Attachment D

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

In the matter of the application of:

SPRECKELS INDUSTRIAL PARK, LLC (PLN150371)

RESOLUTION NO. 15-041

Resolution by the Monterey County Planning Commission:

- 1) Adopting a Mitigated Negative Declaration;
- 2) Approving a Combined Development Permit consisting of a General Development Plan, Administrative Permit and Design Approval to allow the construction of a 100 unit agricultural employee housing complex comprised of two bedroom apartment units and related facilities, based on the findings and evidence and subject to the conditions of approval;
- 3) Adopting a Mitigation Monitoring and Reporting Plan; and
- 4) Denying the applicant's request for a waiver of application fees.

[PLN150371, Spreckels Industrial Park, LLC, 121 Spreckels Boulevard, Greater Salinas Area Plan (APN: 177-021-015-000)]

The Tanimura and Antle Agricultural Employee Housing Project application (PLN150371) came on for public hearing before the Monterey County Planning Commission on July 29, 2015. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING: PROJECT DESCRIPTION** – The proposed project is a 100 unit

agricultural employee housing complex comprised of two bedroom apartment units and related facilities. The project is designed to accommodate between 200 and 800 agricultural employees without dependants primarily during the harvest season from April through November. The project is for agricultural employees only, without

dependents.

EVIDENCE: The application, project plans, and related support materials submitted

by the project applicant to Monterey County RMA-Planning for the

proposed development found in Project File PLN150371.

2. **FINDING: CONSISTENCY** – The Project, as conditioned, is consistent with the

applicable plans and policies which designate this area as appropriate

for development.

EVIDENCE a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the 2010 Monterey County General Plan;

- Greater Salinas Area Plan; and

- Monterey County Zoning Ordinance (Title 21)
 No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- b) The property is located at 121 Spreckels Boulevard (Assessor's Parcel Number 177-021-015-000), Greater Salinas Area Plan. The parcel is zoned AI-D (Agricultural Industrial-Design Control District), which allows employee housing accessory to a permitted use with an Administrative Permit. Therefore, the project is an allowed land use for this site.
- c) <u>Standards for Farm Employee and Farm Worker Housing</u>. The proposed project meets the standards for development of farm employee and farm worker housing (Section 21.66.060).
 - There is adequate water and sewer available to service the development as determined by the Director of Environmental Health. See Finding and Evidence 4b.
 - The housing is located off prime farmland. The project site is not located on prime farmland. The site is located in the western area of the T & A Industrial Park and is zoned AI-D (Agricultural Industrial-Design Control District). The majority of the site is currently utilized for test crop production.
 - The development incorporates proper erosion and drainage controls. The applicant has submitted a Preliminary Drainage Analysis that provides the methodology that will be used to calculate the size of the new on-site storm drainpipes, outlines the required stormwater mitigations, and identifies the facilities that will meet the design and regulatory requirements. The analysis concludes that the proposed project will safely and effectively convey stormwater runoff from a variety of storm events. The project will control erosion, roadway runoff, infiltrate stormwater, and prevent flooding of existing and proposed new buildings via a network of pipes, overland release and an existing stormwater percolation pond.
 - Enclosed storage facilities are provided for each housing or dwelling unit. Each of the two bedroom floor plan designs includes bedroom closets and kitchen cabinet storage spaces customary with a modern apartment design.
 - Laundry facilities, including washers and dryers are provided onsite. Two laundry rooms with washers and dryers will be provided
 on-site. The plans show that each laundry room will have 14
 washers and dryers, resulting in a total of 28 washers and dryers.
 For occupancy of 200 this would be one washer and dryer for each
 seven people. At the maximum occupancy of 800 people this would
 be one washer and dryer for each 28 people. Based upon the
 projected work week for the employees, and the free time this

number of washers and dryers should be able to accommodate up to 700 loads per week, which would not accommodate the maximum occupancy of 800 employees. The maximum ratio of employees to washers and dryers should be not more than 25 employees to each washer and dryer. A condition has been added to require a minimum of 32 washers and dryers on site.

- The site design is approved by the Planning Commission. As the application includes a General Development Plan and an Administrative Permit, the project design has been reviewed by RMA-Planning and will be decided by the Planning Commission.
- The development includes recreation facilities and open space, proportional to the amount and type of facilities to be provided. The project will incorporate existing softball field and soccer field as shown on the site plan. Outdoor tables and barbecue grills will be included in the open/green space between the buildings. The occupants will also have access to all the onsite T&A employee recreation facilities, including the gym, indoor hockey rink and basketball area. No family units are proposed and thus no children's' play area is provided.
- The development will be landscaped pursuant to a landscaping plan approved by the Director of Planning and Building Inspection prior to issuance of building permits for the facility. The property will be extensively landscaped as shown on the landscape and irrigation plans.
- All recreation areas and landscaping will be installed prior to occupancy of the facilities. Landscaped areas shall be maintained. These items are handled through conditions of approval and are standard County practice.
- General Plan <u>Policy AG-1.6</u> states that "farmworker housing projects shall be located to minimize the conversion of viable agricultural lands and shall be consistent with the nature of the surrounding land uses". The project site is on a piece of property that has been used for test crop production and is between two large industrial buildings. The project minimizes conversion of viable farmland by concentrating agricultural worker housing in a centralized location surrounded by existing buildings and not in a location which would encourage development of prime farmland. The project will not adversely affect the surrounding uses. There are warehouses to the north and south and fire ponds to the east. The area to the west is productive Ag Land but the project provides an effective buffer including a 100' building setback and trees and landscaping between the buildings and farm land.

One of the premises of providing agriculture employee housing is to provide it in close proximity to where the work is being undertaken. This often results in placing housing on land that is prime farmland.

T&A could, without any discretionary permits, place agricultural employee housing for up to 36 employees on their various individual holdings. This scenario could result in the conversion of land from cultivation to providing housing. To that extent focusing the housing at this location where employee buses are already going to the site, protects productive farmland, and results in a reduction in vehicle trips because there will not be individual vehicle trips from this site to the work locations

AG-1.2 requires a well-defined buffer area to be provided as partial mitigation for new non-agricultural development located adjacent to agricultural land uses on farm lands designated a Prime, of Statewide Importance, Unique or Local Importance. This project has been reviewed with the Agricultural Commissioner's office who finds that the proposed 70+ foot setback between the proposed buildings and the adjacent agricultural fields is generally sufficient. It would be helpful to provide some type of vertical buffer in this area. There are existing olive trees located along the western edge of the project site that will either remain or be relocated. It would be best if these trees were transplanted between the driveway/parking area and the adjacent agricultural fields to provide this vertical element. This has been added as a condition of approval.

Greater Salinas Area Plan <u>Policy GS-1.8</u> states that the subject property may be developed as agriculturally related commercial uses provided the development includes a comprehensive development plan, is designed to protect the riparian corridor of the Salinas River, does not deteriorate water quality in the Salinas River or area groundwater, preserves the Walnut trees along Spreckels Boulevard and is compatible with the agricultural activities on the adjoining parcel. The project has been designed to meet each these conditions.

Greater Salinas Area Plan <u>Policy GS-1.9</u> states that development on the subject property may be approved provided that the uses shall be agriculturally oriented industrial uses, a development plan is prepared, an effective buffer between the uses and the Town of Spreckels is provided, and farmlands are placed into permanent agricultural use (where applicable). Since the project will provide housing for agricultural employees, it is an agriculturally oriented use. The application includes a development plan. An adequate buffer is provided due to the distance to town as well as existing structures that are located between the site and the town. Since viable farmland is not being taken out of production, it is not necessary to require the placement of farmland in permanent agricultural use.

Greater Salinas Area Plan <u>Policy GS-3.2</u> requires that native plant materials be used to integrate the man-made environment with the natural environment and to screen or soften the visual impact of new development. The proposed landscaping plans include the planting of a number of evergreen trees which would further diffuse the visibility of the buildings. The proposed buildings would not create an additional building profile against the sky nor add to the visibility of the site or the existing buildings from public viewing areas (Spreckels Boulevard). The project was referred to the Spreckels Neighborhood Design Review

Committee for review on June 17, 2015. The committee recommended the following changes to the project design:

- Windows should be double hung;
- Use a steeper roof line;
- Possibly add bricks to the building exteriors and planter boxes to blend with the factory; and
- Use rot resistant trees.

In response to the suggestions of the committee, the applicant revised the plans to change the windows to a vertical single hung style and verified that the trees specified on the landscape plan will withstand rot. The project was referred to the Agricultural Advisory Committee (AAC) for review on June 25, 2015. Upon conclusion of discussion, the following motion was made and seconded:

Based on the need to support agriculture and clustered housing according to the General Plan of Monterey County, recommend the Planning Commission approve the requested General Development Plan and Administrative Permit with the conditions of:

- Water improvements and additional well facilities are fully adequate to serve the whole city of Spreckels if needed by fire enforcement and or general living conditions;
- Law enforcement (i.e., Sheriff) has adequate resources to ensure public safety;
- Provide daily transportation for H2A workers living at the facility;
- On-site convenience store;
- TAMC look at options to improve public transportation;
- Buffer between the agricultural land and the development project is adequate from a distance perspective as well as establishing some type of land berm/vegetation option;
- Water treatment upgrades are fully adequate and sufficient for the added population;
- Applicant to add on-site recreational area(s) without greatly impacting the city of Spreckels.

The motion failed 4-5-3-0 and the committee moved on to the next item without considering another motion.

d) The County also received correspondence which identified concerns were not related to the adequacy of the Initial Study/Mitigated Negative Declaration.

Summary of Public Comments in Opposition of Project:

- 800 new people would nearly double the population of Spreckels, and have adverse impacts on aspects of the community, such as:
 - Water Service, Sewage Treatment, Traffic, Schools, Churches, Post Office, Public Safety Services (Fire/Police), Noise/Nuisance, etc.
- Concerned that upgrades to services such as water and sewage will add costs to current residents
- Lack of existing amenities such as: Pharmacy, Grocery Store, Restaurants, Shopping, etc.
- Inadequate public transportation to accommodate 800 new people,

- many of whom would not have cars.
- Project has been "fast tracked" with lack of complete impact analysis
- Initial Study is insufficient, project should be subject to an EIR
- Project does not benefit the current residents of Spreckels
- Project will adversely affect property values
- Concerned that the project description has been revised more than once during the review period (e.g.: adding a store, type/gender of occupant, # of cars, etc.)
- Concerned about what the apartments would be used for in the future if the need for all employee housing went away
- Detracts from historic nature of the site/town

Summary of Public Comments in Support of Project:

- Currently a shortage of agricultural employee housing in the area This project addresses that need. (Farm Bureau of Monterey & Monterey County Business Council)
- In recent years, agricultural employee housing shortage has lead to large quantities of produce going un-harvested and left to waste in the fields. (Farm Bureau of Monterey)
- Project provides safe, clean and comfortable housing for agricultural employees (Resident)
 - Currently, lack of affordable housing has created unhealthy living situations where multiple employees renting/sharing single rooms, garages and outbuildings.
- This site allows for the use of infrastructure, services and recreation that are already in place. (Monterey County Business Council)
- Project site is not visible from the town of Spreckels (Monterey County Business Council)
- As proposed, project design and amenities will "raise the bar" of "farmworker housing" (The Latino Seaside Merchants Association)
- Project fits is well with County's general plan with regard to clustered housing for labor (William O. Lipe – Agricultural Advisory Committee Member)
- Agricultural employees housed in central location cuts down on traffic and congestion caused by decentralized housing (Farm Bureau of Monterey & Monterey County Business Council)
- Project site takes no agricultural land out of production (Monterey County Business Council)
- Worker housing has been a part of Spreckels life for 117 year Not something new (Spreckels Resident)

See Finding 6.n for a summary of comments that were received regarding the Initial Study/Mitigated Negative Declaration.

- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150371.
- 3. **FINDING: SITE SUITABILITY** The site is physically suitable for the use proposed.

EVIDENCE: a)

- The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Monterey Regional Fire Protection District, Parks, RMA-Public Works, RMA-Environmental Services, RMA-Building, Environmental Health Bureau, Water Resources Agency, Economic Development Department, Agricultural Commissioner's Office and Sheriff's Department. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b) Staff identified potential impacts to traffic, geotechnical impacts, historic resources, drainage, water supply, wastewater and soils. The following reports have been prepared:
 - a) "Tanimura & Antle Agricultural Employee Housing Project, Salinas, California Traffic Impact Analysis Report," (LIB150189) prepared by Hatch Mott MacDonald dated June 11, 2015.
 - b) "Geotechnical Report for the Proposed Housing Development Tanimura and Antle Spreckels Boulevard, Salinas, California," (LIB150188) prepared by Grice Engineering, Inc., dated May 2015.
 - c) Letters (LIB150207) from Kent. L. Seavey dated June 5, 2015 and June 8, 2015.
 - d) "Tanimura and Antle Employee Housing Preliminary Drainage Analysis," (LIB150205) by Whitson Engineers, May 2015.
 - e) "Existing Water Supply Capacity and Projected Water Demands New Employee Housing Project Spreckels Water Company" prepared by Luhdorff & Scalmanni Consulting Engineers dated June 8, 2015.
 - f) "Wastewater Design Flow Analysis Proposed Tanimura & Antle Farmworker Housing Project, Spreckels, CA" prepared by BioSphere Consulting dated June 7, 2015.
 - g) "Phase II ESA Soil Sampling Analytical Testing Results Spreckels Industrial Park, 121 Spreckels Blvd., Spreckels CA" prepared by Pacific Crest Engineering inc., dated June 10, 2015.

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

- c) Staff conducted a site inspection on May 15, 2015 to verify that the site is suitable for this use.
- d) The Planning Commission conducted a field trip to the site on July 15, 2015.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning for the proposed development found in Project File PLN150371.

4. **FINDING:**

HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to

property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE:

- The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Monterey Regional Fire Protection District, Parks, RMA-Public Works, RMA-Environmental Services, RMA-Building, Environmental Health Bureau, Water Resources Agency, Economic Development Department, Agricultural Commissioner's Office and Sheriff's Department. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities will be provided. <u>Water</u>. Water service to the subject property is provided by Spreckels Water Company. Tanimura and Antle's affiliate owns and operates Spreckels Water Company, which is in process with State Water Resources Control Board of bringing an additional well into service to increase storage capacity by providing a backup supply. The new well would be located northeast of the intersection of Fifth Avenue and Llano Avenue in Spreckels on property that is currently owned by the Tanimura family. Spreckels Water Company will lease or purchase the land where the well will be located.
- Wastewater: The subject property is served by the Spreckels Wastewater Treatment Facility (WWTF). The WWTF was originally developed and operated by Spreckels Sugar Company to serve the Spreckels Sugar factory operations and the other uses in the town of Spreckels. The ownership of the treatment facility devolved to Spreckels Industrial Park LLC, an affiliate of T & A. The treatment facility was subsequently transferred to an interim operator (Smith) who subsequently transferred it to California American Water Company, who currently owns and operates the treatment facility. The treatment facility, with appropriate revisions to the waste water treatment process and to the operating permit, can treat the additional loading from the proposed project.
- The project site is in the vicinity of existing ammonia cooler facilities which would result in a potential significant impact resulting from the hazard to the inhabitants of the project from a potential accidental release of ammonia. Operation of the ammonia cooler facilities consistent with the standards and regulations of State and County codes; and requiring notification to the residents of the onsite ammonia storage and potential risks associated with ammonia release and training on emergency procedures would assure that development of the proposed project results in less than significant impacts from the potential accidental release of ammonia from the existing ammonia coolers. In order to assure that the potential impacts of development of the project are mitigated to less than significant levels, the Initial Study/Mitigated Negative Declaration (IS/MND) includes mitigation measures requiring that applicant to: 1) submit an ammonia storage awareness and notification plan to the Environmental Health Bureau (EHB) which plan shall provide for the installation and testing of an ammonia detection, monitoring and notification system (Mitigation Measure 8.1); 2) the

- existing CalARP Program Level 2 Risk Management Plan (RMP) for the cooler identified as EHB Facility FA08181048 must be changed to a Level 3 RMP (<u>Mitigation Measure 8.2</u>); and 3) the applicant shall submit a Business Response Plan (BRP) for the operation of the cooler facility (<u>Mitigation Measure 8.3</u>).
- The site was previously used as agricultural land; therefore, soils were tested for the presence of agricultural pesticides following Department of Toxic Substance Control (DTSC) guidance (Interim Guidance for Sampling Agricultural Properties, August 2008). Soil sampling took place on June 5, 2015 and was observed by staff from the Environmental Health Bureau's Hazardous Materials Management Services. Specifically, the analysis tested for presence of arsenic and agricultural pesticides. Soil sampling results showed that: (1) no samples exceeded California Human Health Screening Levels for pesticides in residential soil, as determined by the Office of Environmental Health Hazard Assessment (OEHHA); and (2) samples exceeded arsenic levels although background concentration levels were similar indicating that arsenic is naturally occurring and not the result of contamination [note that studies have shown that arsenic levels are relatively high in soils in the Salinas Valley (Chang et. al., November 2004)].
- The proposed project includes excavation of soil from two borrow sites elsewhere on the property and the placement of fill on the project site. These borrow sites have previously been used for agricultural purposes: the material has been imported to the borrow sites from the applicant's agricultural operations at various locations. The fill material for the proposed project will need to be sampled in accordance with the Department of Toxic Substances Control's Information Advisory for Clean Imported Fill (October 2001) to confirm soil contamination levels are below California Human Health Screening Levels, as determined by the Office of Environmental Health Hazard Assessment (OEHHA). In the event a borrow site is identified as being contaminated, fill material will not be imported from that site. In order to assure that fill material meets applicable standards from the OEHHA and that development of the project does not result in potential significant impacts, Mitigation Measure 8.4 requires that all soil placed on the site be sampled to determine if there are any hazardous elements present. In the event a borrow site is identified as being contaminated, fill material shall not be imported from that site.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning for the proposed development found in Project File PLN150371.
- 5. FINDING:

GENERAL DEVELOPMENT PLAN –Monterey County Code requires a General Development Plan (GDP) prior to the establishment of uses/development if there is no prior approved GDP, and if: 1) the lot is in excess of one acre; or, 2) the development proposed includes more than one use; or, 3) the development includes any form of subdivision.

EVIDENCE: a) The proposed project is located in an AI-D (Agricultural Industrial-Design Control) zoning district (MCC Chapter 21.24). The proposed

- project meets the size criteria; therefore, a GDP is required to be approved by the Planning Commission prior to new development, changes in use, expansion of use, or physical improvement of the site.
- b) A General Development Plan has been developed that outlines the proposed use, sets different setbacks requirements and shows the location of circulation, parking and landscaping. The GDP is attached hereto and incorporated herein by reference as a condition of approval.
- c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN150371.

6. **FINDING**:

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

EVIDENCE:

- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
- b) Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN150371).
- c) The Initial Study identified several potentially significant effects, but revisions have been made to the project and/or the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
- e) The Draft Mitigated Negative Declaration ("MND") for PLN150371 was prepared in accordance with CEQA and circulated for public review from June 19, 2015 through July 20, 2015.
- f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, agriculture and forest resources, air quality, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
- g) The County identified less than significant impacts to aesthetics, agriculture and forest resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, population and housing and recreation. Mitigation measures will not be required for these resource areas.
- h) The County identified potentially significant impacts to hazards and

- hazardous materials and mitigation measures have been proposed to reduce impacts to a level of less than significant. See Findings 4. c., d. and e.
- i) The County identified potentially significant impacts to public services and a mitigation measure has been proposed to reduce impacts to a level of less than significant. <u>Mitigation Measure 14.1</u> would require a contract for fire protection services between the Monterey County Regional Fire District and the Spreckels Community Services District (CSD).
- The County identified potentially significant impacts to transportation/traffic and a mitigation measure has been proposed to reduce impacts to a level of less than significant. Mitigation Measure 16.1 would require Tanimura and Antle and their assignees to not allow more than 200 residents with vehicles to live in the facility.
- k) The County identified potentially significant impacts to utilities and service systems and a mitigation measure has been proposed to reduce impacts to a level of less than significant. <u>Mitigation Measure 17.1</u> would wastewater improvements specific to this project to be approved by the Regional Water Quality Control Board and installed to their satisfaction.
- Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in RMA-Planning (PLN150371) and are hereby incorporated herein by reference.
- m) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- n) The County has considered the comments received during the public review period and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.

<u>Letter from Monterey Bay Unified Air Pollution Control Board dated</u> July 17, 2015:

<u>Comment:</u> On Page 20, update the threshold tables with the correct construction and operation thresholds and update the emission

comparisons to the thresholds to evaluate significance.

Response: The threshold and project significance information have been updated. On July 22, 2015, the California Emissions Estimator Model (CalEEMod) was revised because the operational emission of the initial CalEEMod, dated June 12, 2015, was completed without a traffic study/trip generation. The updated CalEEMod, as reviewed by Monterey Bay Unified Air Pollution Control District, e-mail dated July 22, 2015, better identifies the operational emissions of the 100 unit apartment. The updated CalEEMod did not change the estimated construction emissions.

Comment: On page 29, the analysis must be revised to analyze carbon dioxide (CO2) emissions, not carbon monoxide (CO) which is not a greenhouse gas.

Response: The greenhouse gas analysis has been revised. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) has not established Greenhouse Gas thresholds for CEQA analysis; therefore MBUAPCD recommends that projects compared using thresholds adopted by neighboring air districts, such as San Luis Obispo. The SLO Air District threshold for Greenhouse Gas emissions (CO₂e) is 1,150 metric tons per year. Using this threshold, the projected project related CO₂e is 473.6 metric tons per year for construction and 516.4 metric tons per year for operations. The overall CO2e is less than SLO Air District threshold. The project will not conflict with any of the applicable plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions. The project will not exceed recommended thresholds for greenhouse gas emissions, will not conflict with applicable plans, policies or regulations adopted for the purposed of reducing emissions; therefore the project will have a less than significant.

<u>Comment</u>: The project description and traffic/transportation section does not analyze offsite non-work related trips. Please clarify how the transportation analysis addressed non-work trips for the working living on-site.

Response: The "low activity" scenario anticipates that the 800 seasonal workers will have no cars; and therefore, transported by bus to work and back. On Sundays, a bus will provide transportation to shopping and back outside peak hours, or the employees can use a local taxi service. Also, as part of the project, T&A is proposing a small convenience store on the property so employees are in walking distance for shopping needs. This scenario may add 10 PM trips for potential taxi trips during the evening. Based on existing conditions, as described in the Traffic Study, the "low activity" scenario with non-work related trips is consider to have no impacts to traffic/transportation.

Letter from Monterey Salinas Transit (MST) dated July 7, 2015:

<u>Comment</u>: On page 46, the IS/MND is not necessarily consistent with the Monterey County General Plan and the goals contained in Public

Transit Services Goal C-6. Please note that private employer-provided agricultural worker bus transportation which is unavailable to the public is not public transit service.

Response: The discussion of existing transportation/traffic conditions on page 44 of the IS/MND clearly states that the buses are private, not public. The IS/MND states that there "are currently 42 buses in the T & A fleet, each with a capacity of 48 people." The applicant has indicated that they are in discussions with MST regarding the possibility of providing bus service to the site.

<u>Comment</u>: The analysis of transportation impacts in the IS/MND is limited to the home-to-work trip and mitigated with employer-sponsored bus transportation. There are likely to be trips made for other purposes including shopping, medical appointments and entertainment. For instance, how will the workers get to grocery stores or medical appointments when they are not working if they do not have access to a private vehicle?

Response: The applicant has indicated that the workers will be transported to town on Sundays for services and provisions. In addition, a store for T & A employees has been added to the project.

<u>Comment</u>: If T & A expects public bus service from MST to serve these workers on their days off and in the evenings to get to services, shopping medical care and other destinations in the Salinas area, funding from the company must be provided to MST for a new route to serve the company's employees. Any MST bus stop that is required at this location must be funded and constructed by T & A to standards that meet all federal Americans with Disabilities Act regulations.

Response: The applicant has indicated that they are in discussions with MST regarding the possibility of providing bus service to the site, including a new bus stop.

Letter from LandWatch dated July 17, 2015:

<u>Comment</u>: The IS/MND states on page 40 that the agricultural employees would live and work in the area during a six month period; page 1 states that it would be for eight months.

<u>Response</u>: Page 40 of the MND has been corrected to indicate that the employees will live and reside in the area for 8 months (not 6 months).

Letter from Michael and Tamara Ranker dated July 16, 2015

<u>Comment</u>: The project includes 3.74 acres of recreation facilities. The IS/MND states that Quimby Act requires 3.0 acres of parkland per 100 residents which would be 24 acres.

Response: Page 43 of the IS/MND incorrectly stated that state law requires 3 acres of parkland per 100 residents. The IS/MND has been revised to indicate that the Quimby Act requires 3 acres of parkland per 1,000 residents. That does not change the conclusion of the IS/MND that the proposed recreation facilities are adequate.

o) Monterey County RMA-Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.

7. FINDING:

LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM - The project has an adequate water supply system to serve the development. The project is not required to provide proof of a Long-Term Sustainable Water Supply under General Plan Policy PS-3.1.

EVIDENCE:

- a) The proposed project is new development consisting of the construction of a 100 unit agricultural employee housing complex comprised of two bedroom apartment units and related facilities.
- b) The proposed project is not required to provide proof of a long-term sustainable water supply because the proposed project is within Zone 2C of the Salinas Valley groundwater basin and within this zone there is the rebuttable presumption of the existence of a long term sustainable water supply, and there is a lack of evidence to rebut the presumption of a long-term sustainable water supply for this project because there is no change proposed to the level of water use.
- c) See Finding 4.b.

8. FINDING:

FEE WAIVER REQUEST – Board of Supervisors Resolution No. 2000-342 authorizes the Director of Planning to waive fees for discretionary permits for Special Handling affordable housing projects (25% affordable housing). <u>General Plan Policy LU-2.11</u> allows for the waiver of planning and building permit fees for Affordable Housing Overlay projects.

EVIDENCE:

The applicant submitted a Fee Waiver Request for the planning application fees. The justification provided in the request is that the application is for an affordable housing project.

EVIDENCE:

The Director of Planning determined the application did not meet the criteria, and forwarded the application to the Planning Commission for consideration. A fee waiver by the Planning Commission is not warranted because the application is for an employee housing project, not an affordable housing project, and it is not an Affordable Housing Overlay project.

9. **FINDING:**

APPEALABILITY - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE:

Section 21.080.040.D of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

DECISION

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

- 1) Adopt a Mitigated Negative Declaration;
- 2) Approve a Combined Development Permit (PLN150371) consisting of a General Development Plan, Administrative Permit and Design Approval to allow the construction of a 100 unit agricultural employee housing complex comprised of two bedroom apartment units and related facilities, based on the findings and evidence and subject to the conditions of approval;
- 3) Adopt a Mitigation Monitoring and Reporting Plan; and
- 4) Deny the applicant's request for a waiver of application fees.

PASSED AND ADOPTED this 29th day of July 2015, upon motion of Commissioner Getzelman, seconded by Commissioner Salazar, by the following vote:

AYES: Vandevere, Getzelman, Rochester, Salazar, Diehl, Roberts, Hert, Padilla, Mendez

NOES: None ABSENT: Brown ABSTAIN: None

Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON .III 3 0 2015

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

AUG 1 0 2015

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

NOTES

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

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

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

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

Monterey County RMA Planning

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

PLN150371

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

This Administrative Permit and General Development Plan (PLN150371) allows construction of a 100 unit agricultural employee housing complex comprised of two bedroom apartment units and related facilities. The project is designed accommodate between 200 and 800 agricultural employees primarily during harvest season from April through November. The project is for agricultural employees only, without dependents. The property is located at 121 Spreckels Boulevard (Assessor's Parcel Number 177-021-000), Greater Salinas Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

Tanimura and Antle and their assignees shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

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2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Tanimura and Antle and their assignees shall record a Permit Approval Notice. This notice shall state:

"An Administrative Permit and General Development Plan (Resolution Number 15-041) was approved by Planning Commission for Assessor's Parcel Number 177-021-015-000 on July 29, 2015. The permit was granted subject to 36 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitorina Action to be Performed:

Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Tanimura and Antle and their assignees shall provide proof of recordation of this notice to RMA -Planning.

3. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

Responsible Department: RMA-Planning

Monitoring Measure:

Condition/Mitigation A copy of the Resolution of Approval (Resolution No. 15-041) for the Combined Development Permit (Planning File No.: PLN150371) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. Contractor/Owner/Applicant shall be responsible for compliance conditions of approval. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

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

Compliance or Monitorina Action to be Performed:

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, Tanimura and Antle and their assignees shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

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

5. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: RMA-Planning

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

Compliance or Monitoring Action to be Performed:

Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

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

6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

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

Compliance or Monitoring Action to be Performed:

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

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

7. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitorina Action to be Performed:

Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

8. PDSP01 - RETAIL STORE SALES

Responsible Department: RMA-Planning

Monitoring Measure:

Condition/Mitigation All sales at the retail store shall be limited only to employees of Tanimura and Antle.

Compliance or Monitoring Action to be Performed:

Prior to occupancy, Tanimura and Antle and its assignees shall demonstrate to the satisfaction of the RMA-Planning Director the mechanism that will be employed to insure that all sales at the retail store are limited only to employees of Tanimura and

9. PDSP02 - GUEST PARKING

Responsible Department: RMA-Planning

Monitoring Measure:

Condition/Mitigation Tanimura and Antle and its assignees shall provide 50 guest parking spaces (in addition to the 200 spaces provided for residents).

Compliance or Monitoring Action to be Performed:

Prior to issuance of a building permit, Tanimura and Antle and its assignees shall submit a plan to provide 50 guest parking spaces for review and approval by the RMA-Planning Director. The parking spaces shall be installed prior to occupancy.

10. PDSP03 - PEDESTRIAN ACCESS TO RETAIL STORE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Tanimura and Antle shall provide safe pedestrian access between the apartments and the retail store.

Compliance or Monitoring Action to be Performed:

Prior to the issuance of a building permit, Tanimura and Antle and its assignees shall submit revised plans showing safe pedestrian access between the apartments and the retail store to the satisfaction of the RMA-Planning Director. The improvements shall be installed prior to occupancy.

11. PDSP04 - LAUNDRY FACILITIES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Tanimura and Antle and their assignees shall provide a minimum of one washer and one dryer for every 25 occupants of the facility.

Compliance or Monitorina Action to be Performed:

Prior to the issuance of a building permit, Tanimura and Antle and their assignees shall submit revised provide showing a minimum of one washer and one dryer for every 25 occupants of the facility. The washers and dryers shall be installed prior to occupancy.

12. PDSP05 - AGRICULTURAL BUFFER

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

To provide an additional agricultural buffer, Tanimura and Antle and their assignees shall relocate the existing olive trees on the site to the area between the southwestern property line and the proposed driveway.

Compliance or Monitoring Action to be Performed:

Prior to the issuance of a building permit, Tanimura and Antle and their assignees shall submit a revised landscape plan showing the existing olive trees relocated to the area between the southwestern property line and the proposed driveway for review and approval by the RMA-Planning Director. The trees shall be relocated prior to occupancy.

13. PDSP06 - OPERATION OF PROJECT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

If the project is to be operated in a way that is inconsistent with the approved General Development Plan or the description in this resolution, then an amendment to the General Development Plan will be required.

Compliance or Monitoring Action to be Performed:

If Tanimura and Antle and their assignees decide to operate the project in a way that is inconsistent with the approved General Development Plan or the description in this resolution, then an amendment to the General Development Plan will be required prior to implementation of any such changes in operation.

16. MM003 - HAZARDOUS MATERIALS; BUSINESS RESPONSE PLAN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure:

Mitigation Measure 8.3 - In order to reduce the potential risks for the occupants of the proposed employee housing facility from an accidental release of ammonia from the existing ammonia cooler facilities in the vicinity of the project site, the applicant shall prepare a Business Response Plan (BRP) for the operation of the cooler facility. The Business Response Plan shall include the following:

- Inventory of Hazardous Materials
- **Business Contact Information**
- Site Map
- Training Plan
- Emergency Response Plan (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to occupancy of the employee housing facility Tanimura and Antle and their assignees shall provide evidence to the Environmental Health Bureau (EHB) that the Business Response Plan for the operation of the cooler facility is on file with Hazardous Materials Management Services and reflects the employee housing facility.

17. MM004 - IMPORTED FILL MATERIAL

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure:

Mitigation Measure 8.4 - All soil placed on the project site shall be sampled to determine if there are any hazardous elements present in the soil. Antle and their assignees shall submit a soil sampling plan that includes all sources of fill material to EHB for review and approval and pay necessary fees. In the event a borrow site is identified as being contaminated, fill material shall not be imported to the project from that site. (Environmental Health Bureau)

Compliance or Monitoring Action to be Performed:

The sampling plan including all sources of fill material, shall be submitted for review and be approved by the Environmental Health Bureau prior to issuance of any construction permits and prior to importing any fill material to the site. Once approved, an appropriately licensed, CA-registered professional shall complete documentation of the borrow site(s), oversee soil sampling and prepare a comprehensive report to be submitted to the Environmental Health Bureau for review and acceptance.

18. MM006 - WASTEWATER IMPROVEMENTS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure:

Mitigation Measure 17.1 - The employee housing facility is proposed to receive sewer service from Spreckels Wastewater Treatment Facilities. Wastewater improvements specific to this project shall be approved by the Regional Water Quality Control Board (RWQCB) and installed to their satisfaction.

Compliance or Monitorina Action to be Performed: Prior to issuance of construction permit, Tanimura and Antle and their assignees shall provide evidence to the Environmental Health Bureau (EHB) that RWQCB has reviewed and approved wastewater improvement plans specific to this project. to occupancy, the applicant shall provide evidence to EHB that all wastewater improvements specific to this project have been installed to the satisfaction of RWQCB.

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14. MM001 - AMMONIA STORAGE AWARENESS AND NOTIFICATION PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:

Mitigation Measure 8.1 - Tanimura and Antle and their assignees shall submit an ammonia storage awareness and notification plan to the Environmental Health Bureau (EHB) for review and approval which includes, but is not limited to:

- Education for employee housing residents regarding risks associated ammonia release:
- An ammonia detection, monitoring and notification system including an audible alarm at employee housing facility that is distinctly different from a fire alarm;
- An emergency notification plan for employee housing residents;
- Training for employee housing residents on emergency procedures in the event of an ammonia release provided at initial occupancy and refreshed annually; and
- An emergency response procedure drill conducted annually within the first month of occupancy each year. (Environmental Health Bureau)

Compliance or Monitorina Action to be Performed:

Prior to issuance of construction permits, Tanimura and Antle and their assignees shall submit a plan to EHB for review and approval.

Prior to occupancy of the employee housing facility, Tanimura and Antle and their assignees shall conduct a test of the ammonia detection, monitoring and notification system in the presence of EHB.

15. MM002 - HAZARDOUS MATERIALS: RISK MANAGEMENT PLAN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure:

Mitigation Measure 8.2 - In order to reduce the potential risks for the occupants of the proposed project from an accidental release of ammonia from the existing ammonia cooler facilities in the vicinity of the project site, the existing CalARP Program Level 2 Risk Management Plan (RMP) for the cooler identified as EHB Facility FA08181048 must be changed to a Level 3 RMP. The Level 3 RMP shall include the following:

- Process Safety Information
- Process Hazard Analysis
- Operating Procedures
- Training for operators
- Mechanical Integrity
- Management of Change
- Pre-Startup Safety Review Procedures
- Compliance Audits Schedule
- Incident Investigation
- **Employee Participation**
- Hot Work Permit
- Contractors

(Environmental Health Bureau)

Compliance or Monitoring Action to be Performed:

Mitigation Measure 8.2 - Prior to occupancy of the employee housing facility, Tanimura and Antle and their assignees shall provide evidence to the Environmental Health Bureau that the Risk Management Plan (RMP) for Tanimura & Antle - Spreckels Industrial Park (EHB Facility No. FA0818048) has been amended to reflect a CalARP Program Level 3 compliance status. The amended RMP shall be approved by the Environmental Health Bureau prior to occupancy of the project.

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19. MM007 - WATER SYSTEM PERMIT AMENDMENT

Responsible Department:

Health Department

Condition/Mitigation Monitoring Measure:

Mitigation Measure 17.2 - The State Water Resources Control Board Division of Drinking Water (Division) will require that the Spreckels Water System apply for and be issued an amendment to their water system permit prior to using the employee housing since:

- the proposed project will expand the distribution system by greater than 20%. The system currently serves 324 connections and the proposed project would add 100 housing units (CA Code of Regulations Section 64556(a)(5).
- the system is unable to meet Maximum Day Demand with the largest source of supply offline.

(Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to occupancy, the applicant shall provide documentation to the satisfaction of the Environmental Health Bureau that the Division has issued an interim approval to operate or an amendment to the Spreckels Water System permit.

20. MM008 - WATER SYSTEM IMPROVEMENTS

Responsible Department:

Health Department

Condition/Mitigation Monitoring Measure:

Mitigation Measure 17.3 - The proposed distribution system expansion of the Spreckels Water Company shall comply with all pertinent sections of the CA Waterworks Standards including but not limited to:

- CA Code of Regulations Section 64570 thru 64578 which specifies requirements for pipeline sizes, materials and installation, including required horizontal and vertical separations between new water mains and pipes carrying non-potable fluids
- CA Code of Regulations Section 64591 which requires all materials that come in contact with the water shall be certified to meet NSF Standard 61 for indirect additives.

(Environmental Health Bureau)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits that include expansion of the water distribution system, Tanimura and Antle and their assignees shall provide documentation to the satisfaction of the Environmental Health Bureau that plans have been reviewed and approved by the State Water Resources Control Board Division of Drinking Water.

21. MMOO5 - FIRE PROTECTION SERVICES

Responsible Department:

Fire

Condition/Mitigation Monitoring Measure: Mitigation Measure 14.1 - Prior to issuance of any construction permits a contract for fire protection services shall be entered into between the Monterey County Regional Fire District and the Spreckels CSD. The agreement shall remain in effect during the duration of the project or until other alternative solutions are developed. (Fire)

Compliance or Monitoring Action to be Performed: A copy of the fully executed agreement shall be provided to RMA-Planning prior to issuance of any construction permits.

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22. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure:

Prior to issuance of building permits, Tanimura and Antle and their assignees shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters

adopted in the current fee schedule.

Compliance or Monitoring Action to be Performed:

Prior to issuance of Building Permits, Tanimura and Antle and their assignees shall

pay Monterey County Building Services Department the traffic mitigation fee.

23. PWSP001 - COUNTY WIDE TRAFFIC IMPACT FEE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure:

If the County Wide Traffic Impact Fee is in place prior to issuance of building permits. Tanimura and Antle and their assignees shall pay the County Wide Traffic Impact Fee. The fee amount shall be determined based on the parameters adopted in the fee schedule.

Compliance or Monitoring Action to be Performed:

Prior to issuance of Building Permits, Tanimura and Antle and their assignees shall pay Monterey County Building Services Department the traffic mitigation Tanimura and Antle and their assignees shall submit proof of payment to the DPW.

24. SHSP001 - PUBLIC SAFETY AND SECURITY GUIDELINES

Responsible Department:

Sheriff

Condition/Mitigation Monitoring Measure:

Prior to occupancy, Tanimura and Antle and their assignees shall comply with the Monterey County Public Safety and Security Guidelines to the satisfaction of the Monterey County Sheriff's Office. (Sheriff's Office)

Compliance or Monitoring Action to be Performed: Tanimura and Antle and their assignees shall contact the Sheriff's Community Service's Representative and obtain specific public safety guidelines tailored to the project and implement satisfactory measures prior to occupancy.

25. WRSP1 - DRAINAGE PLAN (NON-STANDARD WORDING)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure:

Tanimura and Antle and their assignees shall provide a drainage plan, prepared by a registered civil engineer, to mitigate on-site and off-site impacts. include stormwater retention/percolation facilities and mitigate post-development peak flow discharge. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed:

Prior to issuance of any construction permit, Tanimura and Antle and their assignees shall submit a drainage plan with the construction permit application.

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

26. WRSP2 - COMPLETION CERTIFICATION (NON-STANDARD WORDING)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure:

Tanimura and Antle and their assignees shall provide certification from a registered civil engineer that stormwater retention facilities have been constructed in accordance with the approved drainage plan. (Water Resources Agency)

Compliance or Monitorina Action to be Performed: Prior to final inspection, Tanimura and Antle and their assignees shall submit a letter to the Water Resources Agency prepared by a registered civil engineer.

27. CALIFORNIA CONSTRUCTION GENERAL PERMIT

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: Tanimura and Antle and their assignees shall submit a Identification (WDID) number certifying the project is covered under the California Construction General Permit. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed:

Prior to issuance of any grading or building permits, Tanimura and Antle and their assignees shall submit a WDID number certifying the project is covered under the California Construction General Permit.

28. EROSION CONTROL PLAN

Responsible Department:

Environmental Services

Condition/Mitigation Monitoring Measure:

Tanimura and Antle and their assignees shall submit an Erosion Control Plan in conformance with the requirements of Monterey County Code Chapter 16.12. Erosion Control Plan may be combined with the Grading Plan provided it is clearly identified. The Erosion Control Plan shall include as necessary: construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s). The following notes shall be included on the Erosion Control Plan:

- •Dust from grading operations shall be controlled.
- •Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County grading and erosion control regulations.
- During construction, the owner/applicant shall schedule an RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point.
- •Prior to final inspection, the owner/applicant shall schedule an RMA-Environmental Services to ensure that all disturbed areas have been stabilized and that all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed:

Prior to issuance of any grading or building permits, Tanimura and Antle and their assignees shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

29. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure:

Tanimura and Antle and their assignees shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Geotechnical Report. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed:

Prior to final inspection, Tanimura and Antle and their assignees shall provide RMA-Environmental Services a letter from a licensed practitioner.

30. GRADING PLAN

Responsible Department:

Environmental Services

Condition/Mitigation Monitoring Measure: Tanimura and Antle and their assignees shall submit a Grading Plan, prepared by a registered Professional Engineer, incorporating the recommendations in the project Geotechnical Report prepared by Grice Engineering, Inc. The Grading Plan shall also address the requirements of Monterey County Code Chapter 16.08, and the geotechnical inspection schedule shall be included on the plan. The applicant shall provide certification from the licensed practitioner that the Grading Plan incorporates their geotechnical recommendations. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed:

Prior to issuance of any grading or building permits, the applicant shall submit a grading plan to RMA-Environmental Services for review and approval.

Prior to issuance of any grading or building permits, Tanimura and Antle and their assignees shall submit certification from a licensed practitioner that they have reviewed the grading plan for conformance with the geotechnical recommendations.

31. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department:

Environmental Services

Condition/Mitigation Monitoring Measure: Tanimura and Antle and their assignees shall schedule an inspection RMA-Environmental Services to inspect drainage device installation, review maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, Tanimura and Antle and their assignnes shall provide certification that all necessary geotechnical inspections have been completed to that point. (RMA - Environmental Services)

Compliance or Monitoring Action to be Performed:

During construction, Tanimura and Antle and their assignees shall schedule an inspection with RMA-Environmental Services.

32. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure:

Tanimura and Antle and their assignees shall schedule an inspection RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA - Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, Tanimura and Antle and their assignees shall schedule an inspection with RMA-Environmental Services.

33. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure:

Tanimura and Antle and their assignees shall schedule an inspection RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. (RMA - Environmental Services)

Compliance or Monitoring Action to be Performed:

Prior to commencement of any land disturbance, Tanimura and Antle and their assignees shall schedule an inspection with RMA-Environmental Services.

34. EHSP01 - EMPLOYEE HOUSING PERMIT

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure:

Comply with Employee Housing Regulations found in the California Health and Safety Code Section 17000-17062.5 and the California Code of Regulations Title 25, Division Chapter 1, Subchapter 3 Sections 600-940.

Compliance or Monitoring Action to be Performed:

Prior to occupancy, the applicant shall obtain an Employee Housing permit from the Environmental Health Bureau.

The property owner shall maintain the Employee Housing permit annually for the duration of the use.

35. EHSP02 - SEPARATE RECYCLABLES

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure:

The facility shall comply with California Assembly Bill AB 341 and Monterey County Code, Chapter 10.41

Compliance or Monitoring Action to be Performed:

Prior to issuance of construction permits, the applicant shall submit to the Environmental Health Bureau for review and approval a descriptive plan on how recyclables will be collected from common areas and consolidated prior to removal off site.

36. EHSP03 - CALIFORNIA RETAIL FOOD CODE (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure:

The proposed project includes a market that will constitute a food facility. All related improvements shall comply with the California Health and Safety Code, Division 104, Part 7, California Retail Food Code. (Environmental Health)

Compliance or Monitoring Action to be Performed:

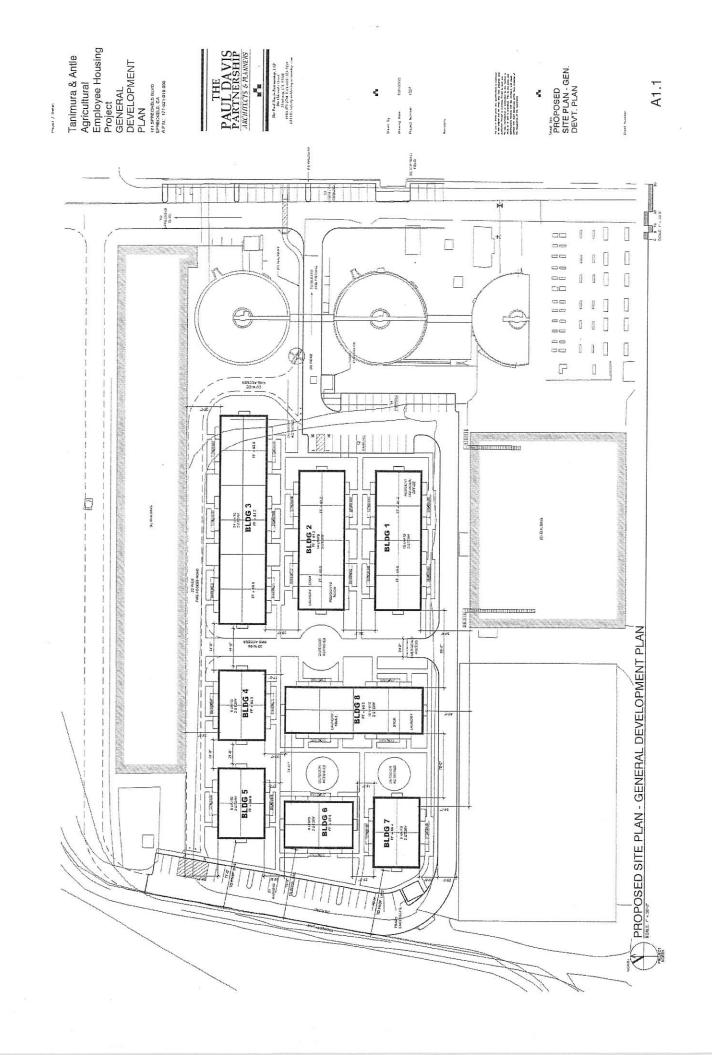
Prior to issuance of construction permits for the market, the applicant shall submit an application for Plan Check with three (3) sets of plans and applicable fees to Consumer Health Protection Services of the Environmental Health Bureau for review and approval.

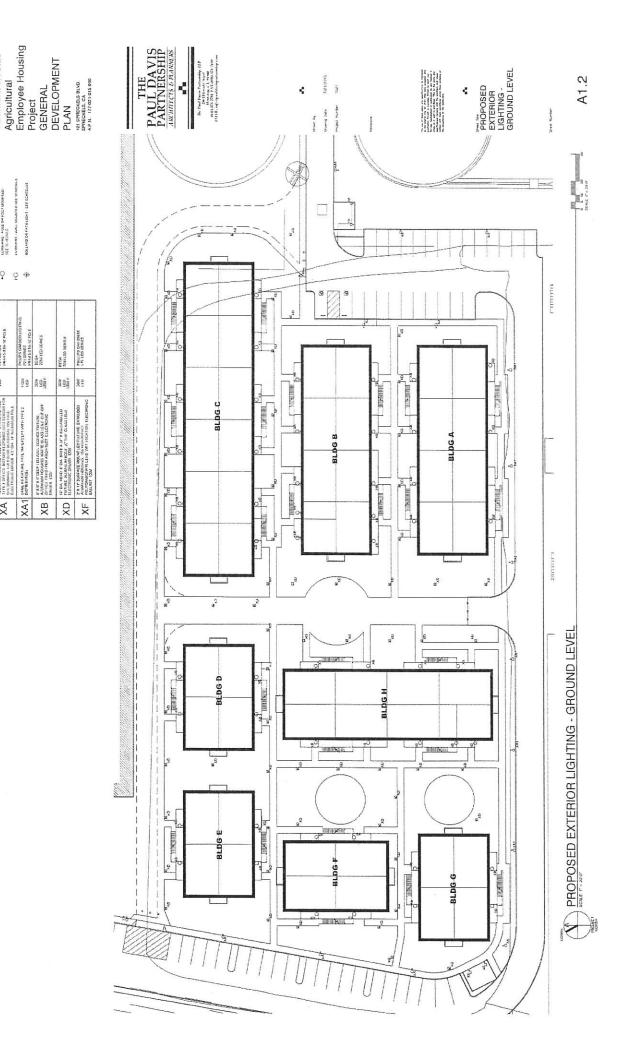
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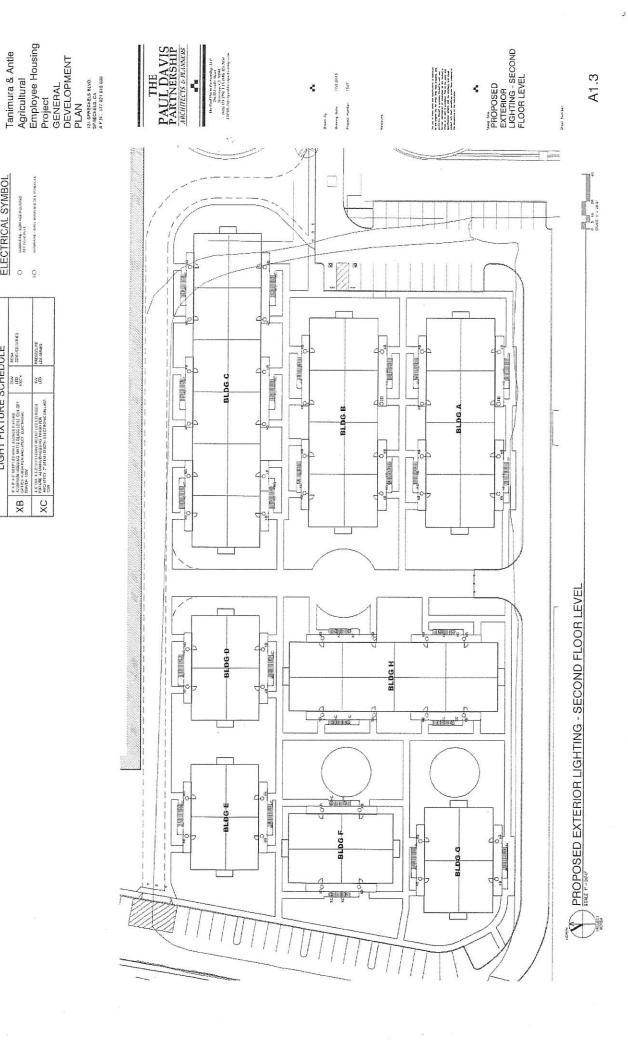
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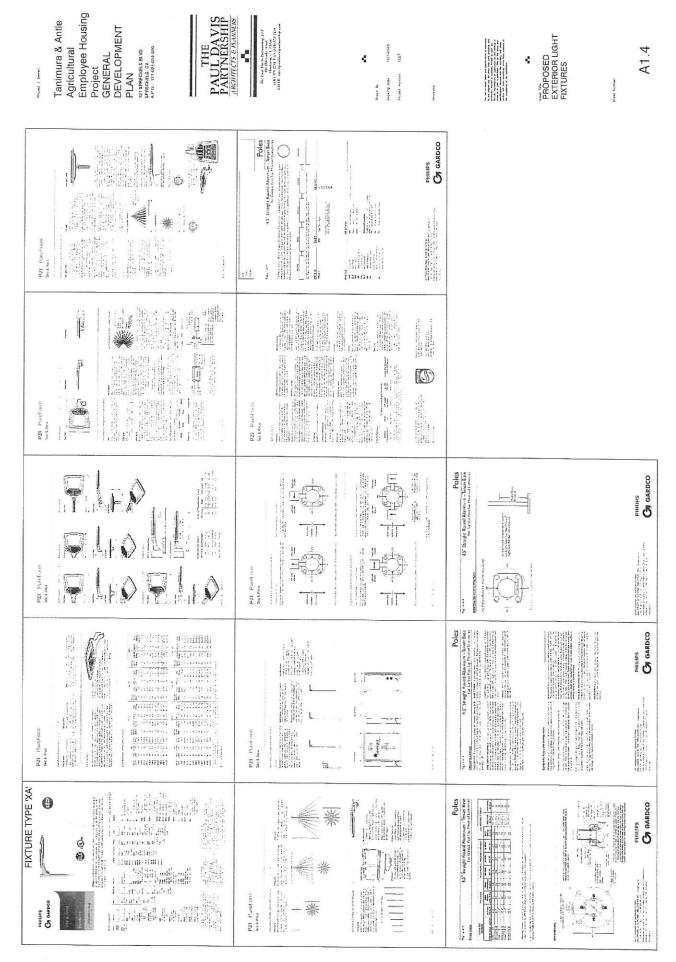
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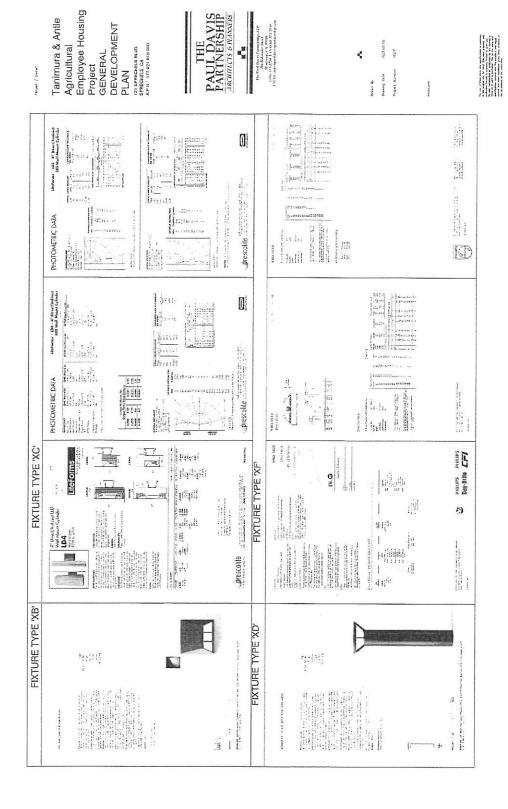
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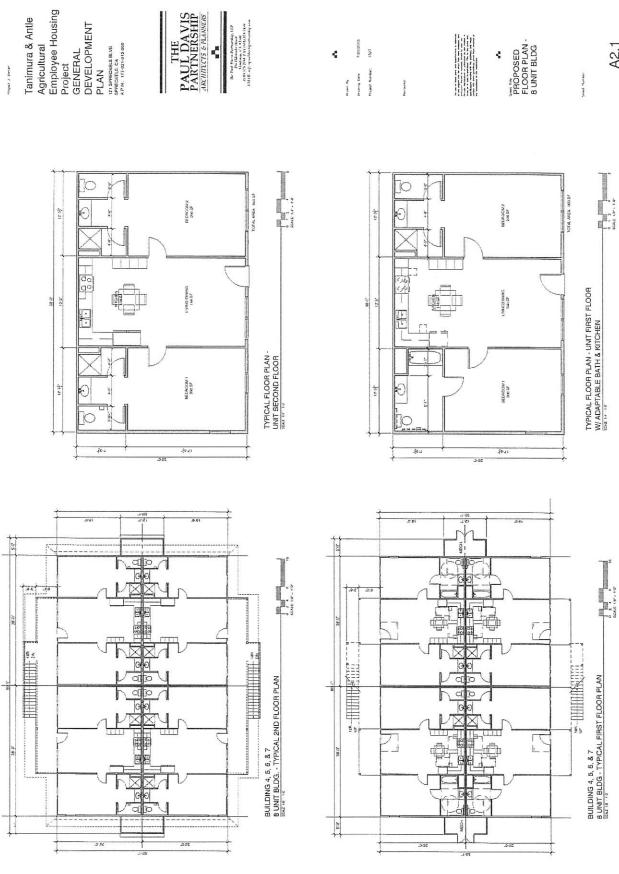
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PROPOSED EXTERIOR LIGHT FIXTURES

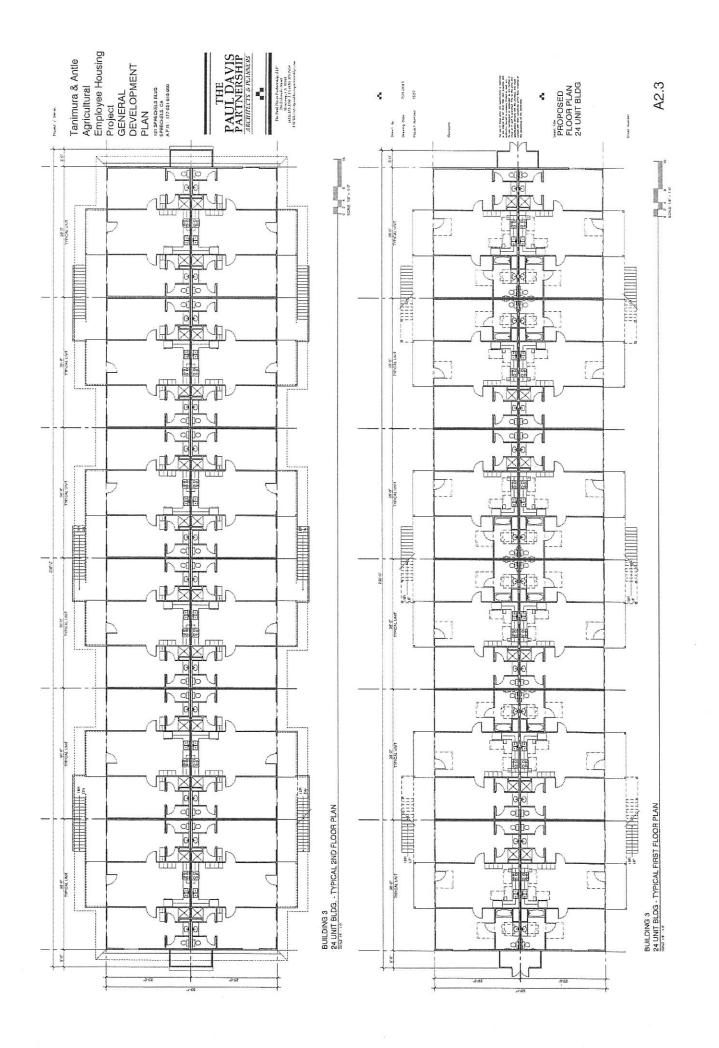
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Tanimura & Antle Agricultural Employee Housing Project GENERAL DEVELOPMENT PLAN

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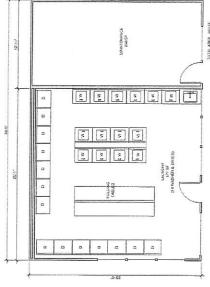
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PHÓPOSED FLOOR PLAN -UNIT TYPE B, C, & D



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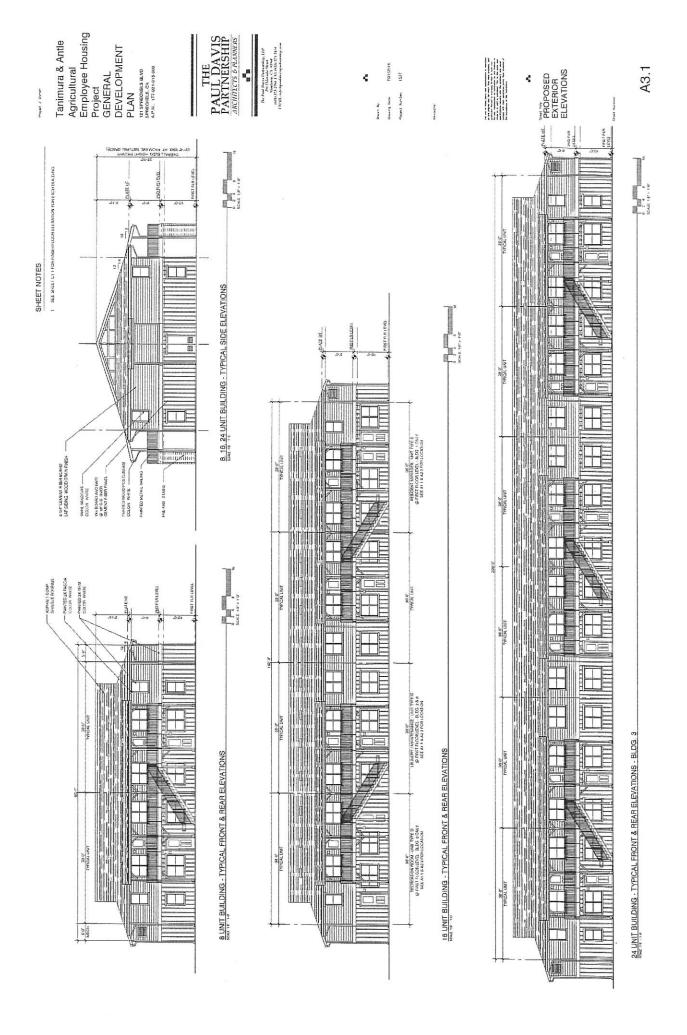
FLOOR PLAN - UNIT TYPE B - RESIDENT MANAGER

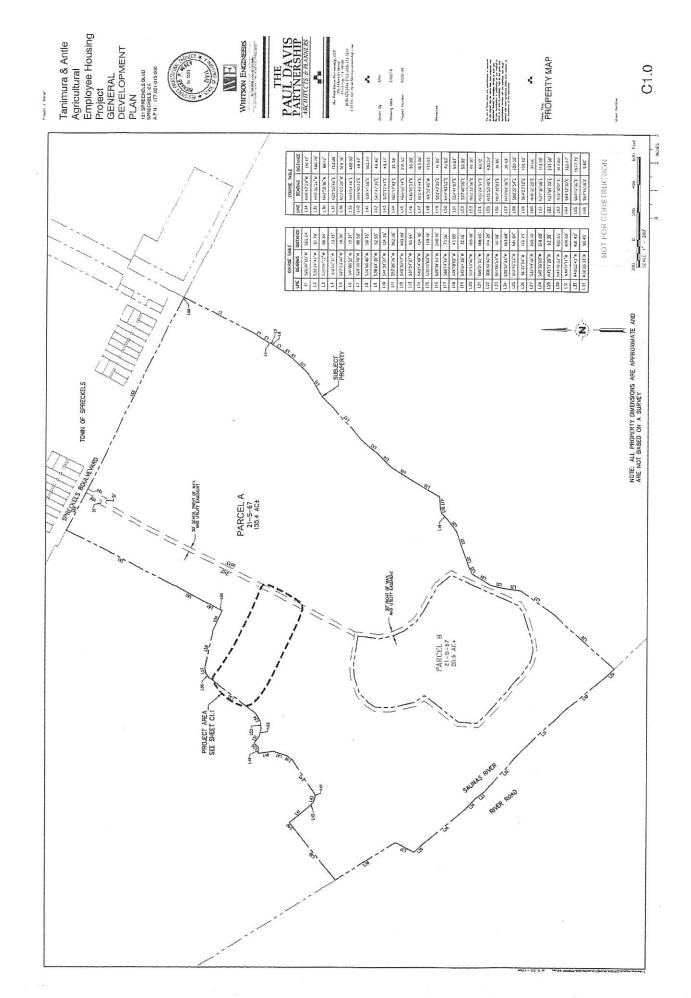
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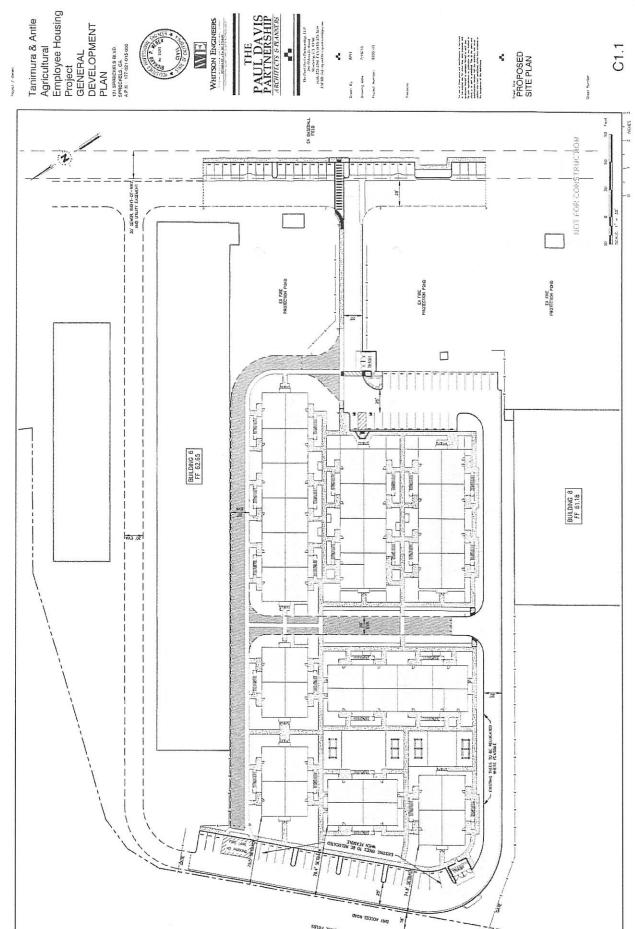
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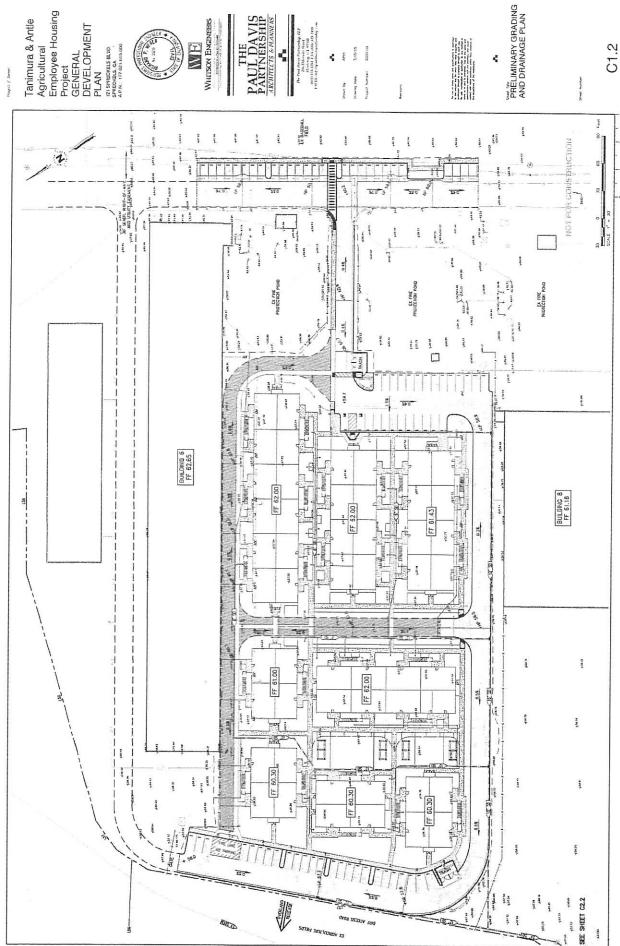
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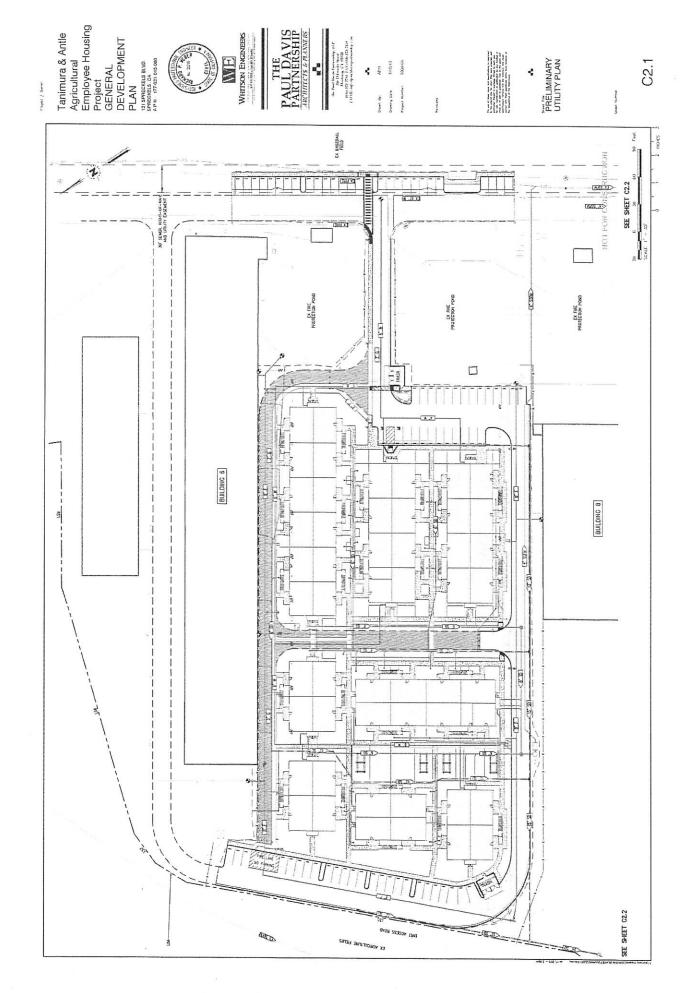
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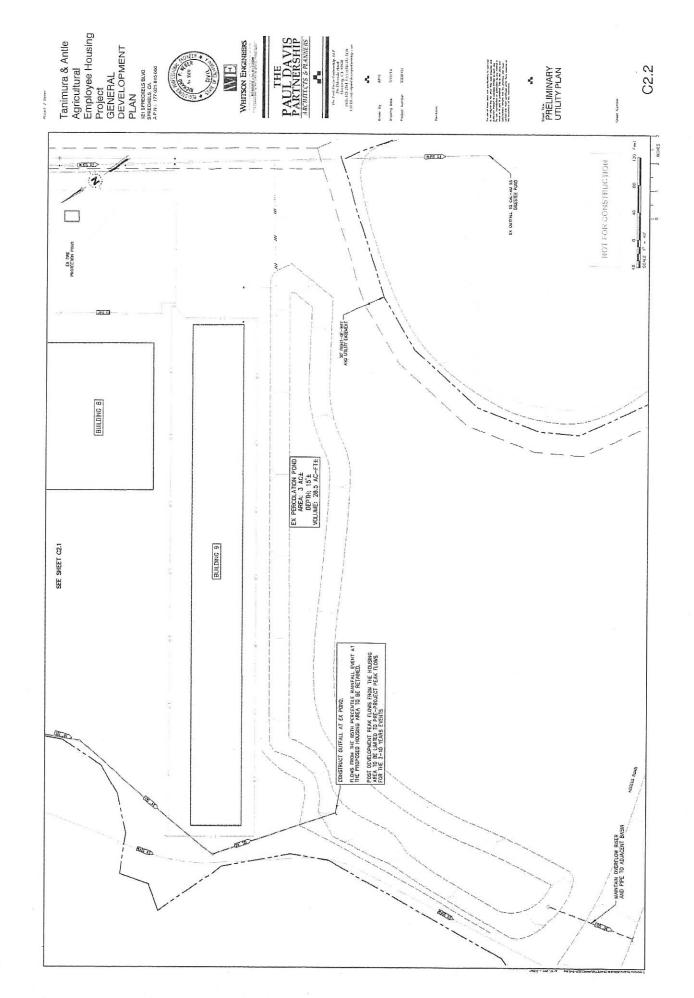


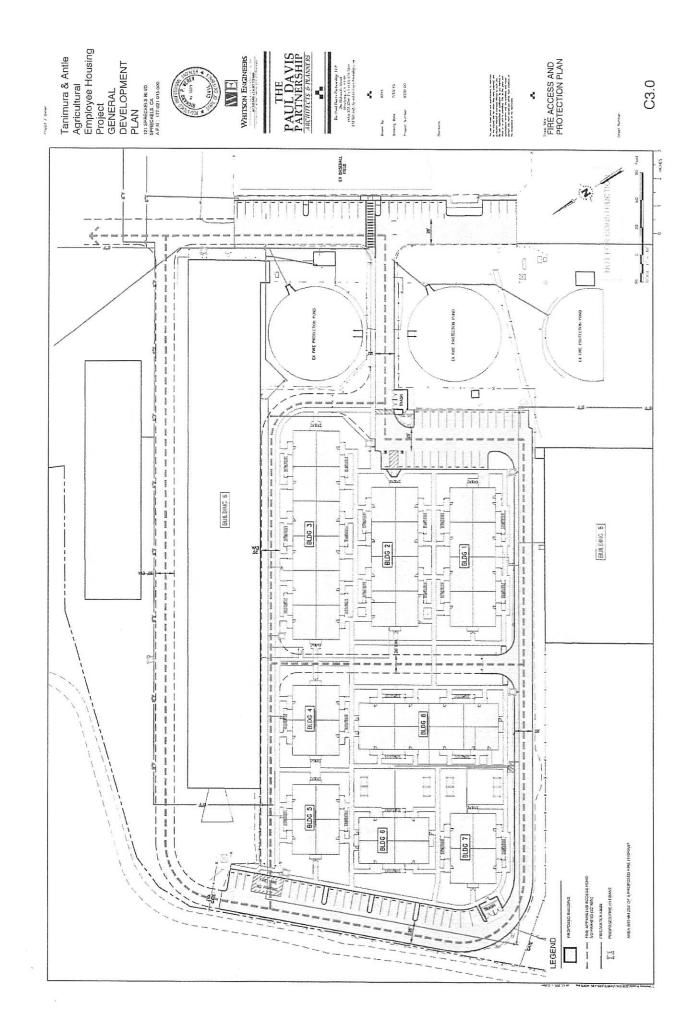


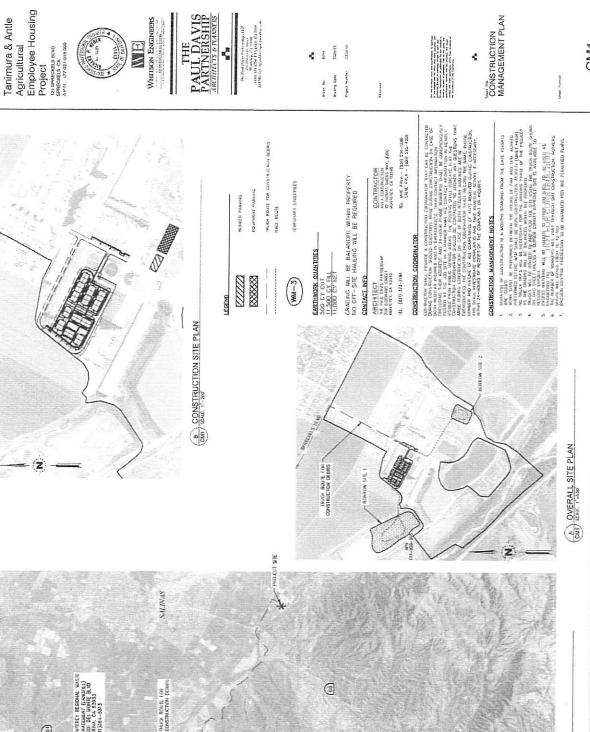












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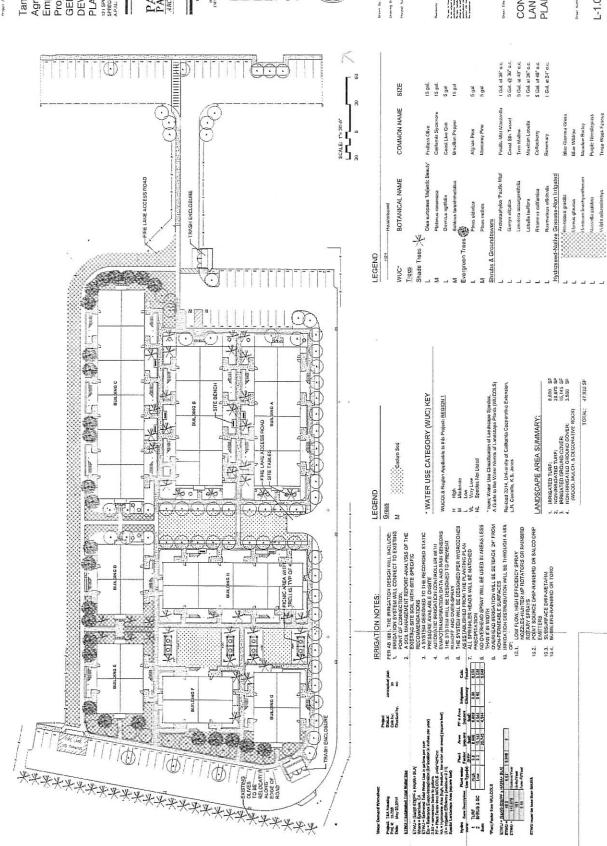
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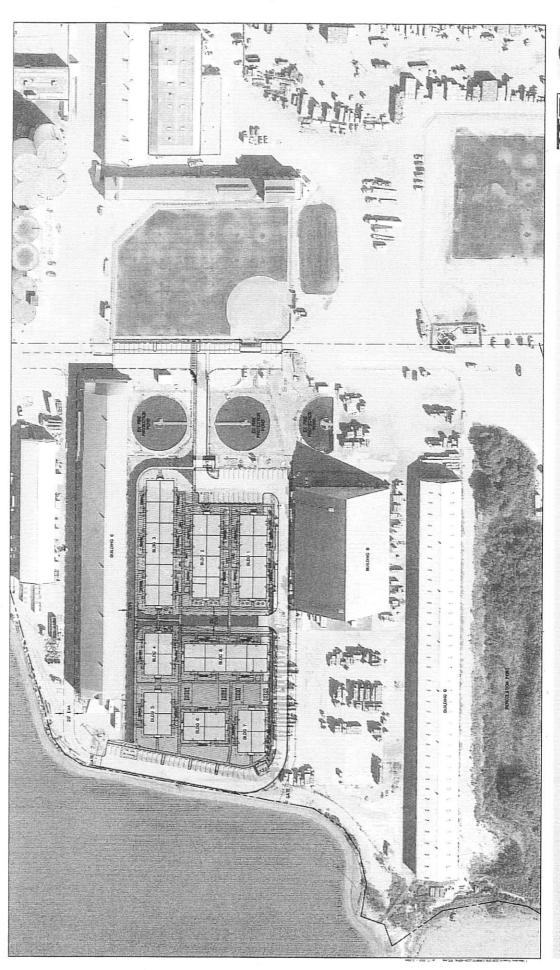
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