each year. The report shall include the captured tracking data starting at the time that the meter was installed and ending 365 days from the installation of the meter. The report shall include a tally of total water use in standard usage measurements. The first report shall be submitted to these offices within 60 days of the end of the first year's metering.

Annual Usage reports shall be submitted to EHB and HCD for six years.

Ongoing, Annual Usage reports shall be submitted to EHB and HCD and upon demand after six years.

## 25. MITIGATION MEASURE HYD-2 -- LOW-FLOW WATER FIXTURES

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The project shall utilize low-flow fixtures in all areas of the development.

**Compliance or Monitoring Action to be Performed:** As fixtures are installed for use on the project premises, specification sheets shall be included in the plumbing permits and/or EHB permits which indicate low-flow requirements.

This condition is on-going.

**26. MITIGATION MEASURE N-1 -- NOISE MANAGEMENT PLAN**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** N-1 – Noise Management Plan: To reduce potential nuisance noise from social activities, the owner/Applicant shall prepare a Noise Management Plan. The Plan shall be administered by 101 Red Barn LLC if the Red Barn is acting as Event Organizer. A copy of the Plan shall be filled out by lessee event coordinators, as well. The Plan shall include contact numbers for managers identified as real-time public contacts for noise issues and strategies to reduce the potential for noise related to social activities included in the project GDP. The Plan shall include event design strategies to control excess noise such as buffering the activity space, and immediate complaint responses, such as turning down the bass upon receipt of a complaint. Owner/Applicant shall submit the draft Plan to be reviewed and approved by HCD-Planning and Building Services prior to the first questionnaire for a special event at the site. If repeated noise (more than 3) complaints are received by County, Owner/Applicant shall meet with Housing and Community Development staff to add strategies to the Plan to ensure the related activities can address the issue(s). If added strategies fail to improve noise impacts, fines shall be applied to the permit holder.

**Compliance or Monitoring Action to be Performed:** Prior to advertising new event uses, owner/applicant shall submit a draft Noise Management Plan to be reviewed and approved by HCD-Planning and Building Services.

The approved Noise Management Plan shall be in place prior to the submittal to County of the first questionnaire for a special event at the site.

If repeated noise (more than 3) complaints are received by County, Owner/Applicant shall meet with HCD staff to add strategies to the Noise Management Plan to ensure the related activities can address the issue(s). If added strategies fail to improve noise impacts, fines shall be applied to the permit holder pursuant to Code Enforcement of the project COAMMRP.

**27. MITIGATION MEASURE N-2 -- ALLOWABLE HOURS FOR PAINTBALL ACTIVITY**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** N-2 –Allowable Hours for Paintball Activity: To reduce potential nuisance noise from paintball activity, no paintball activities shall occur outside the hours of 10:00 a.m. to 8:00 p.m. This condition shall be included in the Use Permit requirements for operation of the Red Barn facility, as well as the use agreement between the Applicant and the Paintball Club, to be reviewed and approved by County HCD. Violations of the allowable hours shall result in a fine or, if repeated (more than 3) complaints are received by Monterey County, loss of use of the property for paintball activity.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of Paintball Club uses, the text of this condition shall be included in the Use Permit requirements for operation of the Red Barn facility, as well as the use agreement between the Applicant and the Paintball Club, to be reviewed and approved by County HCD-Planning.

If noise complaints are received which indicate that Paintball Club use is causing noise violations outside of the stated hours of 10 a.m. to 8 p.m., owner/applicant shall meet and confer with County HCD staff to address the issue.

If more than three complaints are received that indicate the stated hours are not being respected by the owner/applicant or their lessees, this use as part of the General Development Plan will be formally rescinded through decision by the Chief of Planning with evidence from the Chief of Building Services on the record.

This condition is ongoing.

## 28. MITIGATION MEASURE TRC-1 -- TRIBAL MONITOR

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure TCR-1: Tribal Monitor.

To ensure that Tribal Cultural Resources incur less than significant impacts, a Tribal Monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative, shall be on-site during project-related grading and excavation to identify findings with tribal cultural significance. This Tribal Monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. If resources are discovered, the owner/applicant/contractor shall refer to and comply with Condition of Approval No. 3 (cultural resources "stop work" requirements) as applicable. This mitigation is not intended to alleviate responsibility of the owner or its agents from contacting the County Coroner and complying with State law if human remains are discovered.

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

a. Prior to issuance of construction permits for grading, the owner/applicant shall include a note on the plans encompassing the language contained in Condition of Approval No. 3 (cultural resources "stop work" requirements), including all compliance actions. The owner/applicant shall submit said plans to HCD-Planning for review and approval.

b. Prior to issuance of a construction permit for grading, the Applicant/Owner shall submit evidence to the satisfaction of the Chief of HCD-Planning that a monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative, has been retained to monitor the appropriate construction activities. This Tribal Monitor shall be retained for the duration of any project-related grading and excavation.

c. Any artifacts found that are not associated with a finding of human remains shall be cataloged by both the Tribal Monitor and the qualified archaeological monitor. Once cataloged, the qualified archaeological monitor will take temporary possession of the artifacts for testing and reporting purposes. Upon completion of these testing and reporting activities, all artifacts, at the discretion of the property owner, shall be returned within one (1) year to a representative of the appropriate local tribe as recognized by the Native American Heritage Commission, or the Monterey County Historical Society. A final technical report containing the results of all analyses shall be completed within one year following completion of the field work. This report shall be submitted to HCD-Planning and the Northwest Regional Information Center at Sonoma State University. Artifacts associated with a finding of human remains shall be reburied in accordance with State Law and penalty for violation pursuant to PRC section 5097.994.

d. Prior to final building inspection, the Tribal Monitor or other appropriately NAHC-recognized representative shall submit a letter to HCD-Planning confirming participation in the monitoring and provide a summary of archaeological and/or cultural finds or no finds, as applicable.

**29. PD005 - FISH & GAME FEE NEG DEC/EIR**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

# RED BARN FLEA MARKET

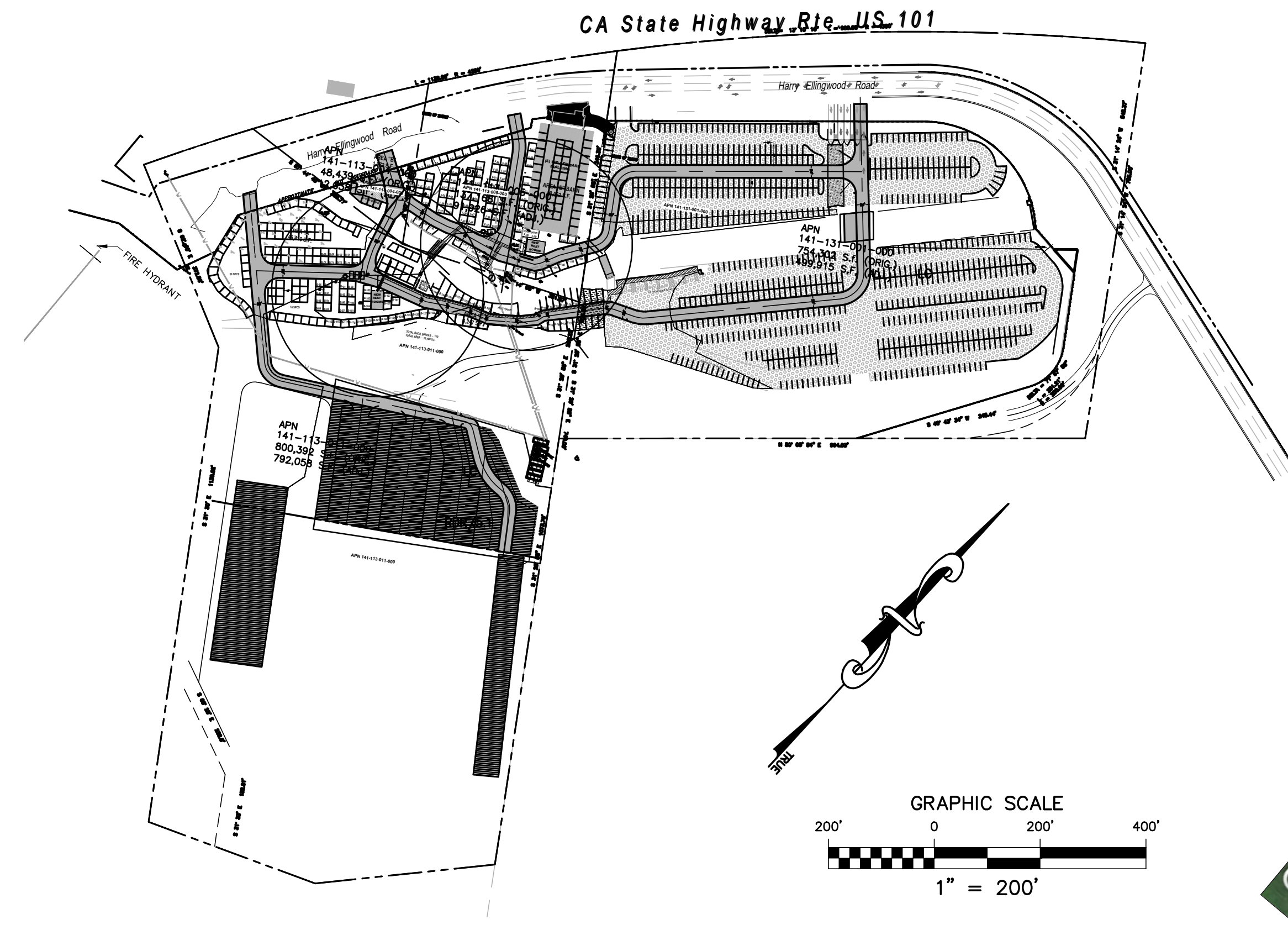
## GENERAL DEVELOPMENT PLAN

### PROJECT DATA SUMMARY

LOCATION	1000 RED BARN ROAD, AROMAS, CA 95004		
PARCEL & SIZES	: APN 141-013-034-000	1.124 ACS. (ORIG.)	0.276 ACS. ADJ.
	: APN 141-013-035-000	3.135 ACS. (ORIG.)	2.109 ACS. ADJ.
	: APN 141-013-037-000	19.203 ACS. (ORIG.)	18.189 ACS. ADJ.
	: APN 141-131-025-000	17.316 ACS. (ORIG.)	11.476 ACS. ADJ.
TOTAL AREA OF PARCELS	40.778 ACS. (ORIG.)	32.05 ACS. ADJ.	
TOTAL AREA AFTER CALTRANS TAKE (8.73 ACS.)	32.05 ACS. REMAINING		
LOT COVERAGE	EXISTING	PROPOSED	
A.C. PVT.	288,640 S.F.	299,278 S.F.	
CONC. SLABS	9,122 S.F.	10,732 S.F.	
BUILDINGS	25,833 S.F.	27,443 S.F.	
GRADING	OTHER THAN FINE GRADING TO MAINTAIN POSITIVE DRAINAGE IN AREAS TO BE RE-PAVED OR TO RECEIVE A SLURRY SEAL, AND BASE ROCK FRESHENING, NEW GRADING IS LIMITED TO GRADING FOR 10,640 s.f. NEW A.C. PAVEMENT AT MAIN ENTRANCE OFF HARRY ELLINGWOOD ROAD.		
TREE REMOVAL	NO TREE REMOVAL IS CONTEMPLATED OR NECESSARY.		
REQUIRED PARKING	153,500 S.F. USEABLE OPEN AIR SALES @ 5 SPACES PER 1000 S.F. = 768 PARKING SPACES REQUIRED.		
PARKING PROVIDED	95 VENDOR PARKING SPACES PLUS 758 PUBLIC PARKING SPACES = 853 TOTAL PARKING SPACES PROVIDED.		
SETBACKS	SHOWN ON SITE PLAN AT VARIOUS LOCATIONS.		
PARKING SUMMARY	95 LARGE 12'x22' (VENDOR) PARKING SPACES 744 STANDARD 10'x19' PARKING SPACES 5 COMPACT 10'x15' PARKING SPACES 13 ADA H-CAP 10'x18' W/ WHEEL STOP PARKING SPACES (5 ADA H-CAP SPACES OF 13 ARE VAN ACCESSIBLE SPACES)		
PARKING LOCATION	PARKING IS DELINEATED ON SITE PLAN AND ADA HANDICAP ACCESSIBLE SPACES GROUPED TOGETHER WITH ACCESSIBLE ROUTE OF TRAVEL ACROSS EXISTING PEDESTRIAN BRIDGE TO RED BARN AND RESTROOM FACILITIES.		
FIRE ACCESS ROUTES	DELINEATED ON SITE PLAN.		
ENTRANCE POINTS	SITE ENTRANCES DESIGNATED ON SITE PLAN.		
INTERIOR CIRCULATION	DELINEATED ON SITE PLAN.		
LOCATION OF FENCES	DELINEATED ON SITE PLAN FROM TOPO.		
SEPTIC SYSTEM	DESIGN & LAYOUT BY FALL CREEK ENGINEERING.		
WATER PROVIDER	WATER SUPPLIED BY PRIVATE WELL AND SYSTEM.		
SEWER SYSTEM	PRIVATE SEWER SYSTEM.		
WETLANDS & STREAMS	CARNEROS CREEK BISECTS PARCEL FROM NORTHEAST TO SOUTHWEST AND IS SHOWN ON SITE PLAN. OTHER THAN THE CREEK, NO WETLANDS ARE PRESENT ON THE PROJECT SITE.		
LANDSCAPING	(E) LANDSCAPING TO REMAIN AS IS. NEW LANDSCAPING TO CONFORM TO EXISTING AND SHALL BE DROUGHT TOLERANT.		
100 YEAR FLOOD INUNDATION AREA	THE ONLY PORTION OF THE PROJECT SITE SUBJECT TO INUNDATION SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 060195 0020 D FOR THIS AREA, BASED ON A DETAILED STUDY OF THE UPPER REACHES OF THE ELKHORN SLOUGH AFFECTS THE VERY SOUTHERN MOST PORTION OF THE SITE AS SHOWN ON THE SITE PLAN.		
SENSITIVE HABITAT	NO KNOWN OR IDENTIFIED ENVIRONMENTALLY SENSITIVE HABITAT, GEOLOGICAL RESOURCES, HISTORICAL SITES AND ANY IDENTIFIED HAZARDS ARE PRESENT ON THE PROJECT SITE.		

# PLN 140602

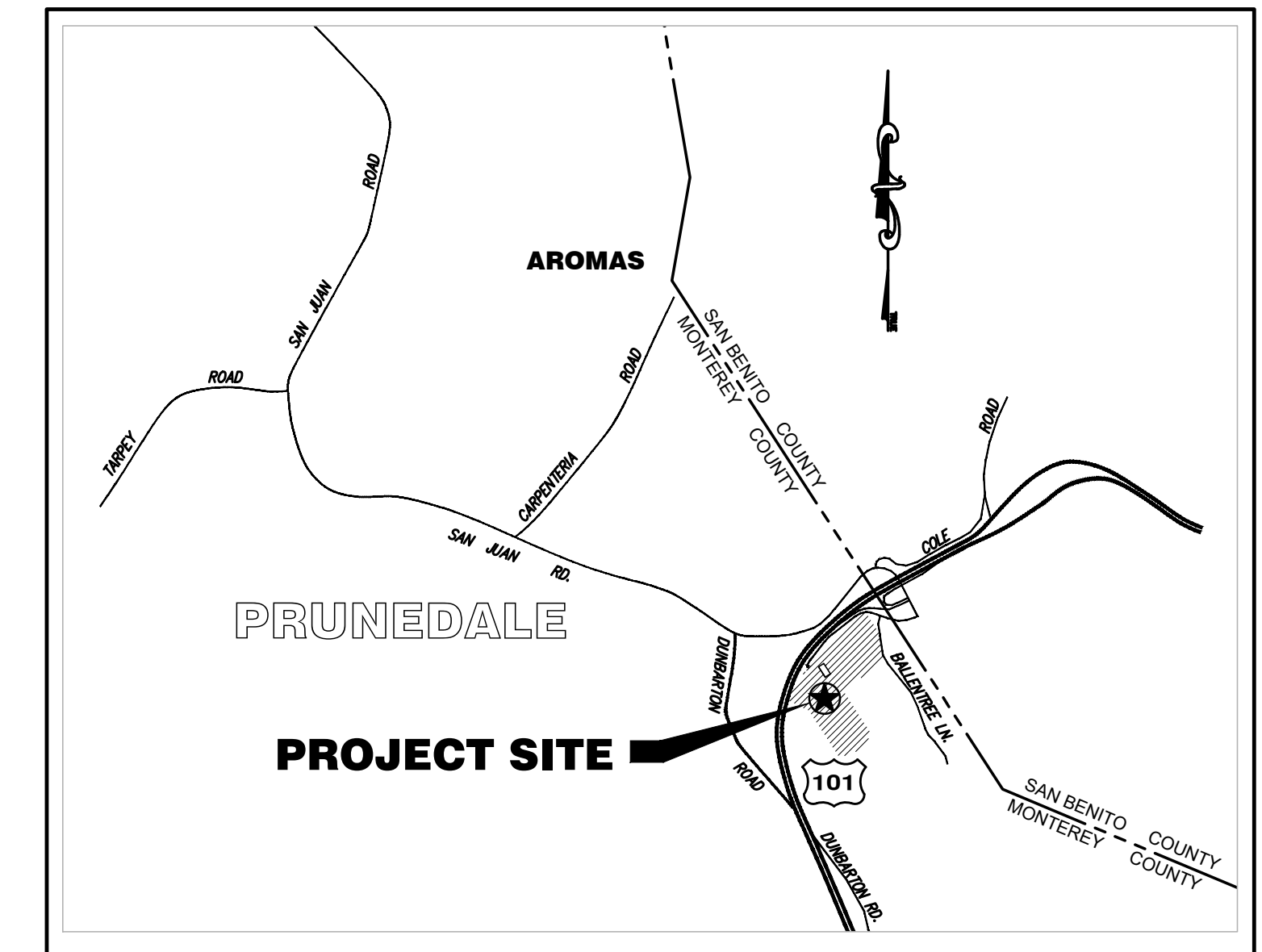
## REVISION TO ZA3117 & ZA3629



# OVERALL SITE PLAN

### SHEET INDEX

TITLE	PROJECT TITLE, VICINITY MAP & NOTES
C-1	PROPOSED USES & VENDOR SPACES
C-2	UPPER & LOWER PARKING AREAS



### VICINITY MAP

### PROJECT DATA

LOCATION	: 1000 RED BARN ROAD, AROMAS, CA 95004
PARCEL	: APN's 141-013-034-000, 141-013-035-000, 141-013-037-000, & 141-131-025-000
OWNER	: 101 RED BARN LLC 355 EAST MARKET STREET SALINAS, CA. 93901 SAL JIMENEZ, MANAGING MEMBER
ZONING	: LC & RDR/5.1 COMMERCIAL & LOW-DENSITY RESIDENTIAL
LOT AREA	: 32.02 ACRES

#### BUILDING SITE:

APN's 141-013-034-000, 141-013-035-000,  
141-013-037-000 & 141-131-025-000  
1000 HWY. 101 NORTH  
AROMAS, CALIFORNIA 95004

#### OWNER:

101 RED BARN LLC  
355 EAST MARKET STREET  
SALINAS, CA 93901  
SAL JIMENEZ, MANAGING MEMBER  
(831) 596-5936  
Sal@bankerscasino.net



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REVISIONS

PROJECT TITLE  
VICINITY MAP  
& NOTES

DRAWN BY: K. TUNSTALL

TUNSTALL ENGINEERING  
CONSULTANTS, INC.

124 EAST ALISA STREET  
SALINAS CALIFORNIA 93901  
(831) 758-2765 FAX (831) 758-2141

CIVIL ENGINEERING - BUILDING DESIGN

RED BARN DEVELOPMENT  
MINOR USE PERMIT AMMENDMENT  
FOR: 101 RED BARN LLC


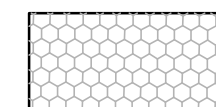
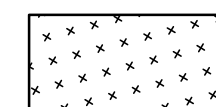
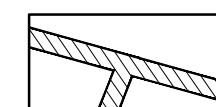

DESIGNED BY: KEN TUNSTALL  
DATE: NOV. 17, 2020

PROJECT NO.  
**14-18S**

SHEET NO.  
**TITLE**

OF

### HATCH LEGEND

-  PLN170974 EXTERIOR VENDOR AREA APPROVED - 136,775 S.F.
-  PLN170974 RED BARN INTERIOR AREA APPROVED - 20,062 S.F.\*
-  THIS APPLICATION EXTERIOR AREA TO BE ADDED - 52,642 S.F.
-  5' WIDE ACCESSIBLE PATH OF TRAVEL
-  20' MIN. WIDTH FIRE LANE (TYP)

200' RAD. FROM RESTROOM ALLOWABLE FOOD VENDORS

AREA A -	46,419 S.F.	42 SPACES
AREA B -	1,973 S.F.	0 SPACES
AREA C -	4,250 S.F.	5 SPACES
<b>TOTALS</b>	<b>52,642 S.F.</b>	<b>47 SPACES</b>

\* RED BARN BLDG. AREA PRESENTLY NOT ALLOWED TO BE USED UNTIL FIRE SPRINKLER SYSTEM COMPLETED IN COMPLIANCE WITH CODE AND FIRE DEPT. REQUIREMENTS

#### FOOD VENDOR AREA

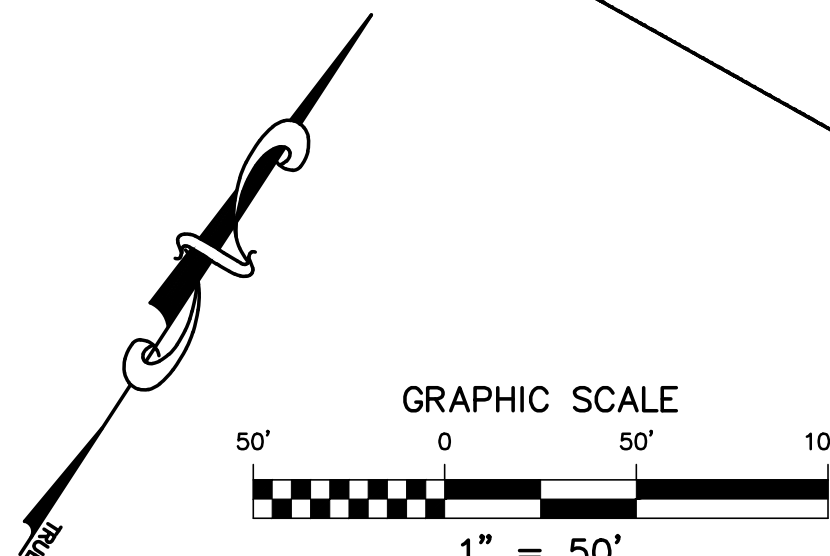
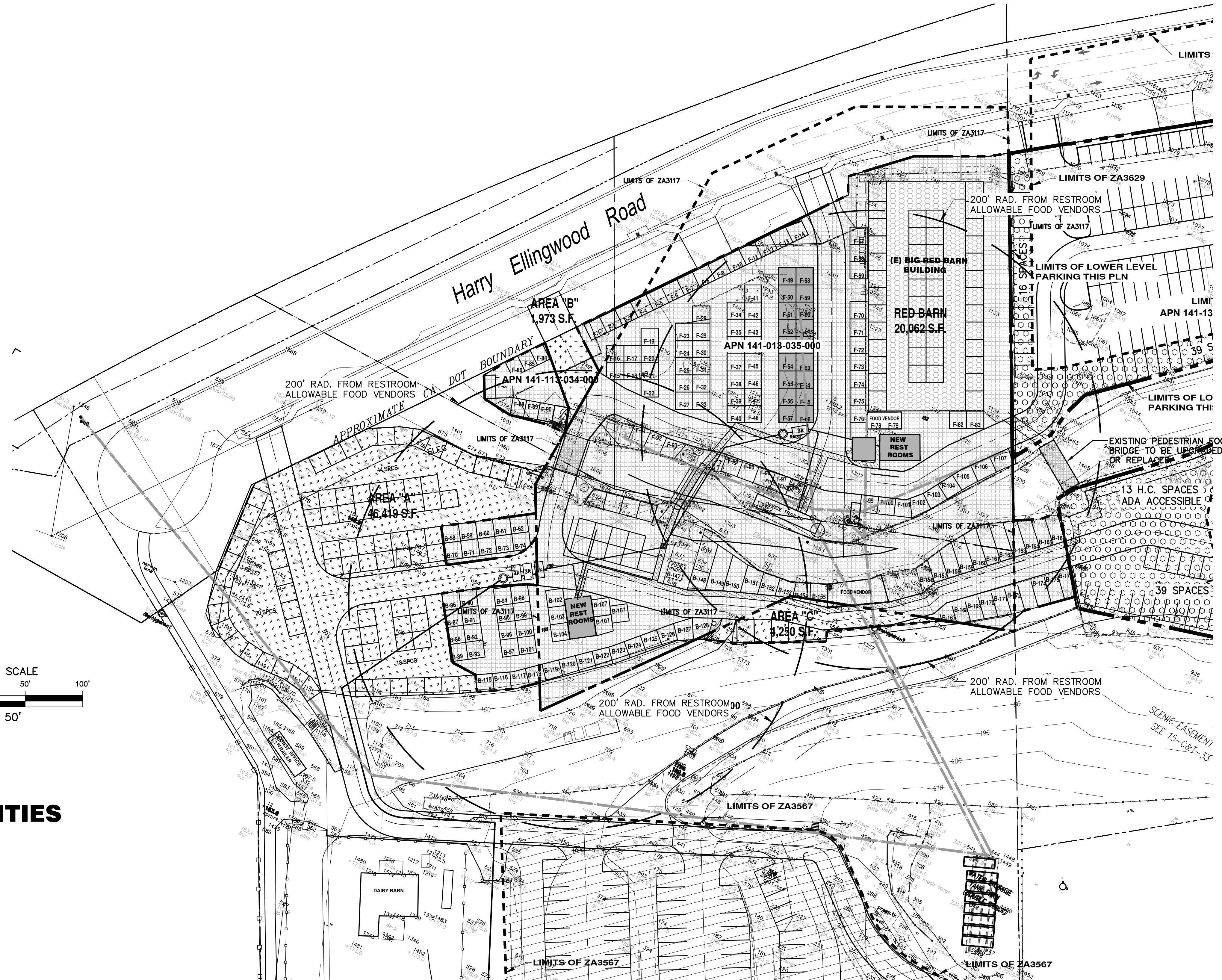
QUALIFYING SPACES WITHIN 200' OF RESTROOM WITH FLUSHABLE TOILETS

PLN 170974	210 SPACES
THIS PLN	47 SPACES
<b>TOTAL QUALIFYING SPACES</b>	<b>257 SPACES</b>

#### VENDOR SPACE SUMMARY

PLN170974	239 SPACES
ADDN'L SPACES (THIS PLN)	88 SPACES
<b>TOTAL</b>	<b>327 SPACES</b>

**FOR PARKING SUMMARY**  
**SEE SHEET C-2**



### PROPOSED RESTROOM FACILITIES

#### NEW RESTROOM BUILDINGS

BLDG. NO. 1 (BLDG. NO. 2 IDENTICAL)

- MEN**
- TOILET (H.CAP) 1 EA.
  - TOILET (STD.) 2 EA.
  - URINAL 3 EA.
  - LAVATORY 3 EA.
- WOMEN**
- TOILET (H.CAP) 1 EA.
  - TOILET (STD.) 5 EA.
  - LAVATORY 3 EA.
- SERVICE SINK 1 EA.**
- DRINKING FOUNTAIN 1 EA.**

## SITE PLAN

### PROPOSED USES & VENDOR SPACES

PLN 140602

BUILDING SITE:  
APN's 141-013-034-000, 141-013-035-000,  
141-013-037-000 & 141-131-025-000  
1000 HWY. 101 NORTH  
AROMAS, CALIFORNIA 95004

OWNER:

101 RED BARN LLC  
355 EAST MARKET STREET  
SALINAS, CA 93901  
SAL JIMENEZ, MANAGING MEMBER  
(831) 596-5936  
Sal@bankerscasino.net



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REVISIONS

**SITE PLANS**  
**RELOCATED VENDOR**  
**AREAS**

DRAWN BY: K. TUNSTALL

TUNSTALL ENGINEERING  
CONSULTANTS, INC.

124 EAST ALISAL STREET  
SALINAS CALIFORNIA 93901  
(831) 758-2765 FAX (831) 758-2141

CIVIL ENGINEERING - BUILDING DESIGN

**RED BARN DEVELOPMENT**  
**MINOR USE PERMIT AMMENDMENT**  
FOR: 101 RED BARN LLC

DESIGNED BY: KEN TUNSTALL DATE: NOV. 11, 2020

PROJECT NO.  
**14-18S**

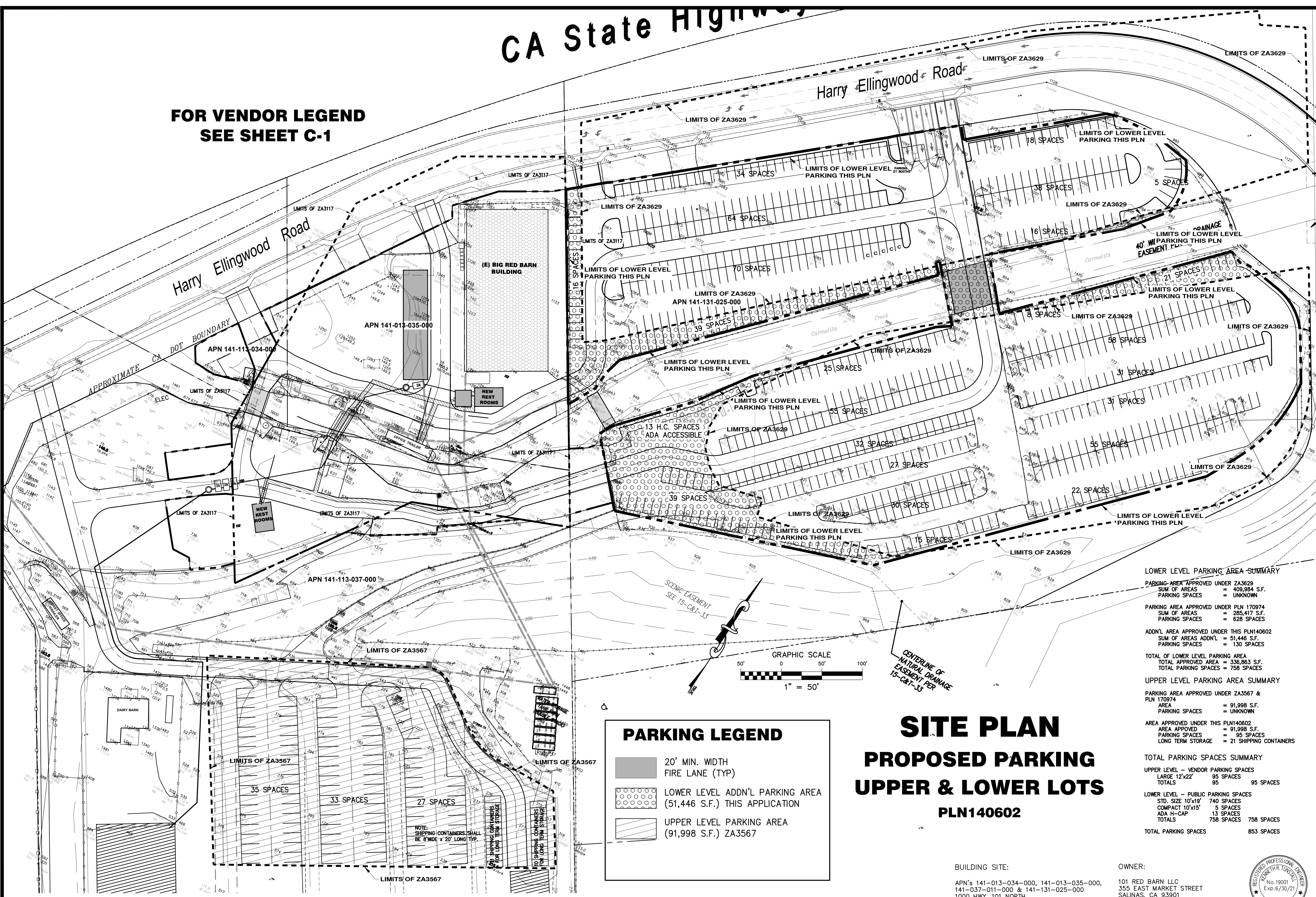
SHEET NO.  
**C-1**

OF



# CA State Highway

**FOR VENDOR LEGEND  
SEE SHEET C-1**



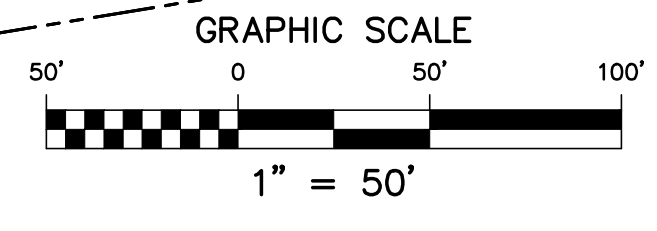
### PARKING LEGEND

- 20' MIN. WIDTH FIRE LANE (TYP)
- LOWER LEVEL ADD'L PARKING AREA (51,446 S.F.) THIS APPLICATION
- UPPER LEVEL PARKING AREA (91,998 S.F.) ZA3567

NOTE: SHIPPING CONTAINERS SHALL BE 8' WIDE X 20' LONG TYP.

10' SHIPPING CONTAINERS FOR LONG TERM STORAGE

## SITE PLAN PROPOSED PARKING UPPER & LOWER LOTS PLN140602



**LOWER LEVEL PARKING AREA SUMMARY**

PARKING AREA APPROVED UNDER ZA3629  
 SUM OF AREAS = 409,984 S.F.  
 PARKING SPACES = UNKNOWN

PARKING AREA APPROVED UNDER PLN 170974  
 SUM OF AREAS = 285,417 S.F.  
 PARKING SPACES = 628 SPACES

ADD'L AREA APPROVED UNDER THIS PLN140602  
 SUM OF AREAS ADD'L = 51,446 S.F.  
 PARKING SPACES = 130 SPACES

TOTAL OF LOWER LEVEL PARKING AREA  
 TOTAL APPROVED AREA = 336,863 S.F.  
 TOTAL PARKING SPACES = 758 SPACES

**UPPER LEVEL PARKING AREA SUMMARY**

PARKING AREA APPROVED UNDER ZA3567 & PLN 170974  
 AREA = 91,998 S.F.  
 PARKING SPACES = UNKNOWN

AREA APPROVED UNDER THIS PLN140602  
 AREA APPROVED = 91,998 S.F.  
 PARKING SPACES = 95 SPACES  
 LONG TERM STORAGE = 21 SHIPPING CONTAINERS

**TOTAL PARKING SPACES SUMMARY**

UPPER LEVEL - VENDOR PARKING SPACES  
 LARGE 12'x22' 95 SPACES  
 TOTALS 95 95 SPACES

LOWER LEVEL - PUBLIC PARKING SPACES  
 STD. SIZE 10'x19' 740 SPACES  
 COMPACT 10'x15' 5 SPACES  
 ADA H-CAP 13 SPACES  
 TOTALS 758 SPACES 758 SPACES

TOTAL PARKING SPACES 853 SPACES

BUILDING SITE:  
 APN'S 141-013-034-000, 141-013-035-000,  
 141-037-011-000 & 141-131-025-000  
 1000 HWY. 101 NORTH  
 AROMAS, CALIFORNIA 95004

OWNER:  
 101 RED BARN LLC  
 355 EAST MARKET STREET  
 SALINAS, CA 93901  
 SAL JIMENEZ, MANAGING MEMBER  
 (831) 596-5936  
 Sal@bankerscasino.net



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REVISIONS

**SITE PLANS  
RELOCATED PARKING AREA**

DRAWN BY: K. TUNSTALL

**TUNSTALL ENGINEERING  
CONSULTANTS, INC.**

124 EAST ALISA STREET  
SALINAS CALIFORNIA 93901  
(831) 758-2765 FAX (831) 758-2141

CIVIL ENGINEERING - BUILDING DESIGN

**RED BARN DEVELOPMENT  
MINOR USE PERMIT AMMENDMENT  
FOR: 101 RED BARN LLC**

DESIGNED BY: KEN TUNSTALL DATE: NOV. 17, 2020

PROJECT NO.  
**14-18S**

SHEET NO.  
**C-2**

OF

**101 Red Barn LLC  
355 East Market Street  
Salinas, CA 93901**

October 29, 2021

Mary Israel  
Monterey County Housing and Community Development  
1441 Schilling Place, South Second Floor  
Salinas, CA 93901

RE: CEQA Project Scope (PLN140602)

Dear Ms. Israel,

Thank you for your time yesterday. After consultation with Mr. Panzer, I believe it best to request Housing and Community Development (HCD) to process the proposed Combined Development Permit to include the outdoor retail sales area/parking lot refinements that have been requested in the General Development Plan. We request that HCD prepare a CEQA document to address uses noted in the General Development Plan, as follows:

- A. Amend ZA-3117 to expand the outdoor use area by 52,642 SF, of which 38,505 SF +/- would be for open-air vendors.
- B. Amend ZA-3629 for parking area boundaries to be revised so they are coincident with current parking that has been developed over time, including existing ADA compliant parking spaces. To address parking lot issues identified by County staff, the owner is specifically requesting approval to pave parking areas to improve property operations and provide a more orderly use of space.
- C. We would like vendor storage to be considered. This would be an ancillary use to the existing flea market use of the property.
- D. Obtain additional Use Permit(s) for the following uses that are outside the permitted flea market use of the property:
  - Use of the interior of Red Barn Building for weddings, Quinceneras, corporate events and community/holiday activities;
  - Use of the property, including the Red Barn Building, for Corporate Events.

- Use of the property for a nursery. This is likely to be a seasonal use (pumpkins, Christmas trees, etc.)
- Use of the property for Outdoor Movies. During the pandemic, outdoor use for community movie nights seemed to be a reasonable use.
- Use of the property for vendor storage.

As we discussed, the uses described above are in the General Development plan submitted. These uses are intended to make the property economically feasible, and offset significant costs expected to install the wastewater treatment system, restrooms, deferred maintenance projects and comply with anticipated Conditions of Approval (e.g., traffic impact fees, CEQA mitigation monitoring fees, landscaping, and lighting plan implementation, etc.). The only way to fund compliance and install improvements will be through income generation from the flea market and the requested non-flea market uses.

Please don't hesitate to contact me if you have additional questions.

Sincerely,

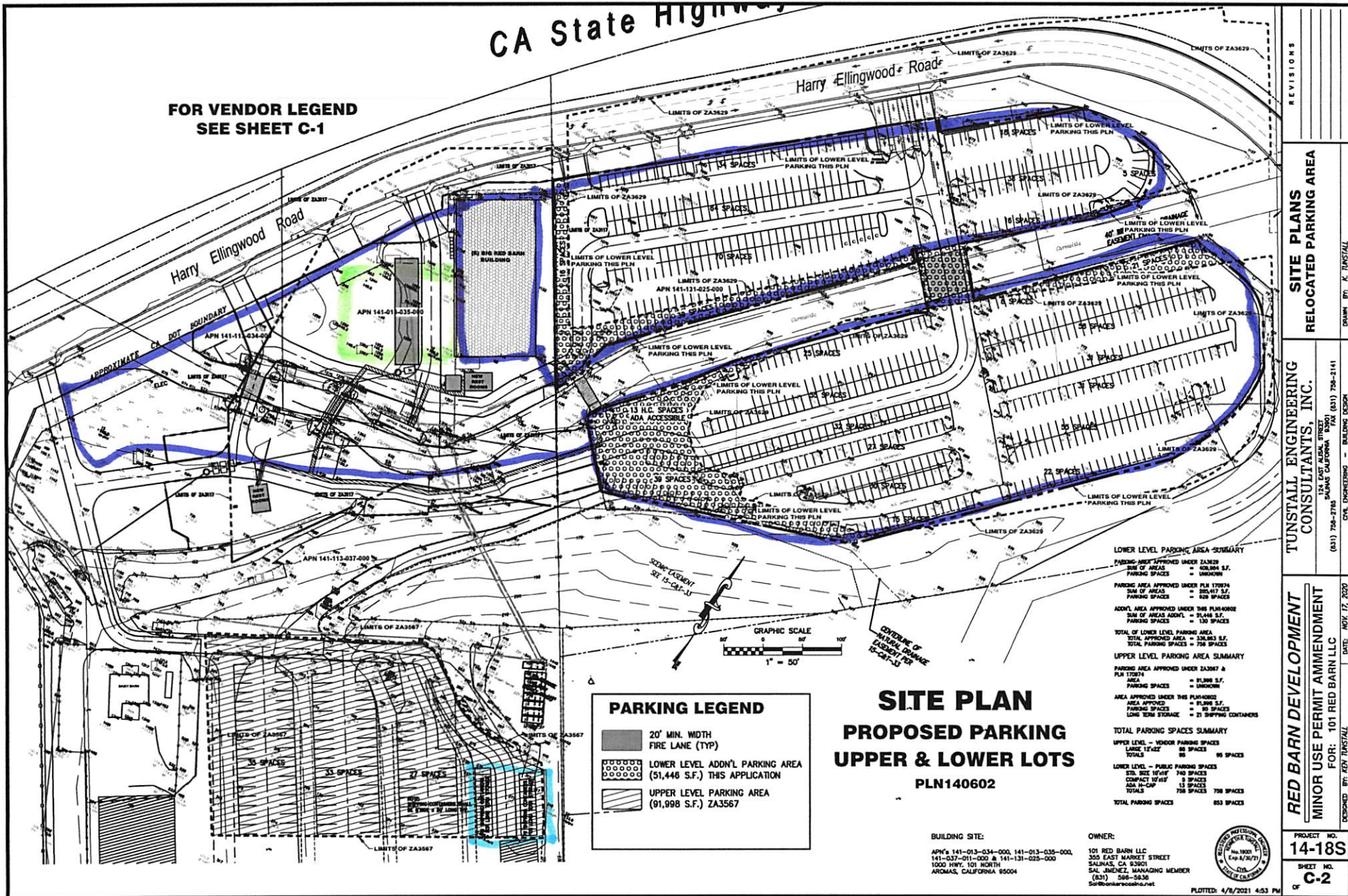


Sal Jimenez,  
Managing Member  
101 Red Barn LLC

Movie Area

Vendor Storage Area

Event Use Areas



FOR VENDOR LEGEND  
SEE SHEET C-1

**PARKING LEGEND**

- 20' MIN. WIDTH FIRE LANE (TYP)
- LOWER LEVEL ADD'L PARKING AREA (51,446 S.F.) THIS APPLICATION
- UPPER LEVEL PARKING AREA (91,998 S.F.) ZA3567

**SITE PLAN  
PROPOSED PARKING  
UPPER & LOWER LOTS  
PLN140602**

**LOWER LEVEL PARKING AREA SUMMARY**  
 PARKING AREA APPROVED UNDER 23362  
 SUM OF AREAS = 408,804 S.F.  
 PARKING SPACES = 5,000/000

PARKING AREA APPROVED UNDER PLN 170794  
 SUM OF AREAS = 82,611 S.F.  
 PARKING SPACES = 828

ADD'L AREA APPROVED UNDER THIS PLAN/ZONE  
 SUM OF AREAS ADD'L = 51,446 S.F.  
 PARKING SPACES = 130

**TOTAL OF LOWER LEVEL PARKING AREA**  
 TOTAL APPROVED AREA = 542,861 S.F.  
 TOTAL PARKING SPACES = 758

**UPPER LEVEL PARKING AREA SUMMARY**  
 PARKING AREA APPROVED UNDER 23367 & PLN 170794  
 AREA = 91,998 S.F.  
 PARKING SPACES = 5,000/000

AREA APPROVED UNDER THIS PLAN/ZONE  
 AREA APPROVED = 91,998 S.F.  
 PARKING SPACES = 90

LONG TERM STORAGE = 21 SHIPPING CONTAINERS

**TOTAL PARKING SPACES SUMMARY**  
 UPPER LEVEL - VENDOR PARKING SPACES  
 LARGE TRUCK = 88  
 TOTALS = 88

LOWER LEVEL - PUBLIC PARKING SPACES  
 STD. SIZE 10'x14' = 740 SPACES  
 COMPACT 10'x12' = 3 SPACES  
 ADA 10'-CAP = 13 SPACES  
 TOTALS = 756 SPACES

**TOTAL PARKING SPACES** = 853 SPACES

**BUILDING SITE:**  
 APN's 141-013-034-000, 141-013-035-000,  
 141-037-001-000 & 141-131-025-000  
 1000 HWY. 101 NORTH  
 AROMAS, CALIFORNIA 95004

**OWNER:**  
 101 RED BARN LLC  
 305 EAST MARKET STREET  
 SALINAS, CA 93901  
 SAL SANCHEZ, MANAGING MEMBER  
 (831) 586-5830  
 Sal@redbarnca.com



**REVISIONS**

**TUNSTALL ENGINEERING CONSULTANTS, INC.**  
 124 EAST ALVARO STREET  
 SALINAS CALIFORNIA 93901 (831) 758-3141  
 CIVIL ENGINEERING - BUILDING DESIGN  
 DRAWN BY: K. TUNSTALL

**RED BARN DEVELOPMENT  
MINOR USE PERMIT AMENDMENT  
FOR: 101 RED BARN LLC**

DESIGNED BY: KEN TUNSTALL DATE: NOV. 17, 2020

**PROJECT NO:  
14-18S**

**SHEET NO:  
C-2**

PLOTTED: 4/8/2021 4:53 PM

# **General Development Plan**

## **101 Red Barn LLC**

1000 Highway 101 North, Aromas CA

(PLN140602)

*Revised August 30, 2021*

### **Introduction**

The Red Barn General Development Plan (GDP) has been developed to address existing approved uses of the property and outline future uses and operations of the Red Barn property, located in Aromas. An existing General Development Plan is documented as Monterey County Board of Supervisors Board Resolution No. 10-037 (Exhibit A). This Resolution is the basis of what would be the County approved General Development Plan. Pursuant to Monterey County Code Section 21.18.030.B” “*...no new development, change or expansion of use, or physical improvements may be approved unless such development is found to be in conformance with an approved General Development Plan...*”. The plan being submitted is intended to update the prior Board recognition of uses (Exhibit A, Item 29.3) and reflects changed circumstances between the adoption of the Board Resolution in 2010 and the completion of the Highway 101 Improvement Project in Aromas, circa 2016.

The Red Barn property was recently acquired by 101 Red Barn LLC. The GDP will be used to document approved property uses. The GDP will also reflect the new owner’s intended uses of the property and guide proposed uses for the foreseeable future. More importantly, the GDP will document uses associated with the property to insure there is no misunderstanding between the property ownership and Monterey County regulatory agencies.

### **Background and Permitting History**

The Red Barn was built by the Kaiser Aluminum Company for Harry Ellingwood in 1945. The Red Barn and the surrounding property established categories of uses beginning in 1969 with its first of many permits issued by Monterey County. A detailed history of permitting for the property site, prepared by Monterey County staff (File No. PD080726), is included as Exhibit B. An overview of the permitting history for the Red Barn site is also summarized below due to its relevance to this GDP.

The first Use Permit issued for the property was issued in March 1969 (ZA-505) and allowed the sale of second-hand goods and auction house. As described in the staff report, all sales and operations were to be located within the building (Red Barn). Two other Use Permits (ZA-767

and ZA-846) allowed the installation of a mobile home and initial expansion of outdoor retail sales areas on the site. ZA-846 introduced new approved uses, including a pony riding ring, a mini-bike track, crafts within the “small warehouse”, and an outdoor nursery. Each of the above Use Permits included expiration dates.

In March 1972, another Use Permit (ZA-1047) allowed the extension of the three Use Permits noted above, with a March 1977 expiration date. A subsequent Use Permit was approved in August 1973 that proposed a produce stand and outdoor seating for the snack bar. This permit confirmed the wine tasting room as an existing operation. That use permit, as modified to eliminate the snack bar seating area, was approved. And, in August 1975, a Use Permit and a Negative Declaration for an expanded parking area was approved (ZA-2880).

In 1977, the present-day uses of the Red Barn site were further formalized through the approval of ZA-3117. This Use Permit allowed indoor and outdoor retail sales of new and used merchandise, beer bar, snack bar and winetasting and sales. In 1978 Use Permits were approved for expanded parking (ZA-3567 & ZA-3629), which increase on-site parking to approximately 950 parking spaces. These Use Permits still govern the parking uses of the Red Barn property today.

In 2011, CALTRANS began construction of new interchanges and other improvements along Highway 101 corridor in North Monterey County, including the San Juan Grade Road interchange in Aromas. The resulting Caltrans condemnation of portions of the Red Barn property resulted in a loss of 8.74 acres of the 41.50-acre site. With respect to the approved Use Permits, the CALTRANS condemnation resulted in a loss of 17,669 sq. ft. of the approved 157,048 sq. ft. outdoor retail sales area approved pursuant to ZA-3117 and a loss of 102,997 sq. ft. of the approved 409,984 sq. ft. parking area approved pursuant to ZA 3629. A Use Permit (PLN170974) was approved by the Monterey County Zoning Administrator on May 30, 2019 (Resolution No. 19-018) which allowed the replacement of 17,497 square feet of the outdoor sales area lost due to the CALTRANS widening of Highway 101 and approved a wastewater treatment system and the addition of flush toilets.

This General Development Plan and associated Use Permit amendment for File No. PLN140602 is intended to respond to County Conditions of Approval imposed on the prior owner (Exhibit C) and subject to Superior Court proceedings (Case No. M104908) related to the previous unpermitted open-air vendor sales area expansion, addresses retention of approved uses for the site (ZA-3117) and outlines future land uses for the Red Barn site. Further details on the proposed amendment are also illustrated in the attached Exhibits.

### **Stagecoach Territories Operational Characteristics**

As approved pursuant to ZA-3117, there are no limitations on the hours or days of operations. The new property owner 101 Red Barn LLC will be adjusting site operations, as outlined in this GDP, including days of the week and hours during the day. For the purposes of this GDP, an

overview of how the site was operated pre-Covid 19 is instructive. The prior owner, Stagecoach Territories, Inc., operated the site as follows:

A. Current Hours of Operation.

- *Business Office.* The business office operates Thursday through Saturday from 10:00 AM to 4:00 PM. From Monday through Wednesday, the office may periodically open for maintenance, operational issues and vendor matters that need to be attended to.
- *Vendor Set-Up.* Vendor set-up is typically from 6:00 AM to 8:00 AM, currently on Saturdays and Sundays. Vendors are also allowed to set-up during business hours on Thursday through Friday. Approximately 10 to 20 vendors would be allowed on site to set up between Thursday through Friday in any given week.
- *Vendor Breakdown.* Vendor breakdown occurs at 4:00 PM. At this time, vendors are allowed to drive vehicles to their rented space to load up unsold inventory. Vendors are encouraged to prepare their inventory for loading prior to returning with their vehicles for loading. All frontage road facing gates are opened to ease with the vendor loading and exiting process.
- *Marketplace Hours.* Prior to the Covid 19 pandemic, the Red Barn Market was open to the general public one day a week, from 8:00 AM to 4:00 PM, currently on Sundays, though the site flea market was historically operated on other day(s) of the week. Evidence in the County records for PD080726 indicated that at one time the market was operated on Saturdays and Sundays. The market is now open on Saturday and Sunday. The owner wishes to retain rights to use the property for other days of the week. It would be the intent of the owner to also use the property on Friday's and Saturdays, with occasional mid-week use as may be needed for activities. Hours would generally be between 10:00 AM and 11:00 PM on those additional days. Hours for mid-week activities would be scheduled between 10:00 AM and 10:00 PM.
- *Gate Hours.* During routine operations, ticket booths are currently staffed from 8:00 AM to 3:30 PM on Sundays. Other gate hours, including Saturdays, would accommodate the operations noted in the bullet point above.

B. Staffing Levels. Under Stagecoach Territories, Inc., the Red Barn operated the site with 12 employees on average, with up to 20 employees during its busy season (May – November). The staffing number decreases and increases depending on seasonal operational demand. Red Barn staff provides the following functions: ticket booth sales, parking attendants, information booth, security, site management, site maintenance and food and beverage sales. An attendant is stationed at each entrance during market hours to answer/assist the public and observe and report any potential problems. The information window is staffed from 9:00 AM until 3:30 PM on Saturdays and Sundays for general information and to provide change to customers and vendors.

C. Site Access, Entry and Parking. Vehicles enter the property just off the Highway 101/San Juan Road/Red Barn Road interchange. The ticket gates are located off the frontage road.

The public entrance has 4 lanes with a 4 vehicle per lane queue area, one on each side of the two ticket booths. There is one exit lane in this location. Parking attendants are provided in the parking lot to direct vehicles to vacant parking spaces and keep traffic flowing efficiently.

- D. Interior Circulation. There are two main entrance areas to the sales floor; both enter from the east parking area. There is also a third, less used entrance to the southwest of the property. ADA “path of travel” from that designated parking area to the flea market is provided over a bridge and into the outdoor retail sales areas.
- E. Sanitary Facilities. Currently there are five flush toilets on the property with hot running water provided for vendor use. There are also 46 portable toilets strategically placed throughout the property as well as 15 double hand washing stations (30 sinks total). All of these units are serviced weekly, with daily servicing on market days. A permit for new restrooms and a new wastewater treatment system was approved by the Monterey County Zoning Administrator on May 30, 2019 (PLN170974); Condition #4 of that permit provides timeframes to install new facilities. The construction permit for two restrooms has been filed with the County for plan check review (20CP01271). The final wastewater facility design plans are being filed with this GDP submittal. Finally, a new ADA compliant flush toilet was installed with a building permit (18CP02275). This unit has three (3) flush toilet compartments with hand sinks, one of which is ADA accessible/compliant.

Approval of a final wastewater collection and treatment system is filed with this Use Permit application for review purposes. The new wastewater system would provide 24 new permanent restroom facilities within two permanent buildings. The Men’s restroom will contain six (6) urinals and six (6) flush toilets; the women’s restroom will contain twelve (12) flush toilets. It is our understanding that the restrooms with flush toilets are required for use by food, beverage and produce vendors. Permanent restrooms, coupled with use of portable toilets, are anticipated to allow the GDP property uses.

- F. Refuse Collection and Recycling. Trash and recycling are currently provided at the site by Waste Management (trash) and A&S Metals and Recycling, Inc. (Recycling). There are 68 garbage cans (55-gallon drums with lids) located throughout the property. Garbage cans are emptied and placed in a 30-yard container which is regularly removed by Waste Management. Recycling is handled in a similar fashion and those recyclables are regularly removed and recycled through A&S Metals.
- G. Signage and Flag Poles. Advertising signs for the Red Barn date back to 1969 and are located on Red Barn building. They include 4-foot lettering advertising “antiques, flea market, Disneyana, BBQ, food, antique shops”. There were three existing flag poles that were removed from the front of the Red Barn due to CALTRANS condemnation



proceedings. These three flag poles are proposed to be reinstalled between the Red Barn and the Ticket booths.

- H. Interior Informational Signs. There are various signs located throughout the interior of the property. These include directional and informational signs (parking area, exits, information booth, restroom, and management office), advertising signs (permanent food and beverage booths) and signs for safety or part of the Emergency Evacuation Plan.
- I. Property and Building Maintenance. Monday through Thursday is reserved for site cleanup and maintenance. During these days of the week, a maximum of 4 employees are on the site. In addition to routine maintenance, periodic facility work is conducted to maintain the property during the weekdays.

### **Changes in Property Circumstances**

Previously, the use of the property was limited by traffic impacts associated with the local roadway system and safety concerns of cars exiting and entering Highway 101. The Highway 101 Improvement Project ameliorated these concerns with the construction of the San Juan interchange project. Currently, the property enjoys the benefits of a dedicated freeway interchange for both north and southbound traffic. The southbound freeway entrance also regulates vehicular entry onto the freeway through traffic signaling at congested hours of operation. There is also now a frontage road that allows Red Barn patrons to safely enter the site from a service road that is free of high-speed vehicular and truck traffic.

### **Use Permit Amendment Purposes**

There are four purposes of PLN140602:

- To amend ZA-3117 to allow additional outdoor sales and activity use areas. This GDP proposes to expand the outdoor use area by 52,642, adding 34,505 square feet of sales area and 18,137 square feet of fire lanes/vehicle access area. This would allow 86 additional vendor spaces in the new outdoor retail sales areas. The added square footage is in a previously approved parking lot (ZA-2449). This General Development Plan contemplates periodic reorganizing of use areas over the life of the Plan, though the approved square footage will not change without additional Monterey County Use Permit approval. The number, types and locations of vendors would fluctuate, depending on weekly demand, but in no instance would total number of vendors exceed approximately 319 indoor and outdoor vendor spaces, depending on layout. Food and beverage vendor locations would be limited to areas within 200 feet of a restroom with flush toilets as required by applicable sections of the California Retail Food Code. Storage for vendor tents and materials is being proposed.
- To amend ZA-3629-D to adjust the lower parking lot boundaries. Parking boundary corrections are needed so that stalls are coincident with County-approved areas,

including handicapped parking stalls. The approved boundaries shown on Exhibit D. Portions of this parking lot were acquired by CALTRANS in condemnation proceedings and this revision is intended make adjustment to enable efficient use of this land area by requesting a specific approval to modify the boundaries of the approved parking lot and delineate parking stall locations. Existing parking and the proposed parking area refinements are illustrated in Sheet C-2.

- Use of Red Barn building and adjacent grounds. To comply with Board of Supervisors Condition #6 (Exhibit C) and to be able to use the Red Barn building, the current owner will need to complete fire sprinkler installation in the Red Barn building and make other public safety adjustments. To justify the costs that will make the Red Barn structure useable for human occupancy and economically feasible, 101 Redbarn LLC, proposes to use the refurbished building and the adjoining area for social activities, such as weddings, Quinceneras and community activities. They would also like to use the Red Barn site for limited corporate activities. These uses would occur on days and times of the week that will not conflict with the flea market use of the property. Given the nature of these activities, uses would likely focus on weekends.
- Amend Compliance Dates of Board of Supervisors Resolution No. 10-037 & Compliance with Court Judgement. The Board Resolution included 10 Conditions of Approval. Compliance dates for Conditions 1, 2, 4 and 10 required specific action steps to be taken in 2010. There was subsequent litigation between the prior property owner and the County of Monterey that was resolved on October 13, 2017 (Monterey County Superior Court Judgement No. 104908). This GDP is intended to clarify required Monterey County Condition Compliance actions and compliance dates. The GDP is also a mechanism to demonstrate compliance with the Superior Court Judgement..

### **Requested Future Site Uses**

As noted above, compliance with County requirements will be very expensive, with permit compliance costs likely approaching \$3,000,000.00. the current owner seeks uses that are compatible with the property approvals to achieve financial stability/feasibility. Accordingly, future site uses being requested are generally characterized as follows:

- *Weddings and Quinceneras.* The Current owner sees the potential to fulfil local demand for these types of social gatherings. We envision the season for use to be Friday and Saturday evenings, April through November, with an average of 300 guests. The owner estimates approximate uses to be 20 Friday nights and 32 Saturday nights, concluding no later than 11:00 PM. Activities such as this would involve a service staff between 10 – 15 individuals for food and beverage service, security, maintenance, property set-up and break down, etc.
- *Corporate Events.* As with the use of the Red Barn, the property adjacent to the Barn would lend itself to corporate rental. This may include events connected to local and regional car shows, the California Rodeo, or other corporate site rentals. We envision these events to be on Saturdays, no more than 32 a year, with up to a

maximum of 1,000 guests over the rental timeframe and to be conducted during the hours of 10:00 AM to 8:00 PM. These events would also need up to 75 service staff for food and beverage service, security, maintenance, property set-up and break down, etc. Corporate events would be considered to fall under the “Public Assemblages” section of Monterey County Code Section 15.20.050.

- *Vendor Storage.* In thinking how best to retain the visual appearance of the site, the new owners would also like to offer on-site storage rental options to regular vendors. This would allow them to facilitate vendor space set-up and break down by providing an opportunity store associated goods such as tents, dry goods and merchandise, tables, and chairs on-site between market days. Offering on-site storage rentals would provide convenience to vendors that would otherwise have to load up at their home or business, travel to the site with everything, unload, set-up and then breakdown and haul off materials and goods at the end of the market day. Shipping containers or similar secure storage options are shown on Sheet C-1 and is located at the upper barn area in a location that is not readily visible from the Highway 101.
- *Electric Carts.* As noted in an earlier County approval (ZA-846), the concept of a minibike track was once approved for the property. Given the property size and focus on weekend uses, the owner has requested that a mini-track concept again be permitted. The area would be in the paved lot south of the Red Barn building. It would likely attract 50 – 100 people and staffed by 5 – 10 employees. The ideal day of the week for this feature to operate would be Saturday’s from 10:00 AM to 4:00 PM and would be subject to future permitting
- *Nursery.* As also noted in an earlier County approval (ZA-846), the concept of a nursery was once previously approved for the property. Given the property size, the focus on weekend uses during peak season, permission for a nursery to allow Christmas tree sales and other holiday-related sales items (i.e., pumpkins for Halloween) in the property off-season is requested. Seasonal sales would be five weeks leading up to the holiday and opened during the day and run through the early evening (i.e., 10:00 AM until 8:00 PM). No permanent facilities are proposed, as this feature could likely be operated in the existing vendor area.
- *Outdoor Movies.* With Covid-19, it occurs to the owners that there would be an opportunity to use the property for community movies during non-market hours on Friday and/or Saturday nights on a seasonal basis and ending by 11:00 PM. Attendance could range between 100 – 300 patrons (est.), depending on how well the idea resonates in the community. The Red Barn would be used as a backdrop to mount a movie screen. Existing vendor booths would be used for food and beverage service associated with a movie presentation. This concept for community use is intended to be part of this General Development Plan and permit amendment.
- *Paintball Club.* The upper terrace located in the “RDR” Zoning District cannot be used for parking. This area may lend itself to added uses such as a paintball club. This would provide another activity in the North Monterey County area for young

adults and families. No permanent facilities are anticipated, other than the barriers and obstacles placed in the field and used for “cover” during paintball games. As with the movie concept, if a viable operator expresses interest in this use, a future permit will be applied for.

From a project feasibility perspective, as noted above, the uses described above will contribute to the long-term financial viability of the site and would facilitate long-deferred property maintenance and improvements. From a permitting perspective, the added uses will assist over time to address anticipated County-mandated costs, including construction of a wastewater system (\$1,511,125.00 est.), construction of permanent restrooms (\$508,680.00 est.), installation of a fire sprinkler system in the Red Barn Building (\$350,000.00 est.), installation and lighting and landscaping and payment of Monterey County and TAMC traffic impact fees (\$356,850.00).

### **Routine Operational Considerations**

Over the life of this GDP, some site operations may remain constant, others may be subject to adjustment. Operational conditions to most commercial properties evolve overtime due to changes in efficiency, cost/budgeting, property management considerations, etc. Following are operating considerations that are to be incorporated into the GDP:

1. Ticket Booths. Use of the two existing ticket booths in the northeast parking area are intended to remain in the same location. It may be necessary at some point during the life of this GDP to shift the location or orientation of the ticket booths. If this occasion does arise, any relocation would require approval by RMA-Public Works, as noted in a February 7, 2019 letter from RMA-Planning. If this situation arises, other than Public Works review and approval, we do not anticipate this minor change would require a revision to the General Development Plan.
2. ADA Access Bridge Reconstruction or Replacement. The current bridge used to provide an ADA compliant path of travel from designated handicapped parking to the main outdoor retail sales area needs replacement. This bridge is shown to the northeast of the Red Barn building on Sheet GDP-1. This access point is a part of the previously approved project but is at the end of its service life. The new owner is proceeding with plans to replace the bridge, which will provide a path of travel as required by the Americans with Disabilities Act. Bridge maintenance activities for the two bridges crossing Carneros Creek will fall under building permit requirements, regardless of this General Development Plan. We believe that a construction permit issued by the Monterey County Resource Management Agency for maintenance should be considered as a routine activity associated with ZA-3117 and ZA3567.

3. Use of the existing Mobile Office Trailers There are two (2) trailers on the site. One will be used for site management operations and the second will be used for secure storage. It is possible that site operations may be relocated at some point during the life of this plan. If so, that mobile home will be relocated to the upper terrace and used for storage.
4. Dairy Barn. The existing dairy barn on the upper terrace is to be used for storage and is adjacent to the security trailer approved in 1977. The dairy barn is contemplated to be retained and used for storage. The building itself will be used to screen vendor storage from the Highway 101 corridor.
5. Reopening of Indoor Sales area in the Red Barn Building. As noted in a December 20, 2017 letter from RMA-Planning indicates: “(t)he Judgement issued by Monterey County Superior Court... specifically states that no sales are permitted inside the Barn structure until such time as it meets all of the requirements of Compliance Order No. 2, which includes the requirement of fire sprinklers”. While we have not seen this compliance order, this requirement is noted in the “incomplete” letter and the owner is taking steps to get a water supply line to the Red Barn needed for the sprinkler system to be operational. As stated in the County letter, the compliance options identified by RMA-staff include either reactivating the expired building permit (12CP01525) and installing fire sprinklers OR securing the building from access; the owner is pursuing the fire sprinkler option.
6. Removal of Vendor Sheds and Use of Pop-Up Tents. There are two rows of exterior vendor sheds that were installed by Stagecoach Territories, Inc. These sheds were installed without a building permit and a demolition permit has been applied to remove them (20CP03023). The benefit of the sheds is that they form lines along two vendor stall isles and provide much-needed shade. This GDP proposes to replace these sheds and requests the use of pop-up tents on market days and during other days/times that the site is operational to be considered a permitted use.

### **Long-Range Development and Site Operations**

Under the GDP, the site will continue to operate under the requirements of existing/approved Monterey County Use Permits. With the installation of a wastewater treatment system and two restroom buildings with flush toilets, the permitted outdoor retail sales area can accommodate more fruit and vegetable vendors and additional food and beverage sales areas.

Individual operational components to be incorporated in the General Development Plan are as follows:

A. Staffing Increases. It is anticipated that staffing levels would not exceed 20 employees at peak operating times for market days. This would represent an increase of approximately 8 staff members. For other site activities noted above, staffing would be commensurate with the type of event with 40+ staff for weddings/Quinceneras and up to 75 staff members for limited corporate gatherings.

B. Food and Beverage Service Vendor Sales. Food and beverage service sales areas may vary during the long-term as demands present themselves. Food, produce, and beverage sales must be located within a 200-foot radius of permanent restrooms with flush toilets and hand-sink facilities (Exhibit C-1). Food service employees are limited to 15 employees per flush toilet. The proposed addition of two permanent restroom locations will allow greater flexibility in accepting and locating these types of vendors within the market.

C. Site Organization. Over the course of this operational plan, the owner or management may see the need to reorganize the location of retail and food service vendor spaces and/or adjust the site layout, including interior access lanes. In any event, the number of vendor spaces will not increase above 319 spaces and the number of parking spaces shall not decrease below 859 stalls. Any layout modifications to outdoor retail space will remain in areas designated for this use. Any layout modifications to parking spaces maximum number of public parking spaces proposed will remain in areas designated for this use.

D. Exterior Lighting. We anticipate this GDP will require installation of exterior lighting as a Condition of Approval. The applicant will comply with adopted Conditions of Approval regarding lighting requirements.

E. Landscaping. This GDP anticipates installation of landscaping as a Condition #4 of Exhibit D. The applicant will comply with adopted Conditions of Approval regarding landscaping requirements.

F. Signage and Flag Poles. In the future, 101 Redbarn LLC may seek approval to add vehicle directional signage and advertising signage at the northeast parking lot area facing the frontage road. This may include new "Lane Open" signs for the ticket booths and a new entry sign advertising the Red Barn. We are requesting that the GDP anticipate addition of new signage or replacement of existing signage in the future. While these signs aren't designed yet, the GDP and approval of PLN140602 should include a permit approval component for signs to be installed by working with Agency staff as a Condition of Approval. Signs would comply with Zoning Ordinance Section 21.60 and can be achieved by working with staff. Any advertising signage would comply with requirements found in Monterey County Code, Section 21.60.090.B.5. In addition, the three flag poles that were removed due to Highway 101 construction will be replaced on the project site between the Red Barn and the ticket booths.

G. Interior Informational Signs. As noted above, locations of interior patron signage may be adjusted from time-to-time throughout the interior of the property. These include directional, informational, and warning signs and would be installed at the discretion of property management.

H. Interior Access. From time to time, there may be the need to adjust interior access for fire lanes, ingress and egress routes, pedestrian access, and ADA path of travel. This GDP approval should allow realignment of interior access/fire lanes if desired by management.

I. Property and Building Maintenance. Red Barn management anticipates the need to provide continued general maintenance and upgrades to the property over the life of the GDP. Activities

would include, but not be limited to, parking lot maintenance, electrical, plumbing, lighting, water system upgrades and repairs, and structural improvements and/or building replacement & reconstruction (snack bars/ticket booths/fencing/paving/bridge repair/replacement). In addition, there may be the need to replace existing electrical and plumbing systems or add minor runs of new electrical or plumbing lines (e.g., construction of restrooms, lighting, etc.). Landscaping and other parking lot improvements, including lighting, are other improvements contemplated. Most of this work would be ministerial. When the California Building Code requires a building permit for specific activities, the property owner will secure required permits.

## **Environmental Considerations**

1. Traffic. As noted above, the Highway 101 Improvement Project has improved site safety through the construction of the San Juan Grade Road interchange. This project provides separate north bound and southbound freeway access. In addition, a frontage road was constructed that allows additional safe access to the Red Barn parking lots.
2. Sanitary Waste Collection, Treatment and Disposal

Per the approval of PLN170974, the Division of Environmental Health (EHB) has requested that new restroom facilities and a wastewater collection system be operational by May 30, 2021. While construction plans have been filed for two restroom buildings (Plan Check No. 20CP01271), completion of the wastewater system has been hampered by the Covid-19 “shelter in place” situation and disagreement regarding wastewater demand figures. In the interim period, portable toilets are being used until they can be supplemented or replaced by permanent restroom facilities. Design of the facilities meets requirements contained in the California Uniform Plumbing Code. The applicant has included plans for a wastewater collection, treatment, and disposal system for review by EHB as part of this GDP resubmittal. The system will be designed to handle peak period demands using vendor and patron calculations contained in the Sherwood Design Engineers report.

## **Conformance to 2010 Monterey County General Plan Policies**

A review of the 2010 Monterey County General Plan identified several policies that appear to be applicable to the Red Barn Property. In each instance, the proposed project appears to comply.

The project is consistent with the following 2010 Monterey County General Plan’s *North County Area Plan* Policies:

NC-1.1. Intensification of existing commercial development may be permitted subject to a discretionary permit. Highway 101 improvements minimize traffic impacts associated with site ingress and egress.

NC-21. The project site has benefitted from upgrades to the existing Highway 101. The project application seeks to replace outdoor retail sales area lost due to CALTRANS condemnation, which would result in an offset,

NC-3.4. The project would not result in tree removal.

NC-3.6 The project is a historic site. Proposed outdoor retail sales area expansion is consistent with uses in and around this historic site.

### **Summary and Conclusion**

The project consists of adjustments to a facility that has been operational dating back to 1969. The project purposes are intended to allow the 101 Redbarn LLC to operate the site consistent with Board of Supervisor and Superior Court requirements and at a level that maintains the property's financial viability. The General Development Plan outlines uses for the foreseeable future with the intention of allowing improvements over time to be carried out on a ministerial basis. The application, General Development Plan, supporting designs, documents and analysis comply with Monterey County General Plan Policies, zoning requirements and public safety requirements, including those administered by the Monterey County Resource Management Agency, Monterey County Division of Environmental Health, and the North Monterey County Fire Protection District.



# **Red Barn General Development Plan**

## **List of Exhibits**

Exhibit A: Board of Supervisors Resolution No. 10-037;

Exhibit B: Property Permit Summary (County File PD080726);

Exhibit C: Resolution No. 10-037 – Attachment A;

Exhibit D: Approved Use Permit map for lower parking lot (ZA-3629-D)

Exhibit E: Title Sheet, Site Plans (Vendors and Parking) & Vendor Traffic Sheet;

