

Exhibit A

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DISCUSSION:

Project History

On April 14, 1977, the Zoning Administrator approved ZA-3117 (**Exhibit F**), which renewed and consolidated previous Use Permits ZA-1047 and ZA-2449 on the Red Barn property for indoor and outdoor retail sales of new and used merchandise, beer bar, snack food bar, and wine tasting and sales. The site plan identified the area allowed for retail sales with a dashed line. The area included the Red Barn structure and extended to the south and west to encompass a section of the parking lot. The total area was approximately 157,050 square feet.

In 1979, the Zoning Administrator approved ZA-3629 (**Exhibit G**), which allowed a 17-acre parking lot northeast of the Red Barn to provide 950 parking spaces. The parking area was delineated on an attached site plan.

In 2010, the Monterey County Board of Supervisors passed Resolution No. 10-037 to deny an appeal of the Planning Commission's determination that the Red Barn operations were in violation of previously approved Use Permits, establish the uses allowed on the Red Barn property, modify the conditions of approval for previously approved Use Permits including ZA-3117, and to require the construction of a wastewater treatment system and flush toilet facilities (**Exhibit H**).

Following the decision in Resolution 10-037, Stagecoach Territory, Inc. filed a lawsuit against the County for takings, abuse of discretion/writ of mandate, and civil rights violation. The court dismissed the complaints. The County counter-sued for a nuisance. Following multiple hearings and attempts to correct ongoing code enforcement violations, a Judgement from Monterey County Superior court was issued on October 13, 2017. The judgement was amended in 2018. The Monterey Superior Court Case # M104908 judgement requires that Red Barn operations comply with the conditions of approval in Resolution No. 10-037 or cease operations. The present and future operations on the property are subject to the judgement. The approval of the PLN140602 Amendment to the Use Permits ZA-3117 and ZA-3629 are pursuant to the terms of the judgment that future uses require a GDP.

In 2015, the Caltrans San Juan Interchange Project resulted in the loss of 17,669 square feet of outdoor retail space. This project eliminated direct access from Highway 101 and built a frontage road to provide access to the Red Barn property and residential areas at Marilyn Lane. In 2019, the County granted a Minor and Trivial Amendment to Use Permit ZA-3117 that allowed relocation of 17,497 square feet of outdoor retail sales area on existing paved areas adjacent to the approved sales area footprint. The Minor and Trivial Amendment returned approximately 50 vendor spaces on existing paved ground with no net gain of sales area from the approved Use Permit ZA-3117 (**Exhibit I**, Zoning Administrator Resolution No. 19-018).

Project Description

The applicant requests the expansion of previously permitted uses, which were retail sales and parking within and around existing structures. They propose to expand the current outdoor vending by 34,505 square feet of retail sales area and 18,137 square feet of fire lanes/vehicle access area. This would allow 86 additional vendor spaces in the new outdoor retail sales area to the southwest

of the Red Barn. The total number of vendors would not exceed a maximum of 319 indoor 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. The Site Plan illustrates a 51,446 square foot expansion to the parking and vehicular access area permitted on the northeast side of the Red Barn. The project would provide 758 public parking and 95 vendor parking spaces, including Americans with Disability Act (ADA) accessible spaces. Proposed future uses are described in the first text-based amendment to the adopted General Development Plan (GDP, **Exhibit B**). The GDP is briefly reviewed below.

Marketplace

The existing flea market draws hundreds of visitors and dozens of vendors every week. There are food vendors and permitted alcohol sales. A snack bar is located at the premises as well. The GDP proposes that the flea market may be held any day of the week. Although previous entitlements have loosely defined the timing of retail activity, in recent history it has been a Sunday flea market. The GDP also states that other proposed uses would occur on days and at times of the week that would not conflict with the flea market and that the flea market shall operate on Sunday and occasional Saturdays. Monterey County Superior Court Case #M104908 Judgement required violations to be fully corrected in a timely manner to the satisfaction of the Monterey County Director of Building Services. Fire sprinklers were to be installed in the Red Barn prior to re-use of the space for retail activity. Fire sprinklers were installed in 2021 with construction permit no. 11CP01176. Therefore, the marketplace can operate within and without the Red Barn.

Social Events

Proposed social activities including weddings, quinceañeras, community activities, and corporate events. Given the nature of these activities, uses would likely occur on Fridays, Saturdays and Sundays. 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 involve up to 1,000 guests over the rental time frame and occur during the hours of 10:00 a.m. to 11:00 p.m. These events would also need up to 75 service staff for food and beverage service, security, maintenance, property setup, and break down.

Onsite Storage for Vendors

The proposed GDP includes 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. 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.

Electric Carts

The proposed uses would include a mini-track for electric carts. The area would be on the vendor lot south of the Red Barn building and would operate on Saturdays from 10:00 a.m. to 4:00 p.m. and attract up to 100 people. Staffing is anticipated to be five to ten employees.

Nursery

The proposed uses include 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.). 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. Staffing is anticipated to be two employees.

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. Movie night would involve a projection screen that would be set up and taken down for each movie. Sound is anticipated to be provided through Wi-Fi with “speakers” in individual automobiles or cast by Bluetooth instead of a broadcast speaker system. Existing vendor booths would be used for food and beverage service associated with a movie presentation. Attendance would range between 100-300 people. Staffing is anticipated to be ten employees. Although contemplated in the GPD, it is identified that a separate entitlement would be required prior to commencement of use.

Paintball Club

The proposed uses would include an on-site paintball club at upper terrace in the RDR Zoning District. The paintball club would provide barriers and obstacles in the field and used for “cover” during paintball games. No permanent facilities would be constructed. Staffing is anticipated to be four employees. Although contemplated in the GPD, it is identified that a separate entitlement would be required prior to commencement of use.

Opportunities and Constraints

During the course of review, staff analyzed the opportunities and constraints of the subject property. The property’s location and proximity to the Highway 101 with the recently improved interchange allow for public access for all the events and functions which are proposed. The project is consistent with 2010 General Plan (2010 GP) Circulation Policy C-1.1. 2010 GP Policies C-1.1 requires that County roads and intersections shall be Level of Service (LOS) D, except as in relation to Community Plan development. Policy C-1.2 describes how the LOS on the transportation system of County roads is to be maintained through Traffic Impact Fees and coordination with other agencies’ adopted transportation improvement programs. During project review, the applicant caused a Traffic Study to be prepared. The traffic study indicated that traffic loads can be handled by the access road and no neighborhoods are disrupted by the traffic because it flows directly onto the interchange and the highways. Caltrans traffic operations analysis indicate the Northbound Off-Ramp and San Juan / frontage road intersection would continue to operate at a LOS A or better in 2035. The Sunday flea market currently generates about 5,014 trips (in & out) for the day. The project will generate an additional 2,252 trips (in & out) with the expanded outdoor area and would increase traffic to a lesser extent 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. There is adequate parking proposed and existing to serve the expanded vending and new uses proposed in the GDP. 758 public parking and 95 vendor parking spaces are provided. The vendor parking is an existing unpaved an upper parking area of approximately 2.11 acres

(permitted by ZA-3567). The public and ADA compliant parking will be provided on the 17-acre area of paved parking on the lower area northeast of the Red Barn which is expanded by this permit amendment (see Site Plan, **Exhibit B**).

In 2022, there was unpermitted development on slopes of 25 percent or greater on APNs 141-013-035-000 and 141-013-037-000 which involved grading and installation of new retaining walls as well as restoration of existing retaining walls. Because the development involved natural slopes, a Use Permit would have been required pursuant to Title 21 section 21.64.230.C.1. The case was partially abated through the issuance of a construction permit (No. 23CP02096) on November 16, 2023, for after the fact retaining wall 427 linear feet, wood retaining wall (height 2- 4 feet), 143 linear feet, height (16 inches - 2 feet) and construction and restoration of retaining wall to slopes 100 cubic yards cut and 100 cubic yards fill. This project entitlement includes the Use Permit required. Development constraints on the subject parcels include terraces with internal roadways and parking/vending areas. The slopes between them were showing failure on 143 LF of existing retaining walls and other slopes were appearing unstable during rain events. As permitted, the development controls erosion better than the previous state of the site, better complying with 2010 GP Goal OS-3, Prevent Soil Erosion to Conserve Soils and Enhance Water Quality.

The project was reviewed with the relevant codes in the 2010 General Plan including the North County Area Plan, and Title 21. 2010 General Plan Policy NC-1.1 requires 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. The proposed uses are typical for the LC zoned area. The site is subject to the Monterey County Noise Ordinance of Title 10. Section 10.60.030 prohibits the operation of any device that generates at noise level in excess of 85 dBA at 50 feet from the property line at any time of day. Outdoor gatherings and events are exempt from the sound level limits in Section 10.60.040(C), provided that the event complies with applicable permitting requirements. The project Mitigated Negative Declaration recommends two measures to assist the project in reducing potential noise impacts. Increases to traffic was found by the Traffic Report to be adequately absorbed by the state Highway 101, as discussed above. Visual impacts related to the intensification of the Red Barn uses are minimized through two measures to assist the project in blocking views of the Red Barn and reducing glare. Policy NC-3.9 requires that new development shall be prohibited on slopes in excess of 25 percent. The project does not comply with this policy, but the after-the-fact Use Permit may be granted as the Building Official found allowing the completion of the retaining walls to better resolve the potential issues of erosion and destabilized slope than restoration to previous state. Policy NC-5.1 requires new developments shall be designed to maximize prime groundwater recharge capabilities and to minimize runoff from the property. Condition No. 5 requires the applicant to submit a Stormwater Control Plan. As mitigated and conditioned, the project is consistent with the applicable North County codes.

The 2010 General Plan Policy LU-4.7 requires provisions to be made to designate adequate access routes, street and road rights-of-way, off street parking, bike paths and pedestrian walkways in areas of anticipated commercial growth and expansion. The expansion of the Red Barn vending and other commercial uses is balanced with an increase in off street parking and improved internal vehicular access. Policy LU-4.8 requires commercial areas to be designated in locations that offer convenient access. Although the Red Barn location pre-dates the 2010 General Plan, the location is convenient to Highway 101 and the access road has the capacity to serve the project, as analyzed in the Initial

Study.

The 2010 General Plan requires a Long-term sustainable water supply finding to be made on projects that intensify uses with evidence that the projects have a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development and are consistent with 2010 GP Policies PS-3.1 and PS-3.2, respectively. Historically permitted water uses are reflected by Zoning Administrator Resolution No. 19-018, which states that the CEQA-exempt water uses include flush toilets to serve an additional 50 vendor stalls for a total of 237 vendor spaces. On the ground, most of the water demand for the project site has been associated with flea market use of portable toilets, flush toilets with a haul-away system, and the office's flush toilet that goes to a septic system. 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 percent of the wastewater design value, the amount of water currently used by the Red Barn site is 3,050 gallons per week, or 158,600 gallons per year, or 0.478 acre-feet per year (AFY). All existing and proposed uses would result in an estimated total 795,450 gallons of water per year, or 2.43 AFY water. The proposed water supply was reviewed using the criteria in County General Plan Policy PS-3.2. Water quality, authorized production capacity of a facility operating pursuant to a permit from a regulatory agency, production capability, and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates, technical, managerial and financial capability of the water purveyor or water system operator are adequate for the project. The water source is a transient, non-community public water system, El Camino WS #16 (Local Primacy Agency, LPA, No. 2700575), which is regulated by the EHB, and as a result has proven technical, managerial and financial capacity to deliver water. The source of the water supply and the nature of the right to water from the source are evident. This private, onsite well is permitted and regulated by the EHB and the use of the underlying aquifer is monitored by PVWMA. PVWMA is a state-chartered special purpose district formed in 1984 under State Law pursuant to the Pajaro Valley Water Management Agency Act. PVWMA was formed to manage existing and supplemental water supplies in an efficient and economical manner to prevent further increase in, and to accomplish continuing reduction of, long-term overdraft for the Pajaro Valley subbasin. The current guiding documents for PVWMA are the Water Quality Control Plan for the Central Coastal Basin June, 2019 and the 5-year update of the Pajaro Valley Groundwater Sustainability Plan Alternative (PV GSP). In its approval of the PV GSP Alternative, California Department of Water Resources (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. There is not a GSP that includes the subject parcel. It is within the Granite Ridge subbasin, which is within the non-jurisdictional area of the Pajaro-Corralitos groundwater basin. The Pajaro-Corralitos groundwater basin is recognized by Bulletin 118 (2018) as part of the Pajaro Valley Groundwater Subbasin, a critically over-drafted subbasin, but the Granite Ridge area of it is not within the Pajaro Valley GSP jurisdictional planning area. Granite Ridge is surrounded by that subbasin, and

hydrogeological reports indicate mutual influence. Although historical reporting does not indicate the wells within Granite Ridge over-pump the groundwater, over-pumping is a problem within the Pajaro Valley Groundwater Subbasin and that influence has been the historical driver for overdraft in Granite Ridge. 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, and there are no projects underway that are specifically geared to address Granite Ridge's local overdraft issues. The Project proposes to increase well water use by approximately 2.4 acre-feet per year. Through the continued use of the onsite well, the owner has adequate groundwater supply and water rights to serve existing development and the proposed development. No new wells will result from this project.

In accordance with 2010 GP Policy S-3.1, post-development, off-site peak flows are not expected to be greater than the pre-development levels. The project has been conditioned to require a Stormwater Control Plan pursuant to the Post Construction Stormwater Management Central Coast Region, Central Coast Regional Water Quality Control Board Resolution No. R3-2013-0032, and the Monterey Regional Stormwater Management Program guidance. The drainage system will be constructed to meet current regulations and requirements, including the Monterey County flood control requirements pursuant to MCC section 16.16.050. Accordingly, the project shall implement Stormwater Control Measures and reduce peak site discharge for storms to less than current condition levels. Thus, it will not result in impacts to riparian vegetation, wetlands, fish, or other aquatic life. Policy PS-2.8 requires that all projects be designed to maintain or increase the site's pre-development absorption of rainfall (minimize runoff), and to recharge groundwater where appropriate. The Project will implement appropriate measures to increase runoff retention, protect water quality, and enhance groundwater recharge.

Policy PS-4.1 requires new development to assure that adequate wastewater treatment facilities are completed concurrent with new development. The project plans include a sketch of the restroom facilities and food vendor distances; these restrooms are anticipated to be connected to an onsite wastewater treatment system (Condition Nos. 6 through 9). Policy PS-4.4 ensures adequate treatment and disposal of wastewater by encouraging groundwater recharge through the use of reclaimed wastewater, not including primary treated wastewater. There is no wastewater anticipated that could be reclaimed, but if there is it shall be identified as part of the function of the Stormwater Control Plan and the Landscape Plan (Condition Nos. 5 and 15, respectively). Through adherence with the conditions of approval of this permit, the Project shall be consistent with these Public Services policies. During the interim while the new ownership pursued the application for PLN140602, the EHB has allowed the flea market to continue to operate using temporary toilet facilities. However, construction of a wastewater treatment facility is required by Monterey County Superior Court Case #M104908 and Monterey County Code, Chapter 15.20. The last bullet point in the proposed GDP section "Use Permit Amendment Purposes" shown on page 6 of 12 asserts that the GDP shall amend compliance dates on conditions of approval of Resolution No. 10-037 and the Court Judgement. For this reason, staff recommends this bullet be stricken from the GDP as part of the Planning Commission action on the project because it is unclear as to how the timeline would be changed and relates to the installation of wastewater system and permanent public restrooms. Staff will present a new version with all

recommended changes to the Planning Commission in the hearing. The project resolution and conditions of approval address compliance with appropriate specificity: “Prior to commencement of operations, activities or events that are not specifically required to sustain the extent of flea market operations authorized by the County of Monterey prior to approval of this permit, the applicant shall construct the wastewater treatment facilities to the satisfaction of RWQCB and EHB.” (Condition No. 7).

CEQA

Potential impacts were identified for Aesthetics and Noise because the proposed GDP includes new events inside and outside the Red Barn. Noise impacts are minimized through adherence with Title 10 and proposed mitigation measures N-1 and N-2. N-1, Noise Management Plan, requires a plan with required points of contact for lessee events clearly stated as requirement in the rental agreements and a series of remedial actions to be followed in the case that noise complaints are received by County. N-2, Allowable Hours for Paintball Activity, requires the paintball club to be restricted to the hours of 10 a.m. to 8 p.m. Visual and other impacts are minimized through adherence with proposed mitigations (AES-1, Protected Views of Red Barn and AES-2, Control of Offsite Glare) and standard conditions of approval. Condition No. 15 requires ten percent of the new developed area to be landscaped following the North County landscaping restrictions for native and drought tolerant planting. The ten percent area shall be calculated from the expanded square footage of the parking lot, 55,742 square feet (18,140 square feet + 3,100 square feet + 34,505 square feet) x 0.10 for 5,574 square feet in landscaping. See Exhibit B, Draft Conditions of Approval/Mitigation Monitoring and Reporting Plan for the proposed language, in full.

The project is located in the Granite Ridge subbasin, which is within the non-jurisdictional area of the Pajaro-Corralitos groundwater basin of North County, just outside the boundary of Pajaro Valley Water Management Agency (PVWMA). The Pajaro-Corralitos groundwater basin is recognized by Bulletin 118 (2018) as part of the Pajaro Valley Groundwater Subbasin, a critically over-drafted subbasin. 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. The project’s domestic water service is from an onsite well on APN 141-013-035-000, El Camino WS #16 (Local Primacy Agency, LPA, No. 2700575), which is a transient, non-community public water system. Well usage data was not available for analysis; therefore, wastewater output was analyzed to arrive at water use assumptions. Wastewater is largely a byproduct of water consumption, and the wastewater production is known. Extrapolating the volume of water as 50 percent of the wastewater design value, the amount of water currently used by the Red Barn site is 3,050 gallons per week, or 158,600 gallons per year, or 0.478 acre-feet per year (AFY). All existing and proposed uses would result in an estimated total 795,450 gallons of water per year, or 2.43 AFY water. This is a minimal amount of water usage. However, the Initial Study found that the Project has the potential to use more than this low estimate of water from the critically overdrafted subbasin if the project’s well water usage is unattended. Mitigation Measures HYD-1, Metered Water Well Usage and HYD-2, Low-flow Water Fixtures are recommended to be implemented to reduce the potential hydrological impacts to a less-than-significant level.

The grounds around the Red Barn are in a high archaeological sensitivity area. Although archaeological resources are not anticipated to be onsite, tribal cultural resources but have been identified within the area. Pursuant to MCC section 21.66.050, staff required a preliminary archaeological assessment to determine whether archaeological resources were present. A Phase 1 Archaeological Resource Assessment was submitted that concluded it is unlikely that the resources would be uncovered during construction. However, because areas were graded for the expansion of the parking lot and on slopes to install wood retaining walls without benefit of permits, and the conditions of approval including the installation of an onsite wastewater treatment system may result in further soil disturbances, resources could potentially be under the disturbed topsoil. During consultations with Tribal Cultural representatives as required by Public Resources Code Section 21080.3.1 et seq., representatives requested monitoring because they knew of pre-historic use of the area and asserted that this area may contain tribal cultural resources. Therefore, the Initial Study recommends Mitigation Measure TRC-1, Tribal Monitor. This measure requires incorporating tribal monitoring during any work on permits involving ground disturbance. Potential impacts to tribal cultural resources would then be reduced to a less-than-significant level.

Staff received three comment letters (**Exhibit D**). The first letter from Monterey Bay Air Resources District (MBARD) offered the rules and regulations for hazardous materials and air quality controls in the case that the project includes demolition. No edits are required for these comments. The commenter supported the incorporation of electric vehicle infrastructure in the project plan (Mitigation Measure GHG-1) and recommended the infrastructure include publicly available dual port Level 2 and DC fast-charge charging stations throughout the project area. The recommendation was found to improve the mitigation measure, so a responsive edit was made to add this to the measure. The second comment letter from Dale Ellis, an advisor to the applicant, stated that the baseline was unclear, the project description was unclear, and then the agent added a copy of the circulated IS with sentences deleted and new phrases and statements added in red font. Responsive edits were made by staff in the form of a new table in section II.A which lists the existing development on the site at the time of the Notice of Preparation and related the development's permit status at that time. A few of the errata edits that were suggested in the comment letter were made by staff to clarify the existing setting and amplify the previously identified impacts of the project. For example, the interior of the Red Barn structure was originally used as sales area; however, the structure was not authorized for use due to the absence of fire sprinklers and that information was still in the record used as the basis for the IS. In 2021, fire sprinklers were installed (construction permit 11CP01176). Staff added that information to the IS in the redline version as a clarification. The third letter from Joel Panzer, agent for the project, supplied a new archaeological report after the IS was circulated. The 2024 report supports his IS comment that the standard condition of approval for negative archaeological reports (Condition No. 3) is sufficient to reduce project impacts to archaeological resources to a less-than-significant level. Sufficient evidence was provided that the project does not require an archaeological monitor. Although Mr. Panzer requested that the tribal cultural monitor requirement also be removed, County cannot do so because the mitigation is included as a result of a tribal cultural consultation in which potential impacts to tribal cultural resources were identified. Therefore, a mitigation measure that was included in the draft IS/MND, C-1, has been replaced with the standard condition of approval but tribal cultural monitoring during

ground disturbing activities is still required. Staff met with the agents and applicant to discuss edits to the IS/MND. The applicant expressed to staff that Mitigation Measure TCR-1 was acceptable. However, they requested clarification that the data model which informed the Greenhouse Gas Emissions chapter of the IS was just for the amendment. Staff has confirmed that it is. As mentioned, the Dale Ellis letter offered redline edits on the IS. Among these, he added “some Saturdays” to the flea market operations in the existing setting. In adding this clarification to Table 1, staff notes that if the flea market is operating on “some Saturdays,” they were not at the time of the final revision to the GDP in October of 2021. Staff had the impression that flea market was operating only on Sundays at the time the CEQA analysis was begun, as evidenced by a letter from Planning to the agent on July 11, 2022 (in Accela). County records in the form of construction permits opened on the properties to remedy code violations were consulted as part of the framing of the work to be done for the project description. The active records indicated that existing sheds would require demolition, a bridge would require a construction permit (20CP03023 and 20CP02932) and other structures would be built (20CP01271, two new buildings for restrooms). In the comments on the CEQA document, the redline edits suggested that there would be no demolition and the bridge and structures were built. During the CEQA Project evaluation, the measure of baseline was informed by the demolition permit application and other available records. The resulting MND is based on a slightly conservative measure of impacts such as Air Quality, Greenhouse Gas Emissions, Noise, and Archaeological Resources, etc. However, the MND is still within the scale of the Project’s environmental impact. If the applicant were to disagree with the mitigation measures recommended by the MND, and staff can see no reasonable alternative, an Environmental Impact Report is required.

The third comment letter found mitigations applied for Greenhouse Gas Emissions to be appropriate and requested a minor amplification, which is shown in the redline version of the IS with strike-through and underline.

Strike-through and underline represent the responsive errata edits to information on pages 3, 10, 23, 29-33, 39, 42, 50, 58-59, and 61. By adding a new table on page 3, other tables were renumbered throughout the document. The redline version was reviewed by the Planning Commission as part of the decision without recirculation pursuant to CEQA Guidelines section 15164. The redline version is the adopted IS/MND (**Exhibit C**).

Correspondence Received

Staff received correspondence from three individuals with concerns about the proposed Amendment and GDP. The correspondence is attached as **Exhibit J**. Two letters raised the same concerns, including:

- *Traffic*
- *Noise that is currently disturbing and noise could disturb the neighborhood if paintball is allowed*
- *Inappropriate actions by vendors, including actions done while onsite and offsite (on the roadside)*

North County Area Plan Policy NC-1.1 requires permits intensification of existing commercial development subject to a discretionary permit to be designed to minimize traffic, noise, visual, and/or other impacts on the surrounding area to the greatest extent feasible. The Red Barn the location is convenient to Highway 101 and the access road has the capacity to serve the project, as analyzed in the project Traffic Report and the Initial Study. 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. Direct Project impacts to traffic are mitigated by the Regional Development Impact Fee, Condition No. 11. County-wide Project impacts to traffic are mitigated by the Countywide Traffic Impact Fee, Condition No. 10. The Traffic Report and HCD-Engineering Services application review and IS administrative draft review did not indicate there would be insufficient infrastructure to support the new and expanded uses. Traffic flows are improved now with the completion of the Caltrans San Juan Interchange project in 2015 in comparison to the previous entry that was utilized in the previous decades. Also, the GDP proposes onsite storage for vendors in the upper lot area. The use of onsite storage has the potential to limit the vendors' trips to and from the site on flea market days. Also, the use of shuttles for corporate events will reduce the overall traffic impact of the Project (related to Greenhouse Gas Emissions impacts). Noise Hazards are regulated by the Noise Control Ordinance (Title 21, Chapter 10.60). Noise control in the County is required to conform with 2010 GP Policies S-71., such that new noise-sensitive land uses may only be allowed in areas where existing and project noise levels are acceptable (per Figures 9-A-H and 10 A-E). In these figures, the project site is within a 65 CNEL Noise Contour and no sensitive noise receptors (convalescent home, library, place of worship, or school) are shown near the Project. Therefore, the site is not expected to be as quiet as an average residential area. Site planning and design techniques are to be integrated into new uses to achieve acceptable noise levels (in the case of the Red Barn location, 65 CNEL is an acceptable noise level). Per Policy S-7.5, new noise generators are permitted if mitigation to reduce both indoor and outdoor noise levels are required. Noise may be a factor in the future entitlement of some of the uses proposed in the GDP. One source of new noise is the social activities. Crowd noise and amplified sound may reach the quiet environment of the neighborhood above the Red Barn. Also, the proposed paintball club as a potential source of noise that could distress pets and residents in the neighborhood. A Noise Management Plan is a recommended mitigation for potential noise impacts from the social activities proposed in the GDP; the Noise Management Plan shall include a series of steps that must be taken if noise complaints are received. If County finds that uses are not meeting the requirements of the Noise Management Plan, the uses may be further restricted as informed by an acoustical analysis. Also, restriction of paintball activity to the hours of 10 a.m. and 8 p.m. is a recommended mitigation (Condition Nos. 26 and 27). It is possible that these mitigations will not completely eliminate noise complaints from the HOA and other neighbors. There are remedies for noise complaints identified in the Chapter 10.60, Noise Control, and Chapter 21.84, Code Violation.

The HOA comment letter also added that the Project has the potential to decrease the sense of safety and security that residents feel. The Project conditions of approval applied by the Sheriff's Office and Fire District should alleviate these concerns. Better security and safety is included in the Project as conditioned. However, the HOA comment letter requested a delay of one month to the hearing on the Red Barn project. Staff does not recommend a delay because the hearing was appropriately noticed. However, it is the purview of the Planning Commission to continue agenda items or find alternative hearing times to allow more public input.

The comments in the letters received that reflect inappropriate actions by vendors onsite are a matter for the management of the Red Barn flea market. Staff has shared the complaints about offsite activities with the Sheriff. Staff does not have any basis to respond from a planning perspective as the matter does not pertain to planning decisions.

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