

Exhibit D

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PLN140602

Friedrich, Michele

From: Irene Miranda <imiranda@mbard.org>
Sent: Thursday, May 16, 2024 1:39 PM
To: ceqacommments
Cc: Shawn Boyle; David Frisbey; Richard Stedman
Subject: Comment letter for project: Jimenez Salvador Jr Tr (The Red Barn) Mitigated Negative Declaration
Attachments: MBARD Comments Monterey Co - The Red Barn Project.pdf

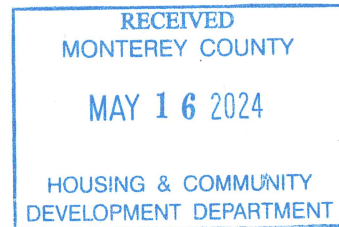
[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hello Housing & Community Development of Monterey County,

Thank you for the opportunity to comment on the above-referenced project. Attached is Monterey Bay Air Resources District's comment letter. MBARD is also sending a hard copy of this letter to your physical address. Please let us know if you have any questions. Thank you.

Best regards,
Irene Miranda

Irene Miranda, Ph.D., Air Quality Planner
Monterey Bay Air Resources District
24580 Silver Cloud Court, Monterey, CA 93940
Office 831-647-9411, Direct 831-718-8021
imiranda@mbard.org
www.mbard.org



May 16, 2024

Monterey County
Housing & Community Development
1441 Schilling Place South, 2nd Floor
Salinas, CA 93901

Submitted as hard copy to physical address and via email: CEQAcomments@co.monterey.ca.us

Re: Jimenez Salvador Jr Tr (The Red Barn) Mitigated Negative Declaration

Dear County of Monterey,

Thank you for providing the Monterey Bay Air Resources District (MBARD) with the opportunity to comment on the Jimenez Salvador Jr Tr (The Red Barn) Mitigated Negative Declaration (MND). MBARD has reviewed the MND and has the following comments:

Hazardous Materials

If any buildings are renovated or demolished as part of this project, Air District rules may apply. These include Rule 424, National Emissions Standards for Hazardous Air Pollutants and Rule 439, Building Removals. Rule 424 contains the investigation and reporting requirements for asbestos which includes surveys and advanced notification on structures being renovated or demolished. Notification to the Air District is required at least ten days prior to renovation or demolition activities. Rule 424 could also apply if old underground piping or other asbestos containing construction materials are encountered during trenching activities. District Rule 439 prohibits the release of any visible emissions from building removals. Rules 424 and 439 can be found online at <https://ww2.arb.ca.gov/current-air-district-rules>. Please contact Bronwyn Nielson, Air Quality Compliance Inspector, at 831-718-8024 for more information regarding these rules.

Air Quality

Although the MND concluded less than significant impacts from construction activities which generate fugitive dust, consider implementing a combination of the measures below to minimize fugitive dust and prevent a public nuisance:

- Construction Dust

To mitigate any fugitive dust issues during the project's excavation, grading and moving soil, moving aggregate, removing asphalt and/or concrete, or any trenching/shoring/boring operations, apply Dust Mitigation Measures as listed in MBARD's 2008 CEQA Guidelines (Chapter 8)

<https://www.mbard.org/ceqa> including:

- Prohibit all grading activities during periods of high wind (over 15 mph)
- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days)
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, or hydro-seed area.
- Maintain at least 2'0" of freeboard in haul trucks.
- Cover all trucks hauling dirt, sand, or loose materials.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers or other appropriately effective track-out capture methods at the construction site for all exiting trucks.
- Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. MBARD's phone number shall be visible to ensure compliance with Rule 402 (Nuisance)

- Construction Equipment

MBARD suggests that when possible cleaner construction equipment be used for any construction project. This includes equipment that conforms to CARB's Tier 3 or Tier 4 emission standards. We further recommend that, whenever feasible, construction equipment use alternative fuels such as compressed natural gas, propane, electricity, or biodiesel.

Permits Required

- Portable Equipment

MBARD permits to operate, or statewide portable equipment registration, may be required for portable and/or auxiliary equipment such as engine generator sets and compressors. Any stationary piston-type internal combustion engine of greater than or equal to 50 brake horsepower (bhp) requires a permit. Please contact MBARD's Engineering Division at 831-718-8018 if there are any questions regarding the permitting process.

Transportation Emissions

- Infrastructure Electrification

- Due to the expansion of the facility and increase of site attendees, MBARD supports incorporating the development of electric vehicle infrastructure in the project plan. To achieve further emission reduction of criteria pollutants and greenhouse gases, MBARD suggests including publicly available dual port Level 2 & DC fast-charge charging stations throughout the project area.

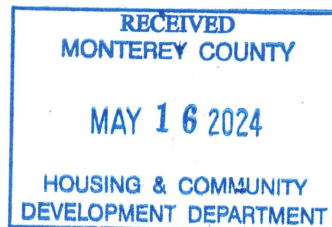
We appreciate the opportunity to comment on the Jimenez Salvador Jr Tr (The Red Barn) Mitigated Negative Declaration. Please let me know if you have any questions. You can reach me at 831-718-8021.

Best regards,

Irene Miranda

Irene Miranda, Ph.D.
Air Quality Planner I

cc: Rich Stedman, Air Pollution Control Officer
David Frisbey, Planning and Air Monitoring Manager
Shawn Boyle, Planning and Air Monitoring Supervisor



From: Angela Love <Angela@alombardolaw.com>
Sent: Thursday, May 16, 2024 2:58 PM
To: Israel, Mary <ISRAELM@countyofmonterey.gov>
Cc: Dale Ellis <dale@alombardolaw.com>
Subject: Red Barn Initial Study/PLN140602

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Dear Ms. Israel:

Attached please find correspondence from Mr. Ellis dated today (May 16th) regarding the above project. This is being sent by email only. If you have any problems opening up the attachment, please let me know.

Sincerely,

Angela M. Love
Legal Assistant to Anthony L. Lombardo
ANTHONY LOMBARDO & ASSOCIATES
A Professional Corporation
144 W. Gabilan St.
Salinas, CA 93901
Phone (831) 751-2330
Fax (831) 751-2331
Email: angela@alombardolaw.com

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ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

May 16, 2024

Our File No: 5622.000

Mary Israel, Supervising Planner
Monterey County HCD
1441 Schilling Place – 2nd Floor South
Salinas, CA 93901

RE: Red Barn Initial Study/PLN140602

Dear Mary:

Our office, in conjunction with Joel Panzer of Maureen Wruck Planning Consultants, represent Mr. Sal Jimenez. Mr. Jimenez's predecessor applied to the County nearly 10 years ago to consolidate the existing permits for the operation of the Red Barn and associated uses and to establish a list of allowable uses with conditions. Mr. Jimenez has been actively pursuing the Use Permit since buying the Red Barn property in July 2020. We have reviewed the Initial Study and Mitigated Negative Declaration (ISMND) and offer the following comments:

1. The ISMND (pages 2-5) goes to great length to document the history of uses, past permits, violations, grading and construction with or without permits which should be the basis for a more complete project description. The project is to consolidate those uses into a single permit and provide for additional uses. The full list of existing and proposed uses would be in the General Development Plan which is part of this application. It is the additional uses which constitute "the project." It is the impact of the additional uses which need to be analyzed in in the ISMND, not the existing and currently permitted uses.
2. The project baseline needs to be clarified. The project baseline is the existing uses, permitted uses and physical work which may have been done on the property including in some cases work without benefit of permits. Those allowable uses are included in the prior permits (ZA3117, ZA 3567 and ZA 3629, PLN170974) which establishes and allows use of the Red Barn property and facilities, included expanded parking, use of the property 7 days per week and installation of flush toilets. The project baseline also includes the physical condition of the property at the time the Notice of Preparation was completed. All analysis in this ISMND must accept those existing conditions and then analyze the potential impacts of the added uses.

3. As a general comment, significant effect on the environment¹ is well defined. To be significant there must be an identifiable and quantifiable “substantial, or potentially substantial, adverse change in any of the physical condition within the area affected by the project...” To be substantial, the impact must be extensive or of some consequence. Only impacts which are substantial or potentially substantial require mitigation. Based on the project at hand and the lack of identifiable significant impacts, a fair argument can be made that the project is categorically exempt under Guideline sections:
 - a. 15301, Existing Facilities
 - b. 15304, Minor Alterations to Land
 - c. 15311, Accessory Structures
 - d. 15323. Normal Operations of Facilities for Public Gatherings.

4. The ISMND states (Page 12) a new fire sprinkler system would be installed in the Red Barn building. That system was installed, with the necessary permits (11CP01176), and passed final inspection on December 16, 2024.

5. The ISMND (Pages 33 and 34) states “to minimize impacts to intersection operations on Friday evenings, Friday evening events would not start before 6:30 p.m.” Page 7 indicates that the “events” need to conclude at 9:00 PM. With a 6:30 arrival time for Friday, it effectively eliminates this day for event activities given only 2.5 hours for an event. The 9:00 pm limit does not appear to be based on the need to minimize uses to mitigate potential impacts and seems to be an arbitrary limit. The County has a noise ordinance in place which limits noise level based on the time of day or night. No further limitation is necessary.

6. The ISMND discussion on biological resources concludes in all categories there is either no resource, no impact or both. These should be noted as “no impact” rather than “no significant impact.”

7. The ISMND discussion on Cultural Resources and on Tribal Cultural Resources should conclude there is no impact, or at worse no significant impact, which requires mitigation. The ISMND is clear that the most recent surveys found no resources on site. Those reports did not recommend on-site monitoring. The proposed mitigation for on-site monitoring is not supported by evidence nor does it account for the current state law protecting resources should any be found. Those legal requirements are sufficient. No mitigation is needed.

¹ CEQA Guidelines 15382 “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Mary Israel, Supervising Planner
Monterey County HCD
May 16, 2024
Page | 3

8. Mitigation GHG-1 requires the applicant to demonstrate consistency with the greenhouse gas-reducing measures in the California Air Resources Board Draft 2022 Scoping Plan to the extent feasible. That plan has not been adopted nor can we find a date indicating when that plan may be adopted. Until then the concepts are without official regulatory or policy status and should not be relied on for actual mitigation. Current Codes such as the State CalGreen Codes may be applicable and would reduce impacts to an insignificant level.

In addition to these comments, there are some needed factual corrections which are shown in red on the attached ISMND.

It is our opinion that the changes we believe to be necessary do not rise to the level of requiring recirculation of the ISMND. Recirculation is only required when there is substantial revision² to the ISMND which identifies a “new, avoidable significant impact” or the “lead agency [finds] the proposed mitigation measures will not reduce impacts to an insignificant level.” Nothing in our comments suggests there are new impacts or new mitigation is needed.

We hope these comments are helpful. Please feel free to call us if you need additional information.

Sincerely,



Dale Ellis
Director of Planning and Permit Services

cc: Sal Jimenez
Joel Panzer

² CEQA Guidelines Section 15073.5 (b) A “substantial revision” of the negative declaration shall mean: (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # ;

Project Title: Jimenez Salvador Jr Tr (The Red Barn)

Lead Agency: County of Monterey HCD - Planning

Contact Person: Mary Israel

Mailing Address: 1441 Schilling Place South 2nd Floor

Phone: (831) 755-5183

City: Salinas

Zip: 93901

County: Monterey

Project Location: County: Monterey City/Nearest Community: Aromas

Cross Streets: U.S. 101 and San Juan Road (1000 Harry Ellingwood Road) Zip Code: 95004

Longitude/Latitude (degrees, minutes and seconds): 36 ° 51 ' 14 " N / 121° 37' 35 " W Total Acres: 35

Assessor's Parcel No.: 141-013-035-000

Section: _____

Twp.: _____

Range: _____

Base: _____

Within 2 Miles: State Hwy #: 101

Waterways: _____

Airports: _____

Railways: _____

Schools: _____

Document Type:

CEQA: NOP

Draft EIR

NEPA: NOI

Other: Joint Document

Early Cons

Supplement/Subsequent EIR

EA

Final Document

Neg Dec

(Prior SCH No.) _____

Draft EIS

Other: _____

Mit Neg Dec

Other: _____

FONSI

Local Action Type:

General Plan Update

Specific Plan

Rezone

Annexation

General Plan Amendment

Master Plan

Prezone

Redevelopment

General Plan Element

Planned Unit Development

Use Permit

Coastal Permit

Community Plan

Site Plan

Land Division (Subdivision, etc.)

Other: Gen. Dev. Plan

Development Type:

Residential: Units _____ Acres _____

Office: Sq.ft. _____ Acres _____ Employees _____

Commercial: Sq.ft. 52,642 Acres 1.2 Employees 75

Industrial: Sq.ft. _____ Acres _____ Employees _____

Educational: _____

Recreational: paintball club, 4 employed, electric carts 10 emp.

Water Facilities: Type _____ MGD _____

Transportation: Type _____

Mining: Mineral _____

Power: Type _____ MW _____

Waste Treatment: Type _____ MGD _____

Hazardous Waste: Type _____

Other: Events include wedding, quincieñas, outdoor movies

Project Issues Discussed in Document:

Aesthetic/Visual

Fiscal

Recreation/Parks

Vegetation

Agricultural Land

Flood Plain/Flooding

Schools/Universities

Water Quality

Air Quality

Forest Land/Fire Hazard

Septic Systems

Water Supply/Groundwater

Archeological/Historical

Geologic/Seismic

Sewer Capacity

Wetland/Riparian

Biological Resources

Minerals

Soil Erosion/Compaction/Grading

Growth Inducement

Coastal Zone

Noise

Solid Waste

Land Use

Drainage/Absorption

Population/Housing Balance

Toxic/Hazardous

Cumulative Effects

Economic/Jobs

Public Services/Facilities

Traffic/Circulation

Other: Greenhouse Gas Emission

Present Land Use/Zoning/General Plan Designation:

Light Commercial, Rural Density Residential

Project Description: (please use a separate page if necessary)

Use Permit Amendment to ZA-3117 and ZA-3269 to amend the parking and sales area and expanded operations as described in a General Development Plan. The Amendment to the Use Permit amends the size and location of parking and sales area for open air retail and wholesale sales in the Light Commercial zoned area of the property, relocating operations impacted from loss of 8.74 acres of the 41.50-acre property due to CalTrans construction and adding onsite storage for vendors. Additional 34,500 sq. ft. of vendor space and 18,140 sq. ft. vehicle access area on the approx. 156,880 sq. ft. vending area and approx. 307,000 sq. ft. parking and vehicle access. The General Development Plan addresses expanding potential uses from open air retail and wholesale sales to events such as corporate events, weddings and quincieñas within the Red Barn structure

and electric carts, nursery events, outdoor movies, paintball club in addition to the parking and sales area for open air retail and wholesale sales in outdoor areas. (Additional Assessor's Parcel Numbers 141-013-034-000, 141-013-037-000 and 141-131-025-000)

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input checked="" type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District # <u>5</u>	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB # <u>3</u>
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # <u>4</u>	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date April 17, 2024 Ending Date May 17, 2024

Lead Agency (Complete if applicable):

Consulting Firm: N/A Applicant: Jimenez Salvador Jr Tr
 Address: _____ Address: 14601 Roland Canyon Road
 City/State/Zip: _____ City/State/Zip: Salinas, CA 93908
 Contact: _____ Phone: _____
 Phone: _____

Signature of Lead Agency Representative:  **Date:** April 15, 2024

Mary Israel, Supervising Planner

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

County of Monterey
 State of California
MITIGATED NEGATIVE DECLARATION

FILED

APR 17 2024

XOCHITL MARINA CAMACHO
 MONTEREY COUNTY CLERK
 DEPUTY

Project Title:	Jimenez Salvador Jr Tr (The Red Barn)
File Number:	PLN140602
Owner:	Jimenez Salvador Jr Tr
Project Location:	1000, 1-050, 1060 & 1150 N Highway 101, Aromas
Primary APN:	141-013-034-000, 141-013-035-000, 141-013-037-000 and 141-131-025-000
Project Planner:	Marv Israel
Permit Type:	General Development Plan
Project Description:	Use Permit Amendment to ZA-3117 and ZA-3269 to amend the parking and existing open-air sales (flea market) and expanded operations as described in a General Development Plan.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND: "C.1

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body:	Planning Commission
Responsible Agency:	County of Monterey
Review Period Begins:	April 17, 2024
Review Period Ends:	May 17, 2024

Further information, including a copy of the application and Initial Study are available at the Monterey County Housing & Community Development, 1441 Schilling Place South, 2^d Floor, Salinas, CA 93901/(83.1) 755-5025

MONTEREY COUNTY

HOUSING & COMMUNITY DEVELOPMENT

1441 SCHILLING PL SOUTH 2ND FLOOR, SALINAS, CA 93901

(831) 755-5025 FAX: (831) 757-9516



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that Monterey County Housing & Community Development has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a General Development Plan (Jimenez Salvador Jr Tr [The Red Barn], File Number PLN140602) at 1000 North Highway 101, Aromas (main APN 141-013-035-000) (see description below). The project does not involve the burning of municipal wastes, hazardous waste, or refuse-derived fuel and is not on a list enumerated under Section 65962.5 of the Government Code.

The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at Monterey County Housing & Community Development – Planning, 1441 Schilling Pl South 2nd Floor, Salinas and Monterey County Free Libraries, Prunedale Branch at 17822 Moro Road, Prunedale. The Mitigated Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link: <https://www.countyofmonterey.gov/government/departments-a-h/housing-community-development/planning-services/current-planning/general-info/recent-environmental-documents> .

The Planning Commission will consider this proposal at a meeting in the summer of 2024 in the Monterey County Board of Supervisors Chambers, 168 West Alisal St, Salinas, California. Written comments on this Mitigated Negative Declaration will be accepted from **April 17, 2024** to **May 17, 2024**. Comments can also be made during the public hearing.

Project Description: Use Permit Amendment to ZA-3117 and ZA-3269 to amend the parking and sales area and expanded operations as described in a General Development Plan. The properties are located at 1000, 1050, 1060 and 1150 North Highway 101, Aromas (Assessor Parcel Numbers 141-013-034-000, 141-013-035-000, 141-013-037-000 & 141-131-025-000), North County Area Plan.

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Agency also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Agency has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Agency to ensure the Agency has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at **(831) 757-9516**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Agency to confirm that the entire document was received.

For reviewing agencies: Housing & Community Development requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Agency if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey
Housing & Community Development
Attn: Mary Israel
1441 Schilling Pl South 2nd Floor
Salinas, CA 93901

Re: Jimenez Salvador Jr Tr (The Red Barn); File Number PLN140602

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

- No Comments provided
- Comments noted below
- Comments provided in separate letter

COMMENTS: _____

DISTRIBUTION

1. State Clearinghouse (1 copy of the Executive Summary & Notice of Completion)
2. County Clerk's Office
3. CalTrans District 5 (San Luis Obispo office)
4. Association of Monterey Bay Area Governments
5. Monterey Bay Air Resources District
6. California Department of Fish & Wildlife, Region 4, Renee Robison
7. Louise Miranda-Ramirez, C/O Ohlone/Costanoan-Esselen Nation
8. Aromas Tri-County Fire Protection District, C/O CSG Consultants
9. Monterey County Water Resources Agency
10. Monterey County HCD-Engineering Services
11. Monterey County HCD-Environmental Services
12. Monterey County Public Works, Facilities & Parks
13. Monterey County Environmental Health Bureau
14. Monterey County Sheriff's Office
15. Monterey County Free Libraries, Prunedale Branch
16. Jimenez Salvador Jr Living Trust, Owner
17. Joel Panzer, Agent
18. Gail Hatter, supporting Agent
19. The Open Monterey Project
20. LandWatch Monterey County
21. Property Owners & Occupants within 300 feet (**Notice of Intent only**)

Distribution by e-mail only (Notice of Intent only):

22. U.S. Army Corps of Engineers (San Francisco District Office: Katerina Galacatos: galacatos@usace.army.mil)
23. Juan Barboza (jbarboza@nccrc.org)
24. Molly Erickson (erickson@stamplaw.us)
25. Margaret Robbins (mm_robbins@comcast.net)
26. Michael Weaver (michaelrweaver@mac.com)
27. Monterey/Santa Cruz Building & Construction (office@mscbctc.com)
28. Garry Hofer (garry.hofer@amwater.com)
29. Jack Wang (jack.wang@amwater.com)
30. Jeana Arnold (jeana.arnold@pge.com)
31. Louise Miranda-Ramirez (ramirez.louise@yahoo.com)
32. Mimi Sheridan (mimisheridan@msn.com)
33. California Department of Fish & Wildlife (r4ceqa@wildlife.ca.gov)
34. Michael Lozeau C/O Lozeau Drury LLP (michael@lozeaudrury.com)
35. Juliana Lopez C/O Lozeau Drury LLP (juliana@lozeaudrury.com)
36. California Department of Fish & Wildlife, Marine Region (r7ceqa@wildlife.ca.gov)
37. Manuel Delgadillo (tricitytow@gmail.com)
38. Norm Matteoni (norm@matteoni.com)
39. John Olejnik, (john.olejnik@dot.ca.gov)
40. David Silberberger (david.silberberger@dot.ca.gov)
41. Sheila Smith (insurancelady@aol.com)
42. Ken Tunstall (kenneth@tunstallengineering.com)
43. Ken McPhail (theredbarn101@gmail.com)



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: Jimenez Salvador Jr Tr (The Red Barn)

File No.: PLN140602

Project Location: 1000, 1050, 1060 and 1150 North Highway 101, Aromas

Name of Property Owner: Jimenez Salvador Jr. Living Trust

Name of Applicant: 101 Red Barn, LLC

Assessor's Parcel Number(s): 141-013-034-000, 141-013-035-000, 141-013-037-000 & 141-131-025-000

Acreage of Property: 32.05 acres

General Plan Designation: Commercial, Residential Rural

Zoning District: Light Commercial, Rural Density Residential

Lead Agency: County of Monterey – Housing and Community Development

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Date Prepared: April 11, 2024

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II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

- A. Description of Project: **The CEQA Baseline is existing Permit ZA3117 that allows a 7-day a week operation and ZA3567 & ZA3629 that allow parking. PLN170974 approved the WW plant with a CEQA Categorical Exemption.**

101 Red Barn, LLC (Applicant), proposes to amend their General Development Plan (GDP) **(there is no existing GDP)** to expand their existing open-air sales (flea market) and to add new uses which are more fully described below. The GDP and Use Permit (PLN140602) would retain the existing uses under the Use Permit ZA-3117 within the expanded area approved under ZA-3629 and would **expand the footprint of** the existing open air vendor sales area **and legalize the 3,000 SF +/- of the expanded** parking lot. The project is located at 1000, 1050, 1060 and 1150 North Highway 101, actually situated on Harry Ellingwood Drive off of Highway 101 in Aromas California (project site) (Figure 1, Regional Location, and Figure 2, Project Site). The project site is approximately 32.05 acres.

Background and Permitting History

The Red Barn was built by the Kaiser Aluminum Company for Harry Ellingwood in 1945. The first Use Permit for the property was issued in March 1969 (ZA-505). This permit allowed the sale of secondhand goods and an auction house. At that time, all sales and operations were to occur in the Red Barn building. Two other Use Permits (ZA-767 and ZA-846) allowed the installation of a mobile home and the 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 in the “small warehouse,” and an outdoor nursery. Each of the previously mentioned Use Permits included expiration dates.

In March 1972, another Use Permit (ZA-1047) allowed the extension of the three Use Permits noted previously, 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, modified to eliminate the outdoor seating for the snack bar, was approved in August 1973. In August 1975, a Use Permit (ZA-2880) and a Negative Declaration for an expanded parking area were approved.

In 1977, the current uses of the site were further formalized through the approval of Use Permit ZA-3117. This Use Permit allowed indoor and 157,048-square-foot of outdoor retail sale of new and used merchandise, a beer bar, a snack bar, and winetasting and sales. In 1978, Use Permits (ZA- 3567 and ZA-3629) were approved for expanded parking, which increased on-site parking to approximately 950 parking spaces. These Use Permits still govern the parking uses of the Red Barn property today.

In 2011, the California Department of Transportation (Caltrans) began construction of new interchanges and other improvements along the Highway 101 corridor, including the San Juan Grade Road interchange in Aromas. These Caltrans improvements required condemnation of portions of the Red Barn property fronting on Hwy 101, resulting in a loss of 8.74 acres of the 41.50-acre site. With respect to the previously approved Use Permits, the Caltrans condemnation resulted in a loss of 17,669 square feet of the approved 157,048-square-foot outdoor retail sales area approved pursuant to Use Permit ZA-3117 and a loss of 102,997 square feet of the approved 409,984-square-foot parking area approved pursuant to Use Permit ZA-3629. On May 30, 2019,

Jimenez Salvador Jr Tr (101 Red Barn LLC)
PLN140602

the Monterey County Zoning Administrator (ZA) approved a Use Permit (File No. PLN170974) (Resolution No. 19-018), which allowed the replacement of 17,497 square feet of the outdoor retail sales area lost due to the Caltrans widening of Highway 101 and approved a wastewater treatment system and the addition of flush toilets. ZA Resolution No. 19-018 stated that the Red Barn had 836 parking spaces, well above Title 21.58 Inland Parking Ordinance requirement for 1 space for every 200 square feet of open air sales, yet operating with fewer than the entitlements granted by the ZA in 1978. (A total of 950 was restated in Board Resolution 10-037, February 23, 2010.)

Improvements for the wastewater treatment system and flush toilets were required to be completed within two years of the approval of PLN170974 (ZA Resolution No. 19-018, on May 30, 2019) as a condition of approval of the permit. The improvements have not been implemented to date. Use of chemical toilets has been allowed as an interim solution until these improvements are completed (per Health Department “complete” memo dated July 19, 2021, the flea market is a mobile workplace and use of chemical toilets are allowed). The County has extended the interim use (this is a permanent use) of chemical toilets, working with the applicant toward the proposed GDP. Additionally, no uses are permitted within the Red Barn structure at this time because the barn lacks adequate fire safety systems like sprinklers (fire sprinklers installed and permit 11CP01176 was finalized on 12/16/2021).

As of the date of this Initial Study, grading and other improvements have been completed without the benefit of the required permits (see February 28, 2024 letter from Code Enforcement) . Code case 20CE00297, for violations dated August, 2020 on APN 141-131-025-000 included new paving and asphalt in the existing dirt parking expansion areas and new underground electrical and lighting without permits which can be resolved in part by the proposed GDP and subsequent ministerial permits. Code case 22CE00422, for violations dated May, 2022 on APN 141-013-037-000 included unpermitted grading on slopes and construction of a stage, new retaining walls, and new lighting without permits. Additional code violations were added to this file which included more retaining walls and a trench dug with backhoe of over 100 linear feet (trench for water line to serve fire sprinklers installed and finalized per Permit 11CP01176) and construction of non-habitable accessory structures which were removed to reduce the violation as confirmed by Code Enforcement staff in early September 2023 (All non-habitable structures have valid building permits issued by Monterey County - see April 11, 2024 E-mail to M. Israel). A construction permit, 23CP02096, was issued on November 16, 2023 to partially clear case 22CE00422. Specifically, it legalized the retaining walls of 427 and 143 and a third of unspecified linear feet.

In November, 2023, code enforcement found additional structures on APN 141-013-035 & 037 including a portable office trailer that requires planning permitting and portable onsite storage, which is part of the proposed expanded use per the GDP (see list of previously issued County permits in April 11, 2024 e-mail to M. Israel).

The Project therefore includes Use Permit (PLN140602) that would 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 (The Environmental Health Bureau determined that the flea market is a mobile workplace that could be serviced by chemical toilets. See July 19, 2021 “complete” letter for PLN140602), and would develop the existing open air vendor sales area to legalize the expanded parking lot potential

new uses would be granted through the GDP that is part of PLN140602, as well.

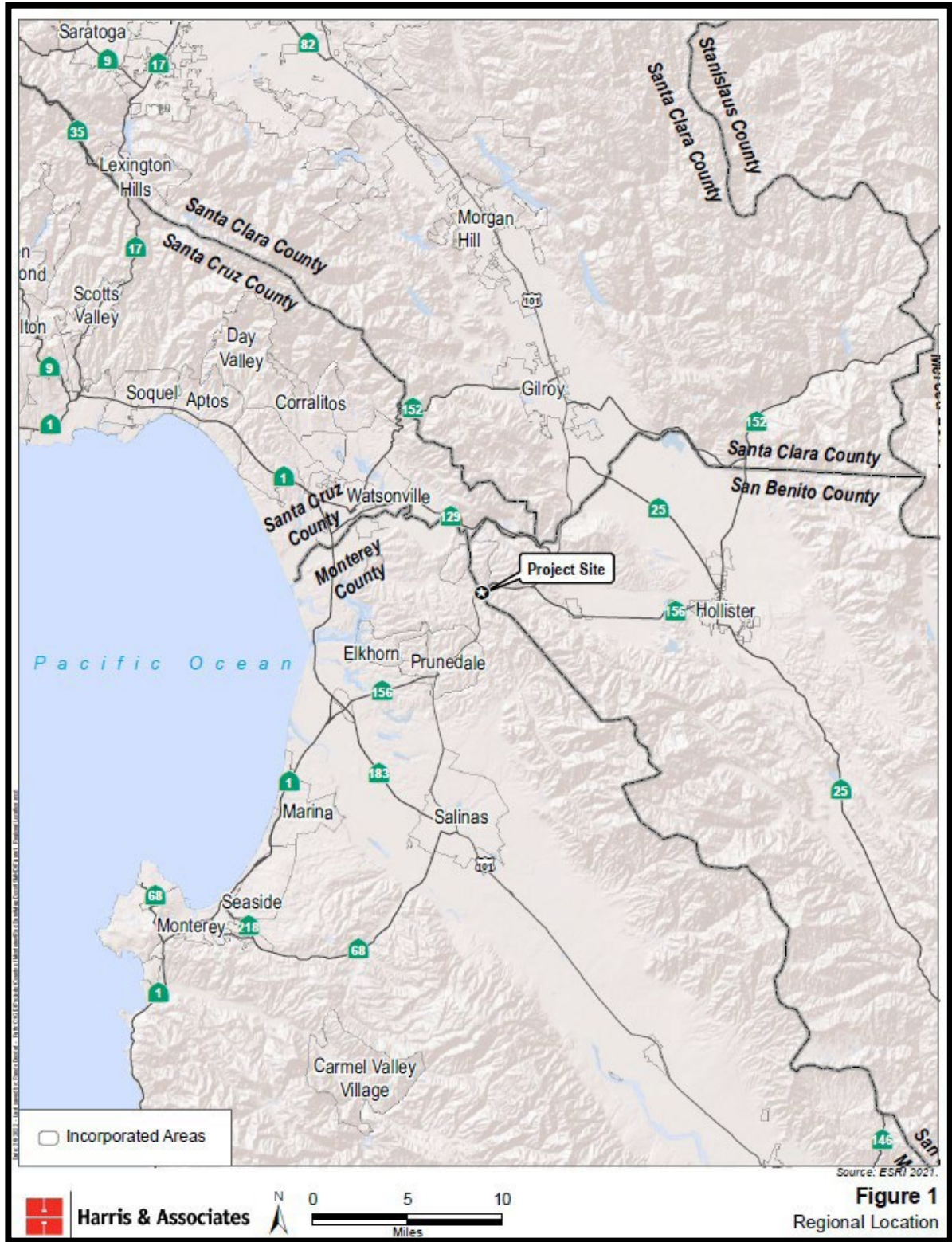
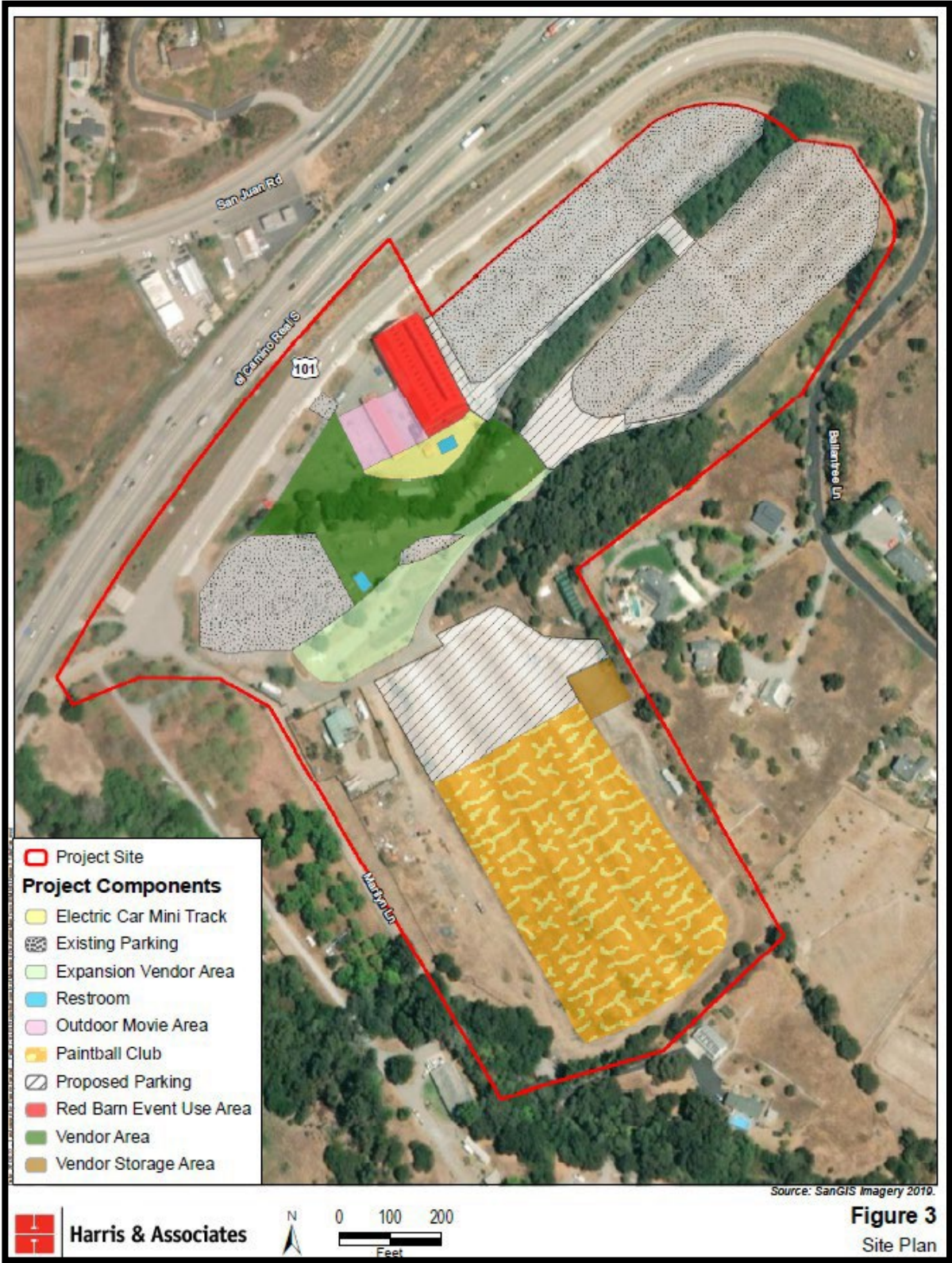


Figure 1
Regional Location





Expansion of Existing Uses

The project would include the expansion of 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 (Figure 3, Site Plan). This would allow 86 additional vendor spaces in the new outdoor retail sales area. The total number of vendors would not exceed a maximum of 319 and outdoor vendor spaces. 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.

Proposed Future Uses

The Applicant proposes to add uses other than open-air sales as part of the GDP. Figure 3 shows the location of the proposed future uses on the project site. Requested future site uses are generally characterized as follows:

Social Activities

Use of the Red Barn building interior and adjacent grounds for social activities would include weddings, quinceañeras, community activities, and corporate events. These uses/events would occur on days and at times of the week that would not conflict with the flea market (**currently held on Sundays and occasionally held on Saturdays**). Given the nature of these activities, uses would likely occur on weekends. Activities such as weddings and quinceañeras would involve between 10 and 15 service staff members for food and beverage service, security, maintenance, and property setup and break down. Corporate events would need up to 75 service staff members for food and beverage service, security, maintenance, and property setup and break down. Corporate events would fall under the Public Assemblages section of Monterey County Code, Section 15.20.050, and would involve up to 1,000 guests over the rental time frame and occur during the hours of 10:00 a.m. to 9:00 p.m. Friday evening events would not start before 6:30 p.m. to avoid the typical commuter peak hour traffic. These events would also need up to 75 service staff for food and beverage service, security, maintenance, property setup, and break down. No maximum number of events was proposed in the application, but some estimates were made which are included in **Table 1**.

Table 1. *Note that these are individual event estimates. Due to overlapping days/times, the maximum estimates will not be realized.

Type of Event	Number of people anticipated	Events per year	Hours
Weddings & Quinceañeras	300 guests, 15 employees	52	Friday and Saturday evenings after 6:30 p.m.
Corporate Events	1,000 guests, 75 employees	32	Saturday 10 a.m. to 8 p.m.
Electric Carts	100 guests, 10 employees	34	Saturday 10 a.m. to 4 p.m.

Nursery Events (Christmas trees, pumpkins, etc.)	50 guests, 2 employees	50 (5x/wk for 10 wks)	Daily 10 a.m. to 8 p.m. during fall/winter
Outdoor Movies	300 cars, 10 employees	68 (2x/wk for 34 wks)*	Friday evenings after 6:30 p.m. & Saturday evenings; both ending by 11:00 p.m.

Paintball Club	100 guests, 4 employees	34 (1x/wk for 34 wks)*	Hours not proposed; see Mitigation Measure N-1
Flea Market (9,000 guests and vendors)	9,000 guests and vendors	104 (2x/wk for 52 weeks)	Saturdays and Sundays; potentially any other weekday

*34 weeks are assumed for outdoor events that would not be feasible during rainy season.

On-Site Storage

The proposed Use Permit would include use of the property for on-site storage rental options to regular vendors. Shipping containers or similar secure storage options are proposed in the upper area in a location not readily visible from Highway 101 (see Figure 3). On-site storage would provide an opportunity for vendors to store associated goods such as tents, dry goods and merchandise, tables, and chairs on site between flea market days to help facilitate a more efficient vendor space setup and break down. Offering on-site storage rentals would provide convenience to vendors who would otherwise load at their residence or business, travel to the site with materials and goods, unload, set up, and then breakdown and haul off materials and goods at the end of the flea market day.

Electric Carts

The proposed uses would include a mini-track for electric carts. The area would be on the paved vendor lot south of the Red Barn building (see Figure 3), would likely be staffed by five to 10 employees, and would operate on Saturdays from 10:00 a.m. to 4:00 p.m.

Nursery

The GDP proposes the use of the property for a seasonal nursery to allow Christmas tree sales and other holiday-related sales items (e.g., pumpkins for Halloween). Seasonal sales would be five weeks leading up to the holiday, open during the day, and run through the early evening (i.e., from 10:00 a.m. until 8:00 p.m.). As this is not a permanent installation, it is also described in **Table 1**. No permanent facilities are proposed because this feature could likely be operated in the existing vendor area and would be integrated into the regular market hours (see Figure 3).

Outdoor Movies

The GDP proposes outdoor movies during non-market hours on Friday and/or Saturday nights on a seasonal basis that would begin later than 6:30 p.m. on Fridays to avoid congestion during peak the traffic hour and end by 11:00 p.m. Outdoor movie nights would be on the existing paved sales area on the southern side of the Red Barn building (see Figure 3). Movie night would include a projection screen that would be set up and taken down for each movie rather than a permanently constructed system/operation. Sound is anticipated to be provided through Wi-Fi with “speakers” in individual automobiles instead of a broadcast speaker system. Existing vendor booths would be used for food and beverage service associated with a movie presentation.

Paintball Club

The GDP proposes an on-site paintball club at upper terrace in the RDR Zoning District (see Figure 3). The paintball club would provide barriers and obstacles in the field and used for “cover” during paintball games. No permanent facilities would be constructed. The GDP application does not indicate specific hours or days that the paintball club would operate if it is added to the onsite

Accessibility/Parking

The project site is adjacent to Highway 101. The project site is accessed from a frontage road, Harry Ellingwood Road, a dedicated divided 2 lane collector with a capacity of approximately 12,000 Average Daily Traffic (ADT) from the freeway interchange (San Juan Road) for both northbound and southbound traffic from Highway 101.

The proposed use permit seeks to amend Use Permit ZA-3629-D to modify the boundaries of the approved lower parking lot and delineate **current ADA and minor added** parking stall locations. The existing parking and proposed parking area refinements are shown on Figure 3. 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. Signs would comply with Monterey County Zoning Ordinance, Section 21.60. Any advertising signage would comply with requirements found in Monterey County Code, Section 21.60.090.B.5. A master sign program has not been included in the GDP or with the project application; therefore, individual signs shall be reviewed and approved prior to installation on the project site.

Utilities and Landscaping

To comply with Zoning Administrator Resolution No. 19-018 Condition 6 (PLN170974) and to use the Red Barn building, the project would install a new fire sprinkler system in the Red Barn building (**system installed 11CP01176**) and make other public safety adjustments. Currently, five flush toilets and 46 (**52**) portable toilets with 15 double handwashing portable sinks are on the property. Two new restrooms would be constructed within two permanent buildings which will connect to a new wastewater treatment facility on the property.

The project would include the installation of exterior lighting and updated landscaping per the adopted Conditions of Approval.

Construction

Construction of the project would be limited to site clearing of approximately 3,300 square feet of sheds (**this is not part of the proposed project**) and existing asphalt and paving (**excepting the parking lot addition, this activity is to be conducted pursuant to Condition #8 of ZA3269 and its associated CEQA IS**) an expanded parking lot. The project would require fine grading to maintain positive drainage in areas proposed for paving or to receive slurry seal and base rock refreshing (**work would be pursuant to Condition #8 of ZA3269**). New grading activities would be limited to

grading required for the new asphalt concrete area at the main entrance off Harry Ellingwood Road
(No grading is proposed at this intersection).

B. Surrounding Land Uses and Environmental Setting:

The project site is at 1000, 1050, 1060 and 1150 North Highway 101, Aromas, California. The project site consists of Assessor’s Parcel Numbers 141-013-034-000, 141-013-035-000, 141-013-037-000 & 141-131-025-000 and is approximately 32.05 acres. The Monterey County General Plan designates most of the site as “C” (Commercial) and approximately 9.5 acres of the site as “RDR” (Rural Density Residential) Residential Rural with a density of 5 acres+/unit.

The project site is directly off Highway 101 with an existing frontage road abutting its northern side (Harry Ellingwood Road). The project site is surrounded by rural residential and light commercial property to the south. Carneros Creek bisects the site from northeast to southwest.

Existing improvements on the property include a 20,062 square foot barn, fencing with an access gate and ticket booth, six (6) storage sheds, four (4) trailers and approximately 136,775 square feet of hardscaped area that is used for a 210-space flea market, a lower parking area of approximately 285,420 square feet and an upper parking area of approximately 92,000 square feet.

Existing uses of the property include Sunday and occasional Saturday flea market with food vendors and permitted alcohol sales. A snack bar is located at the premises as well.

C. Other public agencies whose approval is required:

No other public agencies’ approval is required.

III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input type="checkbox"/>

General Plan/Area Plan: The project would be in the inland areas of unincorporated Monterey County and follow the North County Area Plan that is part of the 2010 Monterey County General Plan Update (2010 GP). The updated North County Area Plan includes updated policies regarding land use, circulation, conservation/open space, safety, public services, and agriculture. The project would involve expanding and landscaping existing uses to allow for additional activities and social events. The 2010 General Plan encourages sustainable economic growth such as this commercial use in a commercially zoned area (Economic Development Policy ED-1.2). 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. Each key element is italicized. Project-specific information follows which explain the Project's conformance with each issue.

- a. *Site Suitability.* The Red Barn and flea market have been operating on this site for nearly 80 years. The uses have evolved but the site; light commercial zoning in the sections closest to Highway 101 continue to be suitable for the light commercial uses because the site is graded with adequate flat areas for vendors and parking and the large barn has room for events.
- 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 existing onsite well has been tested for capacity and found sufficient to serve the project. Improvements for the wastewater treatment system and flush toilets were required to be completed within two years of the approval of PLN170974. As discussed above, 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 (Condition Nos. 8 and 9).
- c. *Resource Management.* The Red Barn and flea market site is already graded in areas that would serve the uses described in the GDP. An ephemeral stream informally called "Carneros Creek" crosses the project site and the uses do not interfere with its flow (bridges cross in two locations).
- 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 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.
- f. *Environmental Impacts and Potential Mitigation.* Potential impacts are analyzed in this Initial Study and are found mitigatable.
- g. *Proximity to multiple modes of transportation.* The Project area is not served by busses or trains. The only transportation to and from the site is vehicular.
- h. *Jobs-Housing balance within the community and between the community and surrounding areas.* The area is residentially and agriculturally developed. The Project does not involve additional housing but does offer part-time and "gig" jobs to residents in the area.

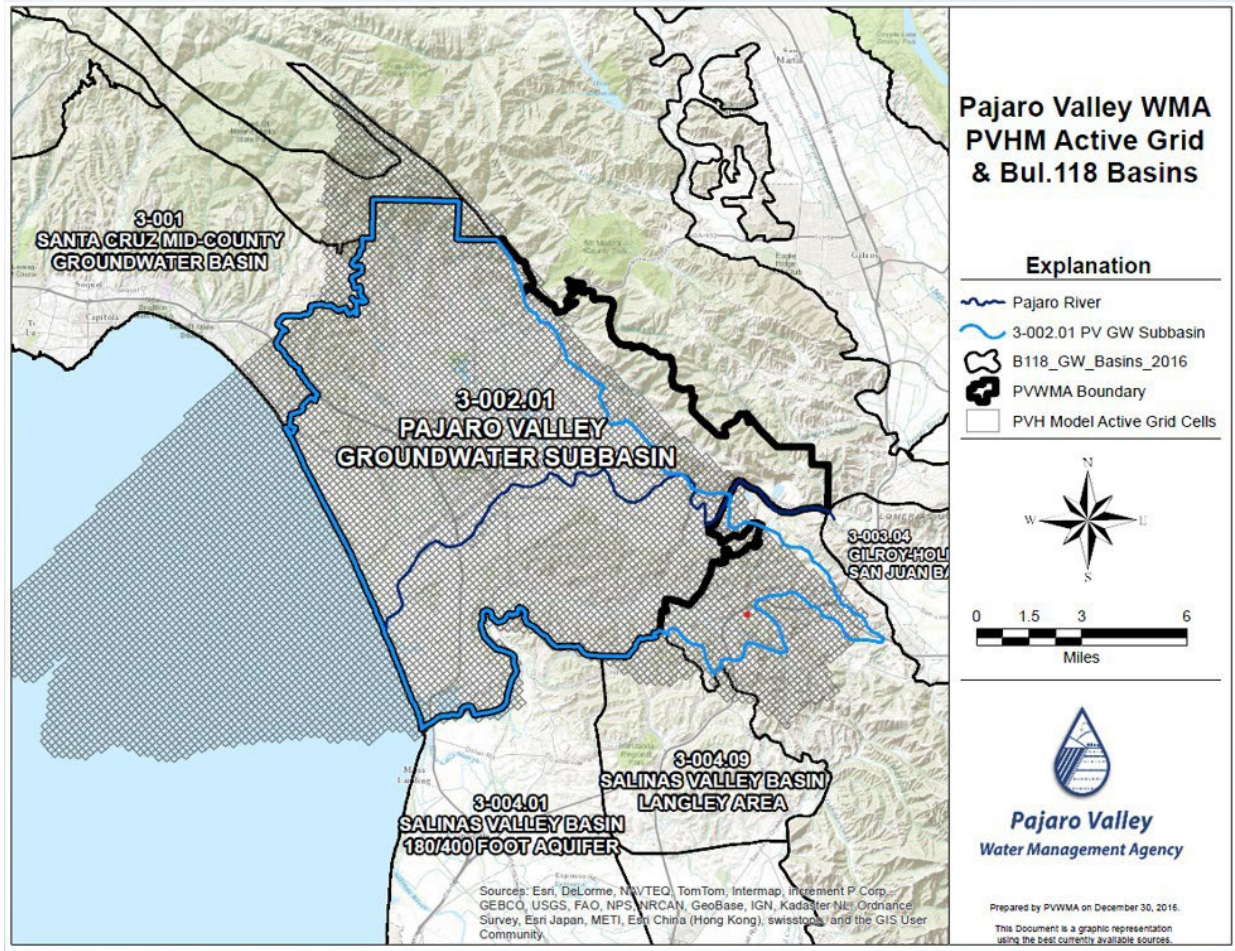


Figure 4. Pajaro Valley Groundwater Subbasin map from Pajaro Valley Water Management Agency, December 2016 with red dot to indicate the location of the subject site, Red Barn.

The project is subject to 2010 GP Policies PS-3.1 and 3.2 for long-term sustainable water supply (as it relates to Use Permit modifications and their relationship to the existing CEQA baseline). The policies require long-term water supply to be evaluated and findings to be made in the entitlement of development beyond the first single family dwelling and non-habitable accessory structures on an existing lot of record or development designed to provide public infrastructure or development within Zone 2C of the Salinas Valley groundwater basin. Any existing onsite well will serve the uses described in the GDP. 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. This is less than 2 AFY increase of water pumped from the Granite Ridge aquifer; according to the most current reporting, negative impacts to Granite Ridge water balance is from groundwater pumping in the nearby subbasin areas that are currently regulated by Pajaro Valley Water Management Agency (PVWMA) with a Groundwater Sustainability Plan. This is further discussed below.

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. 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 amendment will generate an additional 2,252 trips (in & out) with the expanded outdoor area and would increase traffic to a lesser extent on other days of the week. 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.

2010 GP NC-1.1 requires commercial development, or intensification of existing commercial development to be designed to minimize traffic, noise, visual, and/or other impacts on the surrounding area to the greatest extent feasible. Due to the nature of the use, the Project does not minimize traffic because the Highway 101 improvement discussed above allow for attendee and vendor commutes to the flea market and GDP events by independent vehicles without substantial impact to 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 a noise level in excess of 85 dBA at 50 feet at any time of day. Section 10.60.040 prohibits unreasonable sound levels between 9:00 p.m. and 7:00 a.m., defined as an hourly average sound level of 45 dBA Leq or above at 50 feet, or a maximum sound level of 65 dBA at 50 feet. 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 are minimized through adherence with Title 10 and proposed mitigation measures N-1 and N-2. Visual and other impacts are minimized through adherence with proposed mitigations (AES-1 and AES 2) and standard conditions of approval. As proposed and mitigated, the project would be consistent with the North County Area Plan's policies involving outdoor development and expansion and conform to the changes made by the Highway 101 Improvement Project. **CONSISTENT.**

Water Quality Management Plan: The project would be consistent with the Water Quality Control Plan for the Central Coastal Basin (Basin Plan). The Basin Plan lists the various water uses and describes the water quality that must be maintained to allow those uses. The Regional Water Quality Control Board implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose waste discharge can affect water quality. HCD-Environmental Services and Environmental Health Bureau – Land Use review projects during application submittal review to ensure that they will comply with the Basin Plan, adding design requirements and conditions of approval as needed. The project is proposing to construct two new restroom facilities with flush toilets. Currently, five flush toilets and 52 portable toilets with 15 portable double handwashing sinks are on the property. Wastewater treatment facilities must be improved to serve the existing and proposed uses at the site (**The June 19, 2021 EHB “complete” letter clarifies that mobile workplaces may be served by chemical toilets**). Wastewater treatment improvements are required to meet state and local standards for sizing and disposal of wastewater. EHB has incorporated Zoning Administrator Resolution No. 19-018 Condition 6 (PLN170974) into this permit as Condition of Approval No. 9. (**the requirement for a wastewater treatment system for the flea market use has been revised since the May 30, 2019 permit approval; see EHB “complete” memo dated July 19, 2021**) and restricts any new use until the two new restrooms with flush toilets are operational. Erosion control during site preparation and permanent drainage improvements are also required and must be consistent with local and state regulations (Condition of Approval No. 5). Water quality for the site has been tested and water treatment has been installed to address water quality standards. The

project would not significantly impact water quality as the permit for new restrooms and a new wastewater treatment system was approved by the Monterey County Zoning Administrator in May 2019.

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 (see Figure 4). 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 (Source: 31, 32).

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, Source: IX.30, 32). 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.

In conclusion, DWR has designated the Pajaro Valley subbasin as “subject to critical overdraft” so the subbasin must achieve sustainability by 2040 and maintain sustainability through 2070, or risk state intervention in groundwater management. However, section 7 of the PVWMA GSU22 evaluates the status of projects and management actions for achieving sustainability based on current information and such evaluation indicates that projects and management actions are having the intended effects of reducing groundwater extraction and raising groundwater elevations, increase groundwater in storage. 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 onsite well water use by approximately 2.4 acre-feet per year. Therefore, potential impacts to the Granite Ridge aquifer are mitigated by two Hydrology and Water Quality Mitigation Measures, HYD-1 and HYD-2. (Sources: 30, 31, 32,). **CONSISTENT.**

Air Quality Management Plan: The 2012–2015 Air Quality Management Plan (AQMP) and the 2008 CEQA Air Quality Guidelines for the Monterey Bay region address attainment and maintenance of state and federal ambient air quality standards in the North Central Coast Air Basin (NCCAB) that includes unincorporated Aromas areas. The project is proposing to expand the existing flea market by adding additional square footage to include more outdoor vendors and areas for special events. Construction permits related to the project are for previously completed grading and paving of parking areas, and removal of sheds (**no sheds are proposed for removal**). Significant new construction is not planned for the site – only the construction of restrooms. Storage proposed for the vendors will be prefabricated. Therefore, the project would not significantly impact air quality because it would include minimal landscaping and construction required for outdoor developments, such as storage, restrooms, and vehicle parking. **CONSISTENT.**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfires | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist, and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from construction, operation, or maintenance of the proposed project, and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

Agriculture and Forest Resources

The project site is designated as an Urban and Built-Up Land under the California Department of Conservation Farmland Mapping and Monitoring Program. Project implementation would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. The project site is not currently under active agricultural use or under a Williamson Act contract. The project site does not include existing forest lands, timberlands, or timberland zoned Timberland Production. The project site is not in an area designated as Forest Land or Timberland and would not result in a loss of forest land or a conversion of forest land to non-forest use. The project site does not include existing farmland or forest land and would not involve any

changes in the existing environment that, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. *No impact.*

Land Use and Planning

The project would be consistent with and have no impact on the land use zoning of Light Commercial Zoning (LC) according to Monterey County geographic information systems (GIS) applications. The project would be subject to regulations and policies outlined in Title 21 Zoning Ordinance for Inland Areas and be consistent with the Monterey County General Plan (Source2). The project would be consistent with the allowed uses for Light Commercial Zoning (LC) district. The project would include an expansion of a current Use Permit to allow additional outdoor sales and activities including social events, seasonal nurseries, and an outdoor movie theater. The project includes expansion of visitor serving commercial uses on a legal lot of record and would not physically divide existing communities. Surrounding the project site is Highway 101, and a Mobil gas station is across from the project site. Other than those existing developments, no residential communities would be significantly impacted by the project. (See noise and traffic sections of the Checklist for separate discussion of those potential impacts.) *No impact.*

Mineral Resources

According to Surface Mining and Reclamation Act Designation Report No. 7, MRZ-2 classified lands or construction aggregate minerals are essential commodities and include resources such as sand, gravel, and crushed rock. The Draft Environmental Impact Report from the 2007 Monterey County General Plan also states that the primary mineral commodities in Monterey County are sand, gravel, and petroleum.

Sector F of the Surface Mining and Reclamation Act Designation Report No. 7 states that two elongated deposits are near the community of Aromas, extending from Highway 101 northwesterly to the Pajaro Gap on Highway 129 for approximately 5 miles. This designation is not applicable to the project site because the project site is approximately 2.37 miles south of the community of Aromas and does not reach Highway 129. According to the U.S. Department of Conservation Division of Mines and Geology, traces of mineral resources such as older alluvium, lake, playa, and terrace deposits can be found on the project site. Because the mineral resources listed from the U.S. Division of Mines and Geology are not part of Monterey County's regionally significant mineral resources, the project would not result in the loss of known mineral resources that are of value to the region. Additionally, the project site would not include regionally significant mineral resources that would result in the loss of locally important mineral resources delineated on the 2010 Monterey County General Plan and other land use plans. Compliance with the 2010 Monterey County General Plan policies and the Monterey County Ordinance Code, Chapter 16, would be required. Chapter 16.04 of the Monterey County Ordinance Code contains the County's implementation provisions, which recognize mineral extraction as essential to the County's economic wellbeing and needs of society but also stress the need to protect public health and safety and support of the 2010 Monterey County General Plan goals and objectives. *No impact.*

Population and Housing

The project proposes the expansion of the current Use Permit to allow additional outdoor sales and activity use areas that may include special event gatherings, seasonal nurseries, and an outdoor movie theater. No residential development is proposed under the project, and the proposed additional land uses would not result in permanent new employment that would necessitate the need for additional

housing. Therefore, the project would not directly induce population growth in the area. Additionally, the project would not require or result in the extension of utilities or roadways. The project will be accessed by existing roads and served but existing or improved onsite utilizes. Added employment opportunities are mostly low-paying part-time jobs that are likely to be filled by local populations. Implementation of the project would not result (either directly or indirectly) in the displacement of housing or people. *No impact.*

Public Services

The project site is within the boundaries of the Aromas Tri-County Fire Protection District. The project includes additional outdoor sales and activity use areas that may include special event gatherings, seasonal nurseries, and an outdoor movie theater. To operate within the Red Barn structure, the applicant must install fire sprinklers pursuant to fire safety codes (**System installed, Permit 11CP01176**). The project would not result in the need for significantly altered fire protection services or facilities and would not involve the construction of new or physically altered fire facilities to maintain acceptable service ratios, response times, or other performance service ratios or objectives. The project would not result in the need for significantly altered sheriff protection services or facilities and would not involve the construction of new or physically altered sheriff facilities to maintain acceptable service ratios, response times, or other performance service ratios or objectives. The project would not include any residential or business uses that would increase population growth, generate an increased demand for school facilities, require the construction of school facilities, generate an increased demand for parks, or generate an increased demand for other public facilities. *No impact.*

Recreation

The project includes expanding recreation options for existing residence of the area would not induce population growth, generate an increased demand for recreational facilities that would require the construction or expansion of recreational facilities elsewhere, or substantially deteriorate facilities nearby. *No impact.*

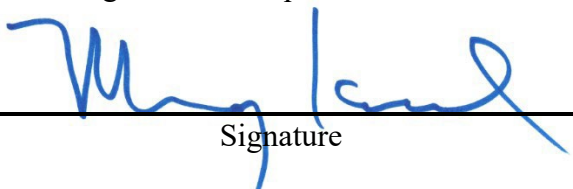
Wildfires

The project would be in a High Fire Hazard Severity Zone in the State Responsibility Area, and the land along the eastern portion of the project site is in a Very High Fire Hazard Severity Zone. The project would be an expansion of an existing outdoor use, and project implementation would not include the blockage of emergency access or construction of buildings that would exacerbate wildfire emergencies. Most of the site is developed with large paved areas and little natural vegetation. The project would comply with the North County Fire Protection District and the adopted 2015 Monterey County Multi-Jurisdictional Hazard Mitigation Plan for fire safety compliance. The project would be consistent with the goals and objectives stated in the 2010 Monterey County General Plan Safety Element and the Monterey County Code, Chapter 18.56. With compliance with these goals, policies, and ordinance codes, the project would not impair an adopted Emergency Response Plan or Evacuation Plan. The project site is surrounded by Grazing Land and Other Land according to the California Department of Conservation Farmland Mapping and Monitoring Program. Although most of the surrounding land is undeveloped, the project would be required to comply with the 2022 California Fire Code and the Monterey County Code, Chapter 18.09, for compliance with fire apparatus access and defensible space requirements. *No impact.*

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Mary Israel, Supervising Planner

April 16, 2024

Date

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality. (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Aesthetics 1(a) – Less Than Significant Impact with Mitigation Incorporated

In the Visual Resources section of the Monterey County General Plan Final Environmental Impact Report, Exhibit 4.14.1, Visual Resource Areas, depicts areas of visual sensitivity in Monterey County and categorizes the resources based on viewshed sensitivity and classification (Source 3). Exhibit 4.14.5, Scenic Highway Corridors and Visual Sensitivity North County, depicts areas of visual sensitivity, critical viewsheds, and existing and proposed scenic highways and routes in the North County Planning Area. As shown on these exhibits, the project site is not in an identified critical viewshed, a highly sensitive area, a sensitive area or viewshed, a view area, or scenic waterways. The project site is not considered a scenic vista and does not provide views of a scenic vista. Despite this, the Red Barn structure is a recognizable historic landmark at the northern edge of Monterey County along Highway 101 and degradation of views of the barn from the Highway could result in aesthetic impacts.

The project would not alter topography, remove vegetation, substantially change natural watercourses in the surrounding areas, or otherwise result in a substantial adverse effect on a scenic vista. The red barn is proposed to remain with interior improvements that will restore its historic use and function. No new structures are proposed that would impact views of the barn, except for signage. Sign design has not been finalized as part of this project and is proposed to be considered under separate submittal subject to the regulations for signs in the County’s Zoning Ordinance. Pursuant to Mitigation Measure AES-1, future improvements including signage shall be carefully

reviewed to retain views of the red barn from the highway. As mitigated, the impact would be less than significant.

Aesthetics 1(b) – Less Than Significant Impact

State scenic highways are highways that are either officially designated or eligible for designation by Caltrans. State scenic highways are classified as either officially designated or eligible. The project site is not near an officially designated state scenic highway but is approximately 100 feet south of Highway 101, which is an eligible state scenic highway. However, the project would not result in damage to trees, rock outcroppings near Highway 101. Red Barn, a recognizable historic landmark, will remain without external structural changes and no damage to its aesthetic value. Therefore, the impact would be less than significant.

Aesthetics 1(c) – Less Than Significant Impact

The project would include the expansion of the existing Use Permit to **expand the approved flea market footprint and** allow additional uses including social events, seasonal nurseries, and an outdoor movie theater (as described in Section II.A). The project site is visible while traversing Highway 101 (north and south); however, expansion of uses would be on the disturbed/developed project site, and no changes to the public views would occur as a result of the project. Impacts would be less than significant.

Aesthetics 1(d) – Less Than Significant Impact with Mitigation

During the day, potential impacts from glare would primarily occur from the sun reflecting off reflective surfaces from cars or windows. At nighttime, the project may include an increase in lighting due to the additional allowed uses on site. Pursuant to Mitigation Measure AES-2, the movie screen shall be installed so that no off-site glare is visible from Highway 101. Although exterior lighting would be incorporated into the project, it would be required to comply with the requirements of the County's standard condition regarding exterior lighting, which requires all lighting to be downlight and project no off-site glare. Therefore, the project would not create a new source of substantial light or glare, and the impact would be less than significant. Any future signage should not be illuminated.

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.

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.

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ((Source: 1, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 1, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? (Source: 1, 2, 3, 5, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 2, 3, 5, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Source: 1, 2, 3, 5, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Air Quality 3(a) – Less Than Significant Impact

The project site is in the North Central Coast Air Basin (NCCAB), which is under the jurisdiction of the Monterey Bay Air Resources District (MBARD). The NCCAB is currently designated as non-attainment for the state particulate matter less than or equal to 10 microns (PM₁₀) standard. Ozone and its precursors (reactive organic gases and nitrogen oxides [NO_x]) remain pollutants of concern in the MBARD 2012–2015 AQMP. The NCCAB is designated as attainment for all federal standards and other state standards (Source 22). MBARD is responsible for enforcing the state and federal air quality standards and regulating stationary sources through the 2012–2015 AQMP for the Monterey Bay region, adopted on March 15, 2017 (Source 22). The 2012–2015 AQMP is based on growth forecasts provided by the Association of Monterey Bay Area Governments, which assesses and updates elements of the 2012–2015 AQMP, including the air quality trends analysis, emissions inventory, and mobile source programs.

The project does not include residential development and, thus, would not result in population growth. Although the proposed expanded flea market and event space may require a slight increase in employees, the additional retail sales area would only be in use during weekends, and events would be sporadic throughout the year. It is unlikely that additional employees would relocate to the area or generate a need for housing that could result in population growth and associated adverse effects to air quality. Therefore, the project would not result in an exceedance in growth projections that would conflict or obstruct implementation of the 2012–2015 AQMP.

The project's construction emissions that would temporarily emit precursors of ozone are accommodated in the emission inventories of the MBARD 2012–2015 AQMP. The project would not cause a substantial increase of stationary emissions compared to what currently exists.

The project would be consistent with the 2012–2015 AQMP because it would not cause an exceedance of the growth projections that underlie its air pollutant emission forecasts. Therefore, the impact would be less than significant.

Air Quality 3(b) – Less Than Significant Impact

As discussed above in Section 3(a), the NCCAB is currently designated as non-attainment for the state PM₁₀ standard, and ozone is a pollutant of concern. The project would have a significant impact if it would exceed the thresholds identified in the MBARD CEQA Air Quality Guidelines for construction and operation, as discussed below.

Construction

Construction activities **IS needs to clarify what construction is being proposed (minor parking lot assumed. The Restrooms and WW plant are already approved per PLN170974).** would result in temporary increases in air pollutant emissions. These emissions would be generated as fugitive dust emissions from earth disturbance during fine site grading and exhaust emissions from operation of heavy equipment and vehicles during construction. According to the MBARD CEQA Air Quality Guidelines, a project would have a significant short-term construction impact if the project would emit more than 82 pounds per day of PM₁₀. Further, the MBARD CEQA Air Quality Guidelines set a screening threshold of 2.2 acres of construction earthmoving per day, meaning that if a project results in less than 2.2 acres of earthmoving per day, the project is assumed to be below the 82 pounds per day threshold of significance. The project would result in less than 1 acre of total disturbance area and would not exceed the 2.2-acre daily earthmoving screening threshold. Therefore, the potential impact related to PM₁₀ would be less than significant.

The MBARD does not identify quantitative thresholds for other criteria pollutants during construction. The emission inventories of state- and federally required air plans account for construction projects using typical construction equipment, such as dump trucks, scrapers, bulldozers, compactors, and front-end loaders that temporarily emit precursors of ozone [i.e., volatile organic compounds (VOCs) or NO_x]. Projects that use typical construction equipment would not have a significant impact on the attainment and maintenance of ozone ambient air quality standards. However, a project that would use non-typical equipment would have the potential to result in a significant impact related to emissions of VOCs or NO_x. The project would employ typical construction equipment. It would not require any non-typical construction equipment or techniques that have not been accounted for in the NCCAB emissions inventories. 2010 General Plan Air Quality policies require implementation of BMPs recommended by MBARD. These are required as part of the grading permit and construction permit. Therefore, the impact related to maximum daily criteria pollutant emissions during construction would be less than significant.

Operation

The proposed expanded use of the project site could result in additional operational emissions. Operational emissions associated with the project were calculated using the California Emissions Estimator Model (CalEEMod). Emissions are produced as a result of fuel combustion from

vehicles, landscape maintenance equipment, and natural gas use. CalEEMod default inputs were

assumed for the project. The increase in vendor space would result in approximately 2,252 additional vehicle trips during market operation. This estimate is likely conservative because the flea market is currently a regional destination, and the trip estimate does not account for the likelihood that additional vendor space would provide new shopping opportunities for existing customers rather than generate new customers. The total estimated operational emissions from the project are provided in Table 1.

Table 1. Maximum Daily Operational Emissions (pounds/day)

Source	VOC	NO _x	CO	SO _x	Total PM ₁₀	Total PM _{2.5}
Area	0.9	<0.1	<0.1	0	<0.1	<0.1
Energy	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Mobile	6.3	6.5	46.6	0.1	8.7	2.4
Total	6.3	6.5	46.6	0.1	8.7	2.4
Daily Threshold	137	137	550	150	82	—
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: 25.

Notes: CO = carbon monoxide; NO_x = oxides of nitrogen; PM₁₀ = particulate matter less than or equal to 10 microns; PM_{2.5} = particulate matter less than or equal to 2.5 microns; SO_x = sulfur oxide; VOC = volatile organic compound

As shown in Table 1, operational emissions from the project would not exceed the significance thresholds for maximum daily emissions. Therefore, air quality impacts associated with operation of the project would be less than significant and are not expected to create a cumulatively considerable impact or a considerable net increase in any criteria pollutant.

Air Quality 3(c) – Less Than Significant Impact

A sensitive receptor is generally defined as any residence, including private homes, condominiums, apartments, and living quarters; education resources, such as preschools and kindergarten through grade 12 (k–12) schools; daycare centers; and healthcare facilities, such as hospitals or retirement and nursing homes. A sensitive receptor includes long-term care hospitals, hospices, prisons, and dormitories or similar live-in housing. The nearest sensitive receptor to the project site is a single-family residence approximately 220 feet to the south.

Construction activities would generate emissions of potentially harmful pollutants, including diesel particulate matter and fugitive dust. Emissions generated during construction activities would be temporary; therefore, prolonged exposures would not occur. In addition, as shown in Table 1, the project would not generate substantial pollutant concentrations that would cause an impact to these receptors.

Emissions from operation of the project would be from vehicles traveling to the project site and would be similar to existing conditions, which are concentrated on the weekend with sporadic event traffic throughout the year. As discussed in the Supplemental Traffic Report (Source 25), expanded flea market use would increase vehicular travel to the site but would have little measurable impact on the intersection operations at San Juan Road and Highway 101. In addition, to minimize impacts to intersection operations on Friday evenings, Friday evening events would

not start before 6:30 p.m. to avoid the typical commuter peak hour. Therefore, it was determined that event traffic would have little measurable impact on the intersection operations, and project traffic would not degrade study area intersections to an unacceptable level of service and a carbon monoxide hotspot would not occur. Therefore, the associated operational emissions from vehicular traffic are considered less than significant.

Air Quality 3(d) – Less Than Significant Impact

Pollutants associated with substantial emissions, such as odors, include sulfur compounds and methane. According to the MBARD CEQA Air Quality Guidelines, typical sources of odors include landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, and refineries (Source 5). The project does not include any of the typical major odor sources and would, therefore, not be a substantial source of odors. Therefore, the impact would be less than significant.

4. BIOLOGICAL RESOURCES		Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:	Potentially Significant Impact			
a) Have a substantial adverse effect , either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	X?
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	X?
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	X?
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Biological Resources 4(a) – Less Than Significant Impact

The project site is completely disturbed and contains no native vegetation communities or sensitive habitats. Therefore, the additional uses on the project site (as described in Section II.A) would not have a substantial adverse effect on any candidate, sensitive, or special-status species. Therefore, the impact would be less than significant.

Biological Resources 4(b) – Less Than Significant Impact

The project site is completely disturbed and does not contain any riparian or other sensitive natural communities. Carneros Creek, an ephemeral stream, bisects APN 141-131-025-000 from northeast to southwest, crosses 141-013-005 and 141-013-007 and then goes under Highway 101. **Three** existing bridges cross the ephemeral stream, and no new development is proposed within the channel. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Therefore, the impact would be less than significant.

Biological Resources 4(c) – No Impact

The project site does not include any state or federally protected wetlands or wetland habitats on site. Therefore, the project would have no impact on state or federally protected wetland habitats.

Biological Resources 4(d) – Less Than Significant Impact

The project site is completely disturbed with limited biological value. The project would include the expansion of an existing use permit to allow additional uses including social events, seasonal nurseries, and outdoor movie theaters (as described in Section II.A). Expansion of the existing uses would not impede the movement of surrounding native resident or migratory fish or wildlife species, the use of an established native resident or migratory wildlife corridors, or the use of native wildlife nursery sites. Therefore, the impact would be less than significant.

Biological Resources 4(e) – No Impact

The project site is currently developed and contains no native vegetation communities or habitats. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, no impact would occur.

Biological Resources 4(f) – No Impact

No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan cover the project site. Therefore, no impact would occur.

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Discussion/Conclusion/Mitigation:

Cultural Resources 5(a) – Less Than Significant Impact

The Red Barn was built by the Kaiser Aluminum Company for Harry Ellingwood in 1945, is on the Monterey County Register of Historic Resources (Source 7) and is considered a local resource. Under CEQA Section 15064.5, a significant historical resource may include those resources identified in a local register or survey or identified by the lead agency as significant based on substantial evidence. This could be “any object, building, structure, site, area, place, record or manuscript which a lead agency determines, based on substantial evidence in light of the whole record, to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California.”

The project proposes additional outdoor sales and activities that may include special event gatherings, seasonal nurseries, electric carts and track on existing pavement, a paintball course, and an outdoor movie theater. To allow for the use of the Red Barn for special events, fire sprinkler system must be installed in the Red Barn building (work finalized on 12/16/2021 per 11CP01176). No other improvements to the Red Barn are proposed. Any maintenance activities must conform to the Monterey County Historic Resource Preservation Ordinance, which includes programs, policies, and procedures required by the County to protect resources that are of historic, archaeological, architectural, and engineering significance. The ordinance also details the requirements for demolition, building, construction, or alteration. Conformance would ensure that the project would not result in a substantial adverse change in the significance of a historical resource, and the impact would be less than significant.

Archaeological resources were not discovered during the Preliminary Archaeological Reconnaissance of the site by Mary Doane and Trudy Haversat (HCD Library Doc. No. LIB020128) but that does not preclude the possibility of disturbance of archaeological resources during ground disturbing activities (Sources 24 and 25

Cultural Resources 5(b) – Less than Significant With Mitigation Incorporated

The project site is considered sensitive for archaeological resources due to the presence of known resource sites within the immediate vicinity (Sources 2 and 24). Project implementation would require grading to maintain positive drainage in areas proposed for paving or slurry seal and base rock refreshing. New grading activities would be limited to grading required for the new asphalt concrete area in the heavily disturbed area at the main entrance off Harry Ellingwood Road. Although the property has been previously disturbed, unanticipated discoveries are possible because of the proximity of the project site to known archaeological resources. Potential impacts to archaeological resources would be reduced to a less than significant level with the presence of an archaeological monitor during all project ground disturbance. Therefore, with implementation of Mitigation Measure C-1, the impact would be reduced to a less than significant level. Some areas of the site have been paved without permits. It is assumed that this grading did not disturb potentially significant cultural resources, however, it cannot be conclusively ruled out. To address this condition, fines for grading without the benefit of a monitor will be assessed. Although fines do not adequately mitigate potential impacts in this case, the existing conditions at the site are recognized to include grading that has already occurred, and the permit being considered by the County is applying measures prospectively.

Mitigation Measure CULT-1 – On-Site Archaeological Monitor: To reduce potential impacts to cultural resources that may be discovered during project construction, a qualified archaeological monitor (i.e., an archaeologist registered with the Register of Professional Archaeologists or a Registered Archaeologist under the supervision of a Registered Professional Archaeologist) shall be present and observe all soil disturbance for grading and excavation activities. If at any time potentially significant archaeological resources or intact features are discovered, the archaeological monitor shall notify the construction contractor, who shall temporarily halt work until the archaeological monitor can evaluate the find. If the find is determined to be significant, work shall remain halted until a plan of action has been formulated with the concurrence of County HCD and implemented. To facilitate data recovery of smaller midden components, such as beads or lithic debitage, the excavated soil from the project site shall be screened during monitoring.

Mitigation Monitoring Actions for Mitigation Measure CULT-1:

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 C-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 or building, the owner/Applicant shall submit to County HCD a copy of the contract between the owner/Applicant and a qualified archaeological monitor. The contract shall include a pre-construction meeting agenda with specific construction activities that the archaeological monitor shall be present for, any construction activities for which the archaeological monitor will not be present, how sampling of the excavated soil shall occur, and any other logistical information, such as when and how work on the site shall be halted.

The contract shall include provisions requiring that the archaeological monitor be present and observe all soil disturbance for grading and excavation on the project site and authorizing the archaeological monitor to notify the construction contractor, who shall stop work if resources are found. In addition, the contract shall authorize the archaeological monitor to prepare a report suitable for compliance documentation within 4 weeks of completion of the data recovery fieldwork. The contract shall be submitted to County HCD for review and approval. Should County HCD Development find the contract incomplete or unacceptable, the contract shall be returned to the owner/Applicant, and a revised contract shall be re-submitted for review and approval.

c: Prior to the issuance of grading or building permits, the owner/Applicant shall submit evidence that a qualified archaeologist conducted a cultural resources awareness and response training for construction personnel prior to the commencement of any grading or excavation activity. The training shall include a description of the kinds of cultural and tribal cultural resources that could be found in the area, protocols to be used in the event of an unanticipated discovery, and the importance of cultural resources to the Native American community.

d: If archaeological resources are unexpectedly discovered during construction, work shall be halted on the parcel until the find can be evaluated and a plan of action formulated and implemented with the concurrence of County HCD. Data recovery shall be implemented during construction and excavation monitoring. If intact archaeological features are exposed, they shall be screened for data recovery using the appropriate method for site and soil conditions. The owner/Applicant shall allow the on-site tribal monitor an opportunity to make recommendations for the disposition of potentially significant archaeological materials found.

e: A final technical report containing the results of all analyses shall be completed within 1 year following completion of the fieldwork. This report shall be submitted to County HCD and the Northwest Information Center at Sonoma State University.

Cultural Resources 5(c) Less than Significant

No Native American human remains or significant cultural resources are known to exist on the project site. If unanticipated human remains are unearthed, California Health and Safety Code, Section 7050.5, requires no further disturbance to occur until the County Coroner has made the necessary findings regarding the origin and disposition pursuant to the California Public Resources Code, Section 5097.98. If the remains are determined to be of Native American descent, the County Coroner has 24 hours to notify the Native American Heritage Commission, which will determine and notify the most likely descendant. The most likely descendant shall complete the inspection of the site and make recommendations to the landowner within 48 hours of being granted access. The project would also be required to implement Monterey County Condition PD003(B), which requires that no further excavation in the area surrounding the remains occur until the County Coroner and the Native American Heritage Commission, if applicable, are contacted and the find is treated in accordance with California Public Resources Code, Sections 5097.98–5097.994. Therefore, with adherence to existing regulations (California Health and Safety Code, Section 7050.5, and Monterey County Condition PD003[B]), the potential impact to human remains would be less than significant.

6. ENERGY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Energy 6(a) – Less Than Significant Impact

The project would result in an incremental increase in the consumption of energy resources during construction due to on-site use of construction equipment and vehicle and truck trips. Construction activities that include the use of natural gas, petroleum, or electricity would be temporary and negligible and would not have an adverse effect. Further, construction equipment would be required to comply with California Air Resources Board emissions requirements for construction equipment, which include measures to reduce fuel consumption, such as imposing limits on idling and requiring older engines and equipment to be retired, replaced, or repowered.

Project operation would involve minimal new nighttime street (no street lighting for frontage road is proposed), pathway, and event lighting. Indirect energy use would include a minor amount of increased wastewater treatment at the existing on-site facility (approved under separate permit), solid waste removal and transport to off-site facilities outdoor movies, electrical go-carts, and events. Nominal impacts are expected from project implementation. The project does not include any features that would encourage the wasteful, inefficient, or unnecessary consumption of utilities. The project would also be designed according to the most recent adopted Title 24 energy standards.

The project would result in an increase in vehicle trips, as discussed in Section VI(3), Air Quality. However, the estimate increase in daily vehicle trips is likely conservative because the flea market is currently a regional destination, and the trip estimate does not account for the likelihood that additional vendor space would provide new shopping opportunities for existing customers in the area rather than generate new customers from outside the area. Additionally, the estimate is based on market trips for new site uses, including events or drive-in movies, which is a conservative estimate since the project is expansion of existing uses. Therefore, the minimal increase in energy consumption during project construction and operation would not be wasteful, inefficient, or unnecessary consumption. The impact would be less than significant.

Energy 6(b) – Less Than Significant Impact

The project would include the expansion of an existing Use Permit to allow additional uses including social events, seasonal nurseries, and an outdoor movie theater (as described in Section II.A). None of the expanded uses would demand a substantial amount of energy. Existing energy connections are sufficient to serve the proposed uses. As stated in Section VI(6)(a), the project would be required to meet applicable Title 24 energy efficiency standards. The project would also

be required to comply with the Monterey County Green Building Ordinance, Chapter 18.11 of the Monterey County Code, which requires that future projects be compliant with CALGreen regulations (e.g., energy efficient appliances and lighting). Therefore, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The impact would be less than significant.

7. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 1, 2, 3, 6, 8, 12) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 2, 3, 6, 8, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 2, 3, 6, 8, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source: 1, 2, 3, 6, 8, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 2, 3, 6, 8, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 2, 3, 6, 8, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: 1, 2, 3, 6, 8, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 2, 3, 6, 8, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a paleontological resource or site or unique geologic feature? (Source: 1, 2, 3, 6, 8, 12, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Geology and Soils 7(a(i)) – Less Than Significant Impact

Central California, including the project site, is subject to the effects of seismic activity because active faults traverse the region. Active faults are defined as those that have experienced surface displacement within Holocene time (approximately the last 11,000 years) and/or are in a state-designated Alquist-Priolo Earthquake Fault Zone.

No known active faults transect the project site. The project is not in a Fault Rupture Hazard Zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997, Fault Rupture Hazards Zones in California, or within any other area with substantial evidence of a known fault. The project would not expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the current Alquist-Priolo Earthquake Fault Zoning Map. The impact would be less than significant.

Geology and Soils 7(a(ii)) – Less Than Significant Impact

Seismic activity poses two types of potential hazards for people and structures, categorized as either primary or secondary hazards. Primary hazards include ground rupture, ground shaking, ground displacement, subsidence, and uplift from earth movement. Secondary hazards include ground failure (lurch cracking, lateral spreading, and slope failure), liquefaction, water waves (seiches), movement on nearby faults (sympathetic fault movement), dam failure, and fires.

Although no known active faults transect the project site, the project site is in a seismically active region and could experience ground shaking or strong ground motion from seismic activity associated with an earthquake along nearby faults or seismic activity in the region. The project proposes additional outdoor sales and activity use areas that may include special event gatherings, seasonal nurseries, and outdoor movie theater. Any modifications to the existing structures would be required to conform to the Seismic Requirements outlined in the California Building Code (CBC). Therefore, through compliance with the CBC seismic requirements, the risk of the exposure of people or structures to potential adverse effects from strong seismic ground shaking would be minimized. The impact would be less than significant.

Geology and Soils 7(a(iii)) – Less Than Significant Impact

Liquefaction is the phenomenon whereby soils lose shear strength and exhibit fluid-like flow movement. Loose granular soils are most susceptible to these effects, with liquefaction generally restricted to saturated or near-saturated soils at depths of less than 50 feet. Liquefaction normally occurs in soils such as sand in which the strength is purely friction. However, liquefaction has occurred in soils other than clean sand. Liquefaction occurs under vibratory conditions such as those induced by a seismic event.

The project site is in an area designated as high potential for liquefaction. Any modifications to the existing structures must conform to the seismic requirements as outlined in the CBC which includes foundation and structure designs that address geotechnical (including liquefaction) hazards. Therefore, compliance with the CBC would ensure that the project would not result in a potentially significant impact from the exposure of people or structures to potential adverse effects

from seismic-related ground failure, including liquefaction. Therefore, the impact would be less than significant.

Geology and Soils 7(a)(iv) – Less Than Significant Impact

Non-seismically induced landslides can be caused by water from rainfall, septic systems, landscaping, or other origins that saturate slopes. The project site is generally flat and is in a low landslide susceptibility area.

The project would require grading to maintain positive drainage in areas proposed for paving or to received slurry seal and base rock refreshing. New minimal grading activities would be limited to grading required for the new asphalt concrete area at the main entrance off Harry Ellingwood Road. Because the project would not be in an identified landslide susceptibility area, and the geologic environment has a low probability to become unstable, there would be minimal risk of exposing people or structures to potential adverse effects from landslides. The impact would be less than significant.

Geology and Soils 7(b) – Less Than Significant Impact

Soil erosion may result during construction of the project because grading and construction can loosen surface soils and make soils susceptible to the effects of wind and water movement across the surface.

The project site is in an area of low erosion potential (Source 3). The project proposes a minimal amount of grading for the expansion of the operations. The potential for increased erosion during construction would be minimized by compliance with local, state, and federal regulations or laws that serve to reduce impacts related to hydrology and water quality. This includes compliance with the Monterey County Grading and Erosion Control Ordinance, Construction General Permit, and Stormwater Pollution Prevention Plan, which would identify best management practices. Adherence to applicable requirements and implementation of the required best management practices would minimize the loss of topsoil during project construction. Therefore, the impact would be less than significant.

Geology and Soils 7(c) – Less Than Significant Impact

See responses in Sections VI(7)(a)(iii), VI(7)(a)(iv), and VI(7)(d).

Geology and Soils 7(d) – Less Than Significant Impact

Certain types of clay soils expand when they are saturated and shrink when dried. These are called expansive soils and can pose a threat to the integrity of structures built on them without proper engineering. Expansive soils are derived primarily from weathering of feldspar minerals and volcanic ash. The expansion and contraction of the soil varies with the soil moisture content (wet or dry) and can be aggravated by the way a property is maintained or irrigated. Human activities can increase the moisture content of the soils and the threat of expansive soil damage.

According to the Soil Survey, the soils on site are identified as Placentia Sandy Loam (0–2 percent slope), Placentia Sandy Loam (15–30 percent slope), and Salina Loam (0–2 percent slope). The geologic risks associated with the project would be no greater than those currently existing on site. Therefore, the impact would be less than significant.

Geology and Soils 7(e) – Less Than Significant Impact

The project site is currently served by an on-site wastewater treatment system. No additional modifications to the system are not necessary. Therefore, the impact would be less than significant.

Geology and Soils 7(f) – Less Than Significant Impact

The project would require grading to maintain positive drainage in areas proposed for paving or to received slurry seal and base rock refreshing. New grading activities would be limited to grading required for the new asphalt concrete area at the main entrance off Harry Ellingwood Road. Ground-disturbing construction activities would not exceed 10 feet in depth and are not anticipated to impact fossil resources. The impact to paleontological resources would be less than significant.

8. GREENHOUSE GAS EMISSIONS		Less Than Significant		Less Than Significant	
Would the project:	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1, 2, 3, 5, 17, 23, 34)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1, 2, 3, 5, 17, 23, 34)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Discussion/Conclusion/Mitigation:

In accordance with Section 15183.5(b) of the CEQA Guidelines, a plan for the reduction of greenhouse gas (GHG) may be used to analyze whether a project would result in significant GHG emissions provided that the plan includes specific elements. Plans that meet the listed requirements are referred to as Qualified GHG Reduction Plans. Plans are required to include an emissions inventory, establish baselines below which GHG emissions would not be cumulatively considerable, estimate future GHG emissions in the covered geographic area, specify measures to meet emissions reduction targets, establish a mechanism to monitor plan progress, and be adopted following environmental review. The County is currently preparing a 2030 Community Climate Action Plan but no plan has been adopted.

The state, MBARD, and County have not adopted GHG emissions thresholds. The California Air Resources Board 2017 Scoping Plan, which provides a framework for reducing GHG emissions to 40 percent below 1990 levels by 2030, does not provide specific guidance to local jurisdictions for determining the amount of emission reductions to be achieved from land use projects. Instead, it recommends that local governments adopt policies and locally appropriate thresholds consistent with the statewide goal (Source 23). Additionally, a Draft 2022 Scoping Plan has been made available for public review but has not been adopted. The Draft 2022 Scoping Plan update assesses progress toward the statutory 2030 target and identifies a path to achieving carbon neutrality by 2045 (Source 17).

The potential for the project to generate GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHG was assessed by examining the project’s consistency with the GHG goals and reduction measures detailed in California Air Resources Board’s adopted 2017 Scoping Plan and Draft 2022 Scoping Plan. A project would not have a significant GHG impact if it is consistent with applicable plans, policies, and regulations to reduce GHG emissions.

Greenhouse Gas Emissions 8(a) and 8(b) – Less Than Significant With Mitigation

Incorporated

Construction

Construction of the project would be limited to clearing approximately 3,300 square feet for asphalts and storm drainage patterns. GHG emissions would be associated with the construction phases of the project through use of heavy equipment, truck trips, and vehicle trips by the construction crew commuting to the project site. GHG emissions related to the construction of the project would be temporary. Construction emissions were calculated using CalEEMod with assumptions consistent with the air quality analysis described in Section VI(3). Estimated construction emissions amortized over a 30-year period are provided by phase in Table 2.

Table 2. Estimated Construction Emissions

Construction Phase	CO₂e Emissions (metric tons)
Demolition	23
Site Preparation	1.6
Grading	3.9
Paving	6.6
Total Construction Emissions	35.1
<i>Amortized Construction Emissions</i>	<i>1.17</i>

Source: 25.

Notes: CO₂e = carbon dioxide equivalent

Operation

Table 3 summarizes the estimated annual emissions from operation of the project calculated using CalEEMod with assumptions consistent with the air quality analysis in Section VI(3). These include GHG emissions associated with mobile sources, purchased electricity, water consumption (energy embodied in potable water), solid waste management (including transport and landfill gas generation), and area sources (landscape equipment). Maximum daily criteria pollutant emissions were based on the maximum daily increase in vehicle trips anticipated for the project. Assuming the maximum daily increase in vehicle emissions, every day of the year would be overly conservative for annual GHG emissions. Therefore, operational vehicle emissions were derived by multiplying the daily maximum GHG emissions by 104 flea market days to get a more accurate estimate of operational emissions from the project. As previously described (Section VI(3)), the estimated net increase in flea market trips is conservative and, therefore, assumed to account for vehicle trips from additional sporadic events that could occur. Additionally, the calculation assumes no holidays or other market closures to account for other increment increases in trips. Default modeling assumptions were used for all other sources of GHG emissions. As shown in Table 3, the total CO₂e emissions from the project would be approximately 473 metric tons of CO₂e (MT CO₂e).

Table 3. Estimated Annual Operational Emissions

Emissions Source	CO₂e Emissions (metric tons)
Mobile Sources	447.5
Area Sources	<0.01
Energy	1.2
Solid Waste	18.2
Water Use	5.3
Total Operation	472.2
<i>Amortized Construction Emissions</i>	<i>1.17</i>
Total Annual Emissions (net increase)	473.4

Source: 25.

Notes: CO₂e = carbon dioxide equivalent

As shown above in Table 3, the project would result in a net increase in GHG emissions above existing conditions. For comparison, in 2020, counties in the Association of Monterey Bay Area Governments region, including Monterey County, emitted 4,749,617 MT CO₂e of GHGs (Source 18). In 2019, Monterey County emissions were approximately 1,101,405 MT CO₂e (Source 19). The project’s estimated operational emissions would be approximately 0.01 percent of the annual regional GHG emissions and 0.04 percent of annual County emissions. Nonetheless, the project would need to show a good faith effort in demonstrating consistency with the goals and measures of the Draft 2022 Scoping Plan. Therefore, with implementation of Mitigation Measure GHG-1, the impact would be less than significant.

GHG-1 – Scoping Plan Consistency: 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 parking spaces shall be electric vehicle charging station capable, consistent with 2019 California Green Building Standards Code Tier 2 requirements.
- 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 CO₂e). 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.
- As part of all 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 for corporate events. Documentation shall be provided to County HCD for review as part of special event questionnaire.

Mitigation Monitoring Actions for Mitigation Measure GHG-1:

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 CO₂e), 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.

9. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 2, 3, 8, 9, 10, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 2, 3, 8, 9, 10, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9. HAZARDS AND HAZARDOUS MATERIALS			Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:	Potentially Significant Impact				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 2, 3, 8, 9, 10, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 1, 2, 3, 8, 9, 10, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (Source: 1, 2, 3, 8, 9, 10, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1, 2, 3, 8, 9, 10, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Source: 1, 2, 3, 8, 9, 10, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Hazards and Hazardous Materials 9(a, b) – Less Than Significant Impact

Operation of the expanded uses may involve use of potentially hazardous materials typical of commercial and retail uses, including cleaning fluids, detergents, solvents, adhesives, sealers, paints, fuels/lubricants, and fertilizers and/or pesticides for landscaping. These materials would be contained, stored, and used on site in accordance with manufacturers’ instructions, applicable standards, and federal, state, and local regulations. However, construction equipment that would be used during construction has the potential to release oils, greases, solvents, and other finishing materials through accidental spills. Spill or upset of these materials could have the potential to impact surrounding land uses; however, federal, state, and local controls have been enacted to reduce the effects of such potential hazardous materials spills. Compliance with these requirements is mandatory as standard permitting conditions and would minimize the potential for the accidental release or upset of hazardous materials, thus ensuring public safety (Title 10, section 10.65.050). Compliance with applicable regulations would serve to protect against a significant and irreversible environmental change that could result from the accidental release of hazardous materials. Therefore, construction and operation-related activities would not result in a significant hazard to the public from the use of or accidental release of hazardous materials into the environment. The impact would be less than significant.

Hazards and Hazardous Materials 9(c) – No Impact

No existing or proposed schools are within one-quarter mile of the project site. The closest school from the project site is Aromas School, approximately 2.52 miles northwest of the project site. Therefore, no impact would occur.

Hazards and Hazardous Materials 9(d) – No Impact

The project site is not on or within 1 mile of a hazardous materials site pursuant to California Government Code, Section 65962.6 (Source 20). Therefore, no impact would occur.

Hazards and Hazardous Materials 9(e) – No Impact

The closest airport to the project site is the Watsonville Municipal Airport, which is approximately 10.53 miles northwest of the project site. The property is not in the Airport Influence Area and is sufficiently distanced from it so that it would not affect the safe operation of the airport, and the project would not be affected by noise created through airport operations. Therefore, no impact would occur.

Hazards and Hazardous Materials 9(f) – Less Than Significant Impact

The project would not include construction of new structures. Roadways designated as evacuation routes would not be modified by the project. Further, as described in Section IV.A, no population growth would occur as part of the project because no new residences are proposed that would require modifications to existing Emergency Response or Evacuation Plans. Therefore, the project would not interfere with Emergency Response or Emergency Evacuation Plans. The project site would comply with the Monterey County Code and Fire Department standards for emergency vehicle access. Furthermore, the project would be consistent with the Monterey County 2014 Emergency Operations Plan and reviewed by the Aromas Tri-County Fire Department for consistency. Therefore, the impact would be less than significant.

Hazards and Hazardous Materials 9(g) – Less Than Significant Impact

According to the California Department of Forestry and Fire Protection, the project site is within a High Fire Hazard Severity Zone in the State Responsibility Area. The project is applicable to Monterey County Code, Chapter 18.56, Wildfire Protection Standards in State Responsibility Areas, because the project does not include the blockage of emergency access for wildfire emergencies. To comply with Board of Supervisors Condition 6 and to be able to use the Red Barn building, the project would install a new fire sprinkler system in the Red Barn building (as described in Section II.A). The project would not expose people or structures to a significant risk of loss, injury, or death involving hazardous wildland fires. Therefore, the impact would be less than significant.

10. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (Source: 1, 2, 3, 6, 31, 32)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Source: 1, 2, 3, 6, 31, 32)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

As discussed in Section III, there is not a Groundwater Sustainability Plan (GSP) that includes the subject parcel. It is within the Granite Ridge subbasin, which is the Pajaro-Corralitos groundwater basin. Granite Ridge is recognized by Bulletin 118 (2018) as within the Pajaro Valley Groundwater Subbasin, a critically over-drafted subbasin, but not within the jurisdiction of the Pajaro Valley GSP (illustrated in Figure 4). 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 (Source: 31, 32).

The project would not include the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, or natural gas or telecommunication facilities or require water services from a water district. The project would rely completely on the onsite well

for water and an onsite existing wastewater system with augmentation to accommodate two new restrooms and landscaping.

Hydrology and Water Quality 10(a) – Less Than Significant Impact

The project would not include construction of new structures. However, the project includes new paving that would result in new impervious surface (approximately 18,137 sf). The project includes grading to maintain current/positive surface storm water drainage patterns. The potential for increased runoff would be minimal. Stormwater would continue to surface flow to existing drainage facilities and infiltrate to surrounding unpaved areas and would not degrade surface water or groundwater quality.

Pollutants of concern during construction and operation of the project include suspended solids/sediments, nutrients, pesticides, heavy metals, oil and grease, toxic organic compounds, and trash and debris. A Stormwater Pollution Prevention Plan shall be prepared in accordance with State Water Resources Control Board’s Water Quality Order 97-03DWQ, National Pollutant Discharge Elimination System General Permit No. CAS000001, Waste Discharger Identification No. 3 271022035, Waste Discharge Requirements for Discharges of Stormwater. The Stormwater Pollution Prevention Plan shall identify and evaluate the sources of pollutants associated with the commercial activities of the site and shall address the applicable Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region. Compliance with the National Pollutant Discharge Elimination System General Permit would minimize the potential violation of water quality standards. Therefore, the impact would be less than significant.

Hydrology and Water Quality 10(b) – Less Than Significant Impact with Mitigation

Water supply for the project site is provided by groundwater via a private well. The project site is currently developed with paved surface and structures. Historically permitted water uses are reflected by Planning Commission 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. Well usage data was not available for analysis. Wastewater is largely a byproduct of water consumption, and the wastewater production is known. Extrapolating the volume of water as 50% 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).

The current project proposes adding 88 vendor spaces which is not a water intensive use because vendor spaces are not equipped with water. As described in Section VI(10)(c), it is anticipated that the project would result in minimal increase in impervious surfaces as a result of project implementation. However, vendors and visitor collectively will use the bathrooms and handwashing stations. The Project General Development Plan states that “the number, types and locations of vendors would fluctuate, depending on weekly demand, but in no instance would total number of vendors exceed 319 indoor and outdoor vendor spaces” and that “the owner wishes to retain right to use the flea market vending area for other days of the week” in addition to the current two days per week. As many as 9,000 guests would visit of the flea market on Saturday and Sunday, using 1 gallon per customer. Therefore, the flea market would increase wastewater production to approximately 18,000 gallons per weekend, which is extrapolated to

require 9,000 gallons of water use per weekend. Operating year-round would require 468,000 gallons of wastewater. On off days (Monday through Friday), a lower level of visitors is expected. Flea Market off day wastewater production is expected to only be 2,500 gallons per week, extrapolated to 65,000 gallons of additional water use.

The Project General Development Plan states that “approximately 10 to 20 vendors would be allowed on site to set up between Thursday through Friday in any given week.” Vendor storage in the form of 20 visits to vendor containers is therefore estimated to add 80 gallons of wastewater per week. Operating year-round, 2,080 gallons per year of wastewater would be produced which is extrapolated to water use of 1,040 gallons per year.

Of the additional proposed uses, corporate events, weddings and quinceñeras, electric carts, outdoor movies and a paintball club are associated with water use, but these uses would likely be seasonal in nature due to the rainy season, approximately four months out of the year, from November through April (average over last 23 years, Source: 33). Therefore, as shown in Table 4, these types of events are only occurring for 34 weeks of the year.

The General Development Plan only proposes permitting a maximum of 34 corporate events per year, involving up to 1,000 guests and 75 service staff. These events would use portable toilets and require 1,075 gallons per event of water use. This use would sum to 36,550 gallons of water use per year.

A maximum of 52 weddings or quinceñeras are proposed, with “average of 300 guests” and up to 15 service staff each. These events would use flush toilets and produce 5,725 gallons of wastewater, therefore they would sum at 2,862 gallons per week of water use. At sum, 97,325 gallons of water use per year.

Electric cart entertainment is projected to function one day per week between April and November (total 34 events) with up to 100 clients (1 gal/person) and 10 employees (15 gal/employee) producing wastewater. This would result in a water use of 11,050 gallons per year.

A paintball club of 100 guests and 4 employees functioning for six hours a day on Saturdays, only, during the eight months that weather is favorable is 34 events with as much as 5 gallons of wastewater produced per guest and 15 gallons per employee. Extrapolated to water use, there would be 9,520 gallons of water use per year.

Outdoor movie nights are proposed for Friday and Saturday after market hours within the eight month non-rainy season. The 68 potential events are proposed to include up to 300 cars and existing vendor booths for food and beverage service (approximately 10 vendors). Approximately 10 gallons of wastewater would be produced by car and 10 gallons per vendor. Therefore, this type of event would require use of flush toilets up to 6,150 gallons of wastewater per week, extrapolated to 104,550 gallons of water use per year.

The proposed nursery would function for 10 weeks of the year (associated with the fall/winter holiday season), open every day of the week from 10 a.m. to 8 p.m. The 70 potential nursery sales days overlap with flea market days approximately half of the time, adding a negligible number of additional attendees during the flea market hours. Approximately 50 guests and 2 employees

would generate 275 gallons of wastewater per week above the flea market, which, when extrapolated to water use is 1,375 gallons of water use per year.

All existing and proposed uses would result in an estimated total 795,450 gallons of water per year, or 2.43 AFY water. The project is within the non-jurisdictional area of the Pajaro-Corralitos groundwater basin, so 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 this assessment (Source: 30).

The most recent report on the recharge status for the Granite Ridge area was completed in 1995 (Fugro West, 1995, Source: 31). 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 listed in Chapter III of this Initial Study. However, as the latest reporting on Granite Ridge overdraft is thirty years old and 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.

Table 4. Proposed Water Demand Based on Estimated Wastewater

Description of Use/Event	Method of Wastewater Disposal	Events per Week	Weeks per year	Estimated Wastewater Value (gallons)	Wastewater Design Value (gallons)	Estimated Water Demand (50% of Wastewater Estimate)	Annual gallons water use	AFY
Weddings & Quinceaneras (300 guests + 15 employees)	Flush Toilets	2	34	15 gal/guest, 15 gal/staff and 1000 gallons for bar	5725	2862.5	97,325	0.29868
Corporate Events (up to 1000 guest, 75 employees)	Portable Toilets	1	34	0 (portable toilets)	0	1075	36,550	0.11217
Vendor Storage (20 vendor storage containers)	Flush Toilets	2	52	2 gal/vendor	80	40	2,080	0.00638
Electric Carts (100 customers + 10 employees)	Flush Toilets	1	34	5 gal/guest and 15 gal/employee	650	325	11,050	0.03391

Nursery (50 guests+ 2 employees)	Flush Toilets	5	10	(2.5 gal/customer and 15gal/employee)	275	137.5	1,375	0.00422
Outdoor Movies (300 cars + 10 employees)	Flush Toilets	2	34	10 gal/space and 15 gal/employee	6150	3075	104,550	0.32085
Paintball Club (100 guests + 4 employees)	Flush Toilets	1	34	5gal/guest and 15 gal/employee	560	280	9,520	0.02922
Flea Market (9,000 guests and vendors)	Flush & Portable	2	52	1 gal/customer/day	18000	9000	468,000	1.43624
Flea Market off day (500 guests)	Flush & Portable	5	52	1 gal/customer/day	2500	1250	65,000	0.19948
TOTAL								2.44 AFY

Current water consumption at the Red Barn site is 0.478 AFY, based on the existing office uses and flea market portable toilet handwashing stations. The total water use for the proposed Project is 2.44 AFY.

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 GDP.

Mitigation Measure HYD-2: Low-flow Water Fixtures

The project shall utilize low-flow fixtures in all areas of the development.

Lastly, the project will reduce water consumption onsite by adhering with Condition of Approval No. 12 is Landscaping Plan -- North County. The owner/Applicant shall landscape with drought-tolerant plants and trees in conformance with the North County Landscaping Guide.

Hydrology and Water Quality 10(c) – Less Than Significant Impact

The project would not include construction of new structures or substantial new impervious surfaces. The potential for increased runoff or altering existing drainage patterns would be minimal. Minor grading is proposed to allow for positive drainage. The project would not create or contribute runoff water that would exceed the capacity of the existing stormwater drainage system or provide substantial additional sources of polluted runoff because the project proposes uses consistent with the existing site, and no buildings or structures are proposed. Therefore, the impact would be less than significant.

Hydrology and Water Quality 10(d) – Less Than Significant Impact

Tsunamis and seiches, or seismic waves, are generated from undersea or underground movement. The project site is approximately 14 miles from the Pacific Ocean (Monterey Bay) and is not in a tsunami inundation area. The project site is approximately 4 miles from Anzar Lake and, thus, would not be subject to a seiche event. The majority of the project site is not in a special flood hazard area. The very southern portion of the project site 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. Therefore, implementation of the project would not result in the risk release of pollutants due to project inundation from tsunami, seiches, or flooding. Therefore, the impact would be less than significant.

Hydrology and Water Quality 10(e) – Less Than Significant Impact

As described in Section VI(10)(a), it is possible that project operation could generate pollutants that could degrade the surface water quality of downstream receiving waters. The Basin Plan stormwater program objectives include identification and elimination of pollutant contact with stormwater by implementation of best management practices. Garbage cans would continue to be throughout the property that are emptied and placed in a 30-yard container on site for regular removal. In addition, compliance with the National Pollutant Discharge Elimination System-required Stormwater Pollution Prevention Plan would reduce the risk of water degradation and other pollutants related to construction and operational activities. Therefore, the project would comply with the objectives in the Basin Plan.

Conclusion:

With implementation of Mitigation Measures HYD-1 and HYD-2, the project would have a less than significant impact on Hydrology and Water Quality.

11. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source: 1, 2, 3, 4, 6, 7, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 2, 3, 4, 6, 7, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.

12. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 2, 3, 4, 6, 7, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1, 2, 3, 4, 6, 7, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.

13. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2, 14, 15, 16)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels? (Source: 17)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 11, 13, 15, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Noise 13(a) – Less Than Significant With Mitigation Incorporated

The proposed Use Permit would have the potential to result in noise from short-term construction activity and long-term increases in activity on the Red Barn site. Construction and operation are addressed separately below.

Construction

Construction would consist primarily of grading for drainage facilities and grading and paving for an expanded parking lot. Typical construction equipment would be required. Sound levels from typical construction equipment range from 76 to 85 A-weighted decibels (dBA) equivalent continuous sound level (Leq) at 50 feet from the source (Source: 16). All construction will occur

during daytime hours. Therefore, construction would comply with Monterey County Code, Chapter 10.60, Noise Control, which prohibits operation of machinery that produces a noise level that exceeds 85 dBA measured at 50 feet. Therefore, the project would not generate a substantial temporary increase in noise levels in the project vicinity. The impact would be less than significant.

Operation

Implementation of the proposed Use Permit would have the potential to result in an increase in long-term operational noise from increased activity on the project site. The incremental increase in noise from additional vendors, storage space, and nursery operation would be similar to existing conditions and consist primarily of normal conversation. However, increased activity would also result in an increase in vehicle trips to the project site and new stationary noise sources, including events (e.g., weddings, quinceañeras), electric carts, vending associated with outdoor movies, and paintball. These potential noise sources are addressed below.

As described in the Supplemental Report for Environmental Analysis (Sundt, Matthew, June, 2022, Source 25), the increase in vendor space could result in approximately 2,252 additional vehicle trips during market operation. This estimate is likely conservative because the flea market is currently a regional destination, and the trip estimate does not account for the likelihood that additional vendor space would provide new shopping opportunities for existing local customers rather than generate new customers outside the region (Source: 25). The additional proposed uses could generate between 274 (weddings) and 870 daily trips (corporate events) during operation. In 2020, Highway 101 experienced 41,500 annual average daily traffic trips in the project area (Source 21). Based on standard modeling equations from the Federal Highway Administration, the addition of 2,252 daily vehicle trips would result in a less than 1 dBA increase in vehicle noise on Highway 101. Therefore, the project would not result in a discernable increase in vehicle noise in the project vicinity, and the traffic noise impact would be less than significant.

New activities on the project site would be subject to Sections 10.60.030 and 10.60.040 of the Monterey County Noise Ordinance. Section 10.60.030 prohibits the operation of any device that generates at noise level in excess of 85 dBA at 50 feet at any time of day. Section 10.60.040 prohibits unreasonable sound levels between 9:00 p.m. and 7:00 a.m., defined as an hourly average sound level of 45 dBA Leq or above at 50 feet, or a maximum sound level of 65 dBA at 50 feet. Outdoor gatherings and events are exempt from the sound limits expressed in Section 10.60.040, provided that the event complies with applicable permitting requirements.

Corporate and social events at the Red Barn building and adjacent ground would have the potential to result in amplified noise and crowd from up to 1,000 guests. Crowd noise would typically consist of normal conversation levels, similar to existing noise from the flea market, with intermittent increases in noise from cheering or other exclamations. However, noise from outside the Red Barn would be limited to the hours of 10:00 a.m. to 9:00 p.m. Therefore, events would not add noise impacts during sensitive nighttime hours. Additionally, amplified noise equipment would be subject to Section 10.60.030 of the Monterey County Noise Ordinance and could not generate noise levels in excess of 85 dBA at 50 feet. The nearest sensitive receptor, a residence, is approximately 500 feet away from the Red Barn building. There have been noise complaints about the Red Barn's current uses. The number of noise complaints may increase if the Red Barn also hosts events with excessive low frequency bass music noise levels and/or increased noise levels into the evening. Therefore, as mitigation the owner/Applicant shall be required to submit a Noise Management Plan

with evaluation of potential event noise and recommended modifications which would guarantee that there is in a significant permanent increase in noise levels compared to existing conditions (Mitigation Measure N-1).

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 County Housing and Community Development 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.

The paved lot south of the Red Barn building is proposed to be used for electric carts weekly on Saturdays from 10:00 a.m. to 4:00 p.m. Measurements of racing events with 15 combustion-powered go-carts resulted in noise levels of 72 dBA at 150 feet, or 82 dBA at 50 feet (Source 13). However, electric carts are generally quieter than similar combustion engine carts. Tests of electric carts for professional racing use measured a noise level of 80.3 dBA at approximately 16 feet, or 70 dBA at 50 feet (Source 14). Therefore, electric cart operation would not exceed the 85 dBA sound level limit in the Monterey County Noise Ordinance. Additionally, hours would be limited to mid-day on Saturdays outside sensitive nighttime hours. Therefore, operation of electric carts would not result in a significant permanent increase in noise levels compared to existing conditions.

Outdoor movies on Friday and/or Saturday nights would have the potential to operate until 11:00 p.m. However, movies would not use a broadcast speaker system but rather use sound provided within individual automobiles. As such, movie showings are not anticipated to result in noise levels in excess of an hourly average of 45 dBA during nighttime hours at nearby sensitive receptors. Therefore, outdoor movies would not result in a significant permanent increase in noise levels compared to existing conditions.

The permit amendment would allow the periodic use of the upper terrace for paintball activity. Paintball games would result in periodic noise exposure from yelling or paintball guns firing. Modeling for a proposed permanent paintball facility predicted average hourly noise levels of 25.4 dBA at 1,300 feet, or 54 dBA at 50 feet, based on 62 active players (Source 15). Maximum noise levels were modeled to be approximately 74 dBA at 50 feet. As such, paintball games would not be expected to result in noise levels in excess of 85 dBA at 50 feet from activity. However, hours of operation have not yet been established for paintball activities. Mitigation Measure N-2 would limit paintball activity to daytime hours. With implementation of Mitigation Measures N-1 and N-2, the paintball activity would not result in a significant permanent increase in noise levels compared to existing conditions. The impact would be less than significant with mitigation incorporated.

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.

Noise 13(b) – Less Than Significant Impact

Land uses in which groundborne vibration could potentially interfere with operations or equipment, such as research, manufacturing, hospitals, and university research operations, are considered vibration-sensitive. No vibration-sensitive land uses on the project site.

The main concern associated with the potential project would be groundborne vibration that results in individual residential annoyance. The Federal Transit Administration (FTA) has published vibration impact criteria to determine whether vibration would result in an annoyance to residents. Construction vibration is subject to the FTA’s infrequent event criteria because operation of vibration-generating equipment is anticipated to be intermittent throughout the day within the vicinity of an individual receptor. Residences fall into FTA Land Use Category 2, which is a receptor where people normally sleep. The FTA identifies 80 vibration decibels (VdB) as the generation level from infrequent events that would potentially disturb residents.

Representative typical vibration levels for construction equipment required for the project are provided in Table 5. As shown in Table 5, vibration levels from all construction equipment would be reduced to a maximum 80 VdB beyond 45 feet from the construction area. Limited construction would be required for the project, and existing residences are set back from the project property line by 45 feet or more. Therefore, exposure to groundborne vibration to individual residents within the project area throughout project implementation would be less than significant.

Table 5. Vibration Source Levels for Construction Equipment

Construction Equipment	Approximate VdB at 25 Feet	Approximate VdB at 45 Feet¹
Large Bulldozer	87	79
Loaded Trucks	86	78
Small Bulldozer	58	49
Source: Source 16.		
Notes:		
¹ Based on the formula $VdB = VdB(25\text{ feet}) - 30\log(d/25)$ provided by the FTA (Source 16).		

Noise 13(c) – No Impact

The project site is more than 10 miles from the nearest airport (Watsonville Municipal Airport). The project site is not within the 65 dBA CNEL noise contour for any airport. Additionally, operation of the project would have no impact on existing flight operations. Therefore, no impact would occur.

Conclusion:

With implementation of Mitigation Measures N-1 and N-2, the project would have a less than significant impact on noise.

14. POPULATION AND HOUSING		Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:	Potentially Significant Impact			
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.

15. PUBLIC SERVICES		Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:	Potentially Significant Impact			
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: 1, 2, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.

16. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.

17. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (Source: 2, 3, 6, 25, 26, 27, 28)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? (Source: 28)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 6, 25, 26, 27, 28)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access? (Source: 1, 6, 8, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

The project would allow for the expansion of 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 (Figure 3, Site Plan). This would allow 86 total vendor spaces in the new outdoor retail sales area. The total number of vendors would not exceed a maximum of 319 indoor and outdoor vendor spaces. The project site is accessed from Harry Ellingwood Road, a dedicated divided 2 lane collector with a capacity of approximately 12,000 Average Daily Traffic (ADT) freeway interchange (San Juan Road) for both northbound and southbound traffic from Highway 101. The existing frontage road, Harry Ellingwood Road, allows Red Barn patrons and vendors to safely

enter the site. The Harry Ellingwood Road is also the primary access to private residences to Ballantree Lane and Marilyn Lane to the north and south of the project main gate, respectively. Harry Ellingwood Road is classified as a divided 2-Lane collector Roadway (Source: 2). The roadway currently provides one travel lane in each direction with a striped left-turn lane and the posted speed limit is 30 MPH. Bike lanes are provided, and street parking is prohibited.

Transportation/Traffic 17(a) – Less Than Significant Impact

As designed, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. 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 amendment will generate an additional 2,252 trips (in & out) with the expanded outdoor area and would increase traffic to a lesser extent on other days of the week. 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. Because currently there are about 12 residential homes on both Ballantree and Marilyn Lane that use the frontage road for access the traffic Engineer recommends installing “Keep Clear” pavement markings adjacent to the main entrance. HCD-Engineering Services reviewed the trip generation and traffic assessment(s) with Public Works, no objections were received, and no additional analysis was requested.

Transportation/Traffic 17(b) – Less Than Significant Impact

Pursuant to Senate Bill (SB) 743, the California Environmental Quality Act (CEQA) 2019 Update Guidelines Section 15064.3, subdivision (b) states that VMT will be the metric in analyzing transportation impacts for land use projects for CEQA purposes. Hexagon Transportation Consultants has completed a Vehicle Miles Traveled (VMT) assessment for the proposed expansion of the Red Barn Flea Market. The Technical Advisory on Evaluating Transportation Impacts in CEQA published by the Governor’s Office of Planning and Research (OPR) in December 2018 provides recommendations regarding VMT evaluation methodology, significance thresholds, and screening thresholds for land use projects. The OPR recommendations include the screening thresholds criteria listed below.

- OPR recommends that office or residential projects not exceeding a level of 15 percent below existing VMT per capita and employee may indicate a less-than-significant impact on VMT.
- OPR recommends that projects (including office, residential, retail, and mixed-use developments) proposed within ½ mile of an existing major transit stop or within ¼ mile of an

existing stop along a high-quality transit corridor may be presumed to have a less-than significant impact on VMT.

- OPR recommends that 100 percent affordable residential development in infill locations be presumed to have a less-than-significant impact on VMT.
- OPR recommends that projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant impact on VMT.
- OPR recommends that local-serving retail developments (considered to be less than 50,000 square feet in size) may be assumed to cause a less-than-significant impact on VMT.

However, the OPR screening criteria are not directly applicable to the proposed uses of the Red Barn site. Therefore, the proposed project will be converted to an equivalent amount of retail/commercial use for the purpose of the VMT assessment.

The estimated trip generation for the proposed project site by event days and the conversion to an average daily trip day during a typical five weekday week results in 679 Daily Average trips per day. The project characteristics are most similar to local-serving retail uses since both land uses attract patrons/attendees and resulting vehicle trips from the areas surrounding the project. The estimated average daily trips for the proposed project uses were compared to average daily trip rates for a strip retail plaza (Land Use 822, Trip Rate 54.45). The equivalent trip generation for 50,000 square feet of local serving-retail would be 2,722 daily trips. The project average weekday trip generation is approximately 679 daily trips. The results of the land use conversion, indicate that the proposed project would generate daily trips equivalent to that of an approximately 12,500 square feet strip retail plaza therefore the project can be screened out of detailed VMT analysis.

This aligns in concept with the VMT assessment methodologies which assume that people will travel to retail or recreational destinations from their home or work based trips. Adding retail and recreational uses can provide more options for patrons who would otherwise travel further to fulfill their needs.

Transportation/Traffic 17(c) – No Impact

The project site is accessed from a dedicated freeway interchange for both northbound and southbound traffic from Highway 101. The southbound freeway entrance also regulates vehicular entry onto the freeway through traffic signaling at congested hours of operation. Harry Ellingwood Road would not require redesign to accommodate the traffic related to the Project. The project would not alter traffic patterns, roadway design, place incompatible uses (e.g., farm equipment) on existing roadways, or create or place curves, slopes, or walls which impedes adequate site distance on a road. Therefore, no impact would occur.

Transportation/Traffic 17(d) – Less Than Significant Impact

The project site is accessed from a dedicated freeway interchange for both northbound and southbound traffic from Highway 101. The southbound freeway entrance also regulates vehicular entry onto the freeway through traffic signaling at congested hours of operation. An existing frontage road allows Red Barn patrons to enter the site from a service road that was designed to Monterey County standards and complies with applicable codes and ordinances for emergency vehicle access. Therefore, the project would not result in inadequate emergency access, and the impact would be less than significant.

18. TRIBAL CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (Source: 1, 2, 3, 6, 24, 29)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

Due to the project site’s location in or near known and recorded archaeological/prehistoric resource sites, and because the project includes excavation and grading there is a potential for human remains or tribal cultural artifacts to be accidentally discovered. Pursuant to Public Resources Code Section 21080.3.1, Monterey County HCD-Planning held consultation with local Native Americans on September 15, 2023. The Ohlone Costanoan Esselen Nation requested tribal consultation and a Native American monitor be present to observe all excavation activities associated with development of the site and to provide cultural resources training for crew members. The Tribal Representative is concerned because the project site is located within the homelands of aboriginal people. The Preliminary Archaeological Reconnaissance by Doane and Haversat reported the known tribal cultural resource CA-MNT-1366 is within one kilometer of the Red Barn property (Source 24).

Tribal Cultural Resources 18 (a(ii)) – Less Than Significant Impact

As discussed in Section IV.5, although the Red Barn is in a local register of historical resources as defined in Public Resources Code section 5020.1(k), the proposed use will not alter the building structure.

Tribal Cultural Resources 18 (a(ii)) – Less Than Significant With Mitigation Incorporated

There are known archaeological resources in the vicinity and there is a potential for impacts to subsurface resources at the site. Impacts to archaeological resources or human burials are a cultural

concern for local tribal representatives. Implementation of the mitigation measure described below would ensure that, if artifacts or human remains are discovered, these resources are treated with appropriate dignity and respect. Implementation of the following mitigation measure would reduce impacts to Tribal Cultural Resources to a less than significant level.

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 C-1 and 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.

Mitigation Monitoring Actions TCR-1:

- a. Prior to issuance of construction permits for grading, the owner/applicant shall include a note on the plans encompassing the language contained in Mitigation Measure C-1, 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.

Conclusion:

With implementation of Mitigation Measures C-1 and TCR-1, the project would have a less than significant impact on Tribal Cultural Resources.

19. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Utilities and Service Systems 18 (a, b and c) – Less Than Significant Impact

As discussed in Section IV.10, the project site is developed with onsite well as water source and a wastewater system that will require expansion. HCD-Environmental Services and Environmental Health Bureau – Land Use review projects during application submittal review to ensure that they will comply with the Basin Plan, adding design requirements and conditions of approval as needed. The project is proposing to construct two new restroom facilities with flush toilets. Currently, five flush toilets and 46 52 portable toilets with 15 portable double handwashing sinks are on the property. Wastewater treatment facilities must be improved to serve the existing and proposed uses at the site. Wastewater treatment improvements are required to meet state and local standards for sizing and disposal of wastewater. EHB has incorporated Zoning Administrator Resolution No. 19-018 Condition 6 (PLN170974) into this permit as Condition of Approval No. 9 and restricts any new use until the two new restrooms with flush toilets are operational. Erosion control during site preparation and permanent drainage improvements are also required and must be consistent with local and state regulations (Condition of Approval No. 5). Water quality for the site has been tested and water treatment has been installed to address water quality standards. The project would not significantly impact water quality as the permit for new restrooms and a new wastewater treatment system was approved by the Monterey County Zoning Administrator in May 2019.

20. WILDFIRE If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan? (Source: 1, 2, 3, 6, 8, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (Source: 1, 2, 3, 6, 8, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (Source: 1, 2, 3, 6, 8, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (Source: 1, 2, 3, 6, 8, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 2, 3, 6, 7, 24, 29)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: 1, 2, 3, 6, 7, 24, 28) (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 2, 3, 6, 7, 24, 28)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 2, 3, 6, 7, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Mandatory Findings of Significance VII(a) – Less than Significant with Mitigation Incorporated

With the incorporation of mitigation measures, the project would not have the potential to degrade the quality of the environment, reduce the habitat of any sensitive plant or wildlife species, or eliminate important examples of California history or prehistory.

As discussed in Section VI(5), Cultural Resources, it was determined that the project could have a potentially significant impact on archaeological resources. Implementation of Mitigation Measures C-1 would reduce impacts to a less than significant level. Section VI(18), Tribal Cultural Resources, determined that the project could have a potentially significant impact on tribal cultural resources. Implementation of Mitigation Measures C-1 and TRC-1 would reduce impacts to a less than significant level.

Mandatory Findings of Significance VII(b) – Less Than Significant Impact

Implementation of the project would not result in individually limited or cumulatively considerable significant impacts. All resource topics associated with the project have been analyzed in accordance with CEQA and the CEQA Guidelines and were found to pose no impacts, less than significant impacts, or less than significant impacts with mitigation. In addition, taken in sum with other projects in the area, the scale of the project is small, and impacts to any environmental resource or issue areas would not be cumulatively considerable. Therefore, impacts would be less than significant.

Mandatory Findings of Significance VII(c) – Less than Significant with Mitigation Incorporated

The project would not have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly. The project could result in substantial increase in permanent noise levels, which could directly impact human beings. However, Mitigation Measure N-1 and N-2 (Noise Management Plan, Allowable Hours for Paintball Activity) would reduce impacts to a less than significant level. Therefore, the project would not result in any environmental effects that would cause substantial adverse effects on human beings directly or indirectly.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

VIII. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the California Department of Fish and Wildlife. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the California Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the California Department of Fish and Wildlife. A No Effect Determination form may be obtained by contacting the Department by telephone at (916) 653-4875 or through the Department’s website at www.wildlife.ca.gov.

Conclusion: The project **will be** required to pay the fee.

Evidence: Based on the record as a whole as embodied in the HCD-Planning files pertaining to PLN140602 and the attached Initial Study / Proposed Mitigated Negative Declaration.

IX. SOURCES

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