



## Legislation Details (With Board Report)

<b>File #:</b>	ZA 20-031	<b>Name:</b>	PLN190077 - DURAN
<b>Type:</b>	BoS Resolution	<b>Status:</b>	Agenda Ready
<b>File created:</b>	7/17/2020	<b>In control:</b>	Monterey County Zoning Administrator
<b>On agenda:</b>	7/30/2020	<b>Final action:</b>	
<b>Title:</b>	PLN190077 - DURAN Public hearing to consider a 7,000 square foot addition to an existing 7,410 square foot agricultural support facility (strawberry cooler) and a 1,452 square foot office building. The project also requires a Variance to increase the maximum allowable building site coverage from 5% to 13%. Project Location: 135 Allison Road, Pajaro, North County Area Plan. Proposed CEQA Action: Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines.		

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Staff Report, 2. Exhibit A – Vicinity Map, 3. Exhibit B – Draft Resolution, 4. Exhibit C – LUAC Minutes, 5. Exhibit D – Traffic Impact Report, 6. Exhibit E – Original Use Permit (1992), 7. RESza\_20-031\_PLN190077\_073020

Date	Ver.	Action By	Action	Result
7/30/2020	1	Monterey County Zoning Administrator		

### PLN190077 - DURAN

Public hearing to consider a 7,000 square foot addition to an existing 7,410 square foot agricultural support facility (strawberry cooler) and a 1,452 square foot office building. The project also requires a Variance to increase the maximum allowable building site coverage from 5% to 13%.

**Project Location:** 135 Allison Road, Pajaro, North County Area Plan.

**Proposed CEQA Action:** Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines.

### RECOMMENDATION:

It is recommended the Zoning Administrator:

- 1) Find the project is an addition to an existing structure which qualifies as a Class 1 Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2;
- 2) Approve a General Development Plan and Amendment to a previously approved Use Permit (ZA92008) to allow a 7,000 square foot addition to an existing 7,410 square foot agricultural support facility (strawberry cooler) and a 1,452 square foot new office building; and
- 3) Approve a Variance to increase the maximum allowable building site coverage from 5% to 13%.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit B**). Staff recommends approval of the project subject to ten (10) conditions of approval.

### PROJECT INFORMATION:

**Agent:** Alvaro Gonzalez

**Project Owner:** Edmund Duran

**APNs:** 117-402-003-000

**Zoning:** Farmlands - 40 Acre Minimum (F/40)

**Parcel Size:** 3.33 acres (145,054.80 square feet)

**Plan Area:** North County Area Plan

**Flagged and Staked:** Yes

#### SUMMARY:

The applicant proposes to build a 7,000 square foot addition along with 1,452 square feet of office space to an existing strawberry cooling facility. The project site is located off the southwest corner at the intersection of Allison Lane and San Juan Road in Pajaro. It is located in and surrounded by the Farmlands Zoning District. The proposed addition would be on the northern end of the property, which currently has an existing 7,410 square foot cold storage building.

Staff has reviewed the proposal and found it consistent with the relevant policies and regulations of the North County Area Plan and the Zoning Ordinance under Title 21. Based on review of the project for conformance with all applicable codes, staff recommends approval of the project as proposed subject ten (10) conditions of approval.

#### DISCUSSION:

##### *Background*

In 1992, the Zoning Administrator approved a Use Permit to allow a 2,800 square foot strawberry cooler as an agricultural support facility on a 3.37 acre parcel with an existing 2,750 square foot single family residence. The ZA found that an agricultural support facility is a use allowed under Title 21 of County Code and consistent with the North County Area Plan. A General Development Plan was not included as part of the application at that time. Over time, the strawberry cooler has expanded to be a present size of 7,410 square feet, and when combined with the existing residence, the current building site coverage of this parcel is 7%. A County records' search showed the applicant applied for building permits incrementally until the strawberry cooler facility reached the existing 7,410 square feet of storage space that it is now. The additions to the storage space were done as accessory structures consistent with uses allowed without discretionary permits under Title 21.30.30.C. These permits were correctly issued without a discretionary permit, but once the building site coverage exceeded 5%, a Variance should have been obtained for any additional structures prior to a building permit being issued. This application for a variance will allow for the previous expansion and the additions proposed in this project.

The applicant is now proposing to add 7,000 square feet of additional cooling space and a 1,452 square foot office space in order for the farm owner to accommodate increased strawberry production. Construction is proposed on previously disturbed and not on actively cultivated land. A General Development Plan (**Exhibit B**) was submitted for review and approval as part of this application.

##### *General Development Plan*

A General Development Plan was prepared by the applicant for the proposed cooler expansion. It outlines the purpose of this project is to provide cooling services for strawberry farmers around the Salinas Valley. The current cooler is 7,410 square feet and the proposed addition would nearly double its size. Typical business hours are 7:00 am to 8:00pm during non-peak months, and 7:00 am to 10:00 pm during peak production months (typically April through June) when the coolers are at full capacity. Similarly, about four to six full-time employees are on site during off-peak season, while six to ten employees work during harvest months. With the proposed office space and, this project would expand the use of the original permit while increasing the number of onsite employees by three. Staff has found this General Development Plan acceptable for this proposed project.

##### *Variance*

The applicant is requesting a variance to increase the maximum building site coverage from 7% to 13%, or from 10,160 square feet to 18,612 square feet. In Monterey County, the three findings that must be made in order to grant a variance are:

Because of special circumstances applicable to the subject property, the strict application of the Zoning Ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;

The Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;

The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

Staff finds this application is eligible for a variance to increase maximum building site coverage from 7% to 13%. Under the Zoning Code and the Agricultural section of the General Plan, County policies support agricultural uses, including support facilities, on areas designated for farming. The site is zoned Farmlands (F) which principally ensures land be utilized for harvesting purposes. However, agricultural policies in the General Plan also encourages agricultural support facilities such as coolers, cold storage, and warehouses (**AG-1.4 and AG-2.1**). This project site has long been used to support agricultural purposes for nearby fields as a cooler, and the expansion is necessary to accommodate the increased production of strawberries from nearby farms. This is a three-acre parcel in a zoning designation of 40 acres minimum per unit, so special circumstances limit the property owner's ability to have enough building site coverage for as much storage capacity as a neighboring 40-acre parcel unit. This unique circumstance would deprive the applicant of the same use as other larger parcels around them in the same zoning district.

The proposed development continues the use of an existing business that provides storage capacity to local farmers in the community. The applicant has indicated that due to the changing nature of the strawberry industry, farmers must harvest more berries with a variety that yields twice as much fruit as it had in years prior. The increased production levels of fruit have not allowed local farmers the opportunity to store their harvests in coolers which would expand the shelf life of their product. Reduced shelf life causes rotted fruit and loss of revenue. The variance would not constitute a grant of special privileges because it is continuing a current use of the property, while benefitting the local community. Finally, strawberry storage cooling facilities are a use allowed in the Farmlands district subject to a discretionary permit.

#### *Archaeological Resources*

The project site has been identified as an area of high archaeological sensitivity, and a cultural resources assessment for this parcel has been included as part of project analysis. The archaeologist concluded potential development has low sensitivity for the presence of significant precontact and/or historical archaeological resources due to its unfavorable environmental setting, past cultivation, the intensive development of the parcel with industrial buildings, and negative results of previous cultural resource studies and the pedestrian survey of the Project Area. Therefore, it is unlikely that the proposed site is sensitive for significant below-grade cultural resources. A standard condition has been included in the project that requires work to stop and that the County and a qualified archaeologist be notified if previously unidentified resources are discovered during construction (**Exhibit B**).

#### *Traffic and Construction*

The project site is located directly off San Juan Road. The project as proposed would expand the current

building coverage for additional storage of the current business operation. The project does propose additional workspace areas for an increase of up to three additional employees and a potential increase in number of truck trips to the project site. However, this project was evaluated and analyzed by RMA Public Works and was found this project would not cause a significant impact to traffic. Upon review of the project, RMA-Public Works recommended payment of a county-wide traffic fee to off-set potential impacts to traffic, which has been incorporated into this project as a condition of approval (**Exhibit B**). Prior to issuance of building and construction permits, the applicant must submit proof of payment to Public Works.

RMA Public Works requested a traffic assessment to evaluate the potential impacts associated with the proposed project. The traffic assessment scope was developed in consultation with County staff and focuses on peak hour traffic operations and access at the San Juan Road / Allison Road intersection. The report recommends traffic safety improvements to accommodate for the increased development (**Exhibit D**).

Although the proposed development would not have any impacts to levels of service, the project has been conditioned by RMA Public Works to include safety enhancements due to the expanded use including a left turn lane at the intersection, a sight distance plan as recommended by the traffic assessment, and payment of traffic impact fees.

The proposed storage facility would be constructed on a concrete slab on north western section of the site directly adjacent to the existing business structure. The existing topography of the site is flat so a negligible amount of grading is proposed as part of this project.

#### *Development Standards and Surrounding Land Uses*

The applicable development standards for this project are captured under in the Farmlands (F) zoning district under Title 21.30.060 of the Monterey County Code. An agricultural use facility is a Use Allowed in the Farmlands district subject to a Use Permit. The F zoning designation allows a maximum height of 35 feet and a maximum building site coverage of 5% unless accompanied with a variance. The proposed structure would be 25 feet tall, and the total building site coverage in combination with existing buildings onsite would be 18,612 square feet, or 13% of 3.33 acres, which requires a Variance to be approved. No landscaping nor parking improvements are proposed as part of this application with an adequate number of spaces available for the increase in employees.

The project site is surrounded by Farmlands zoning on all sides of the parcel. It lies directly across a lot on San Juan Road with similar agricultural support facilities. The project site is otherwise surrounded by row crops and farms. The proposed extension of its current use is appropriate for this location.

#### *Water and Wastewater*

The property has two agriculture wells that are used to water plants and trees in the property, which are not used for domestic water. The proposed commercial operation will receive domestic water service from the Pajaro Sunny Mesa Community Services District. The Environmental Health Bureau (EHB) is recommending two conditions of approval for a cross connection control survey, and alternative onsite wastewater treatment system permit. In order to prevent backflow of water utilized for activities related to the agricultural support facility operation into the domestic supply, a cross-connection control survey shall be completed by a qualified professional to identify potential cross-connections.

EHB determined it will be challenging to site a conventional onsite wastewater treatment system (“OWTS” or septic system”) on the property that will meet the minimum standards specified by the Monterey County Code, Chapter 15.20, and the Monterey County Local Agency Management Program (LAMP); specifically, an onsite well, shallow groundwater and extensive impervious surfaces are likely to restrict the use of a conventional septic tank and rock-filled dispersal trench. Therefore, the applicant shall obtain a permit from EHB to install

the onsite wastewater treatment system. EHB is satisfied that adequate area exists to accommodate an alternative OWTS with supplemental treatment, and the project has been conditioned to ensure the applicant submits an onsite wastewater treatment system plan designed by a professional engineer review and approval by the EHB (**Exhibit B**).

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts minor alterations to existing structures.

The project involves the addition of a combined 8,452 square foot agricultural support buildings to an existing facility, which are a use allowed in the Farmlands zoning district. Staff, including the Environmental Health Bureau, found there are adequate facilities for this addition with conditions incorporated. The project site is not located in an environmentally sensitive area. Therefore, the proposed development is consistent with the parameters of Section 15301.

There are no exceptions pursuant to Section 15300.2. No evidence of significant adverse environmental effects was identified during staff review of the development application.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- RMA-Public Works
- RMA-Environmental Services
- Environmental Health Bureau
- North County Fire Protection District

LAND USE ADVISORY COMMITTEE:

This project was presented before the North County Land Use Advisory Committee (LUAC) on November 19, 2019. The Committee voted five in favor and none against with three members absent to support the project as proposed, and no issues were raised.

FINANCING:

Funding for staff time associated with this project is included in the FY20-21 Adopted Budget for RMA-Planning.

Prepared by: Yasmeen Hussain, Associate Planner, x6407

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Community  
Development and Interim Chief of Planning

The following attachments are on file with the RMA:

Exhibit A - Vicinity Map

Exhibit B - Draft Resolution, including:

- Site Plan, Floor Plans, and Elevations
- Conditions of Approval
- General Development Plan

Exhibit C - LUAC Minutes

Exhibit D - Traffic Impact Report

Exhibit E - Original Use Permit (1992)

cc: Front Counter Copy; Yasmeen Hussain, Project Planner; Brandon Swanson, RMA Services Manager; Edward Duran, Applicant; Alvaro Gonzalez, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN190077.