



Board Report

File #: RES 15-089, **Version:** 1

Public hearing to consider adopting a resolution to:

- a. Deny the appeal by James Ross Riley from the Planning Commission's adoption of a Mitigated Negative Declaration and approval of an application by Tanimura and Antle Fresh Foods, Inc. for 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 at 121 Spreckels Blvd., Spreckels Community;
- b. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan;
- c. Approve 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 at 121 Spreckels Blvd., Spreckels Community; and
- d. Deny the applicant's request for a waiver of application fees.

(Appeal of Combined Development Permit Approval - PLN150371/Spreckels Industrial Park, LLC, 121 Spreckels Blvd, Greater Salinas Area Plan (Tanimura and Antle Employee Housing Project))

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Deny the appeal by James Ross Riley from the Planning Commission's adoption of a Mitigated Negative Declaration and approval of an application by Tanimura and Antle Fresh Foods, Inc. for 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 at 121 Spreckels Blvd., Spreckels Community;
- b. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan;
- c. Approve 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 at 121 Spreckels Blvd., Spreckels Community, subject to the conditions of approval; and
- d. Deny the applicant's request for a waiver of application fees.

SUMMARY:

On July 29, 2015, the Planning Commission approved (9-0 vote) Tanimura and Antle's application for a Combined Development Permit consisting of a General Development Plan, Administrative Permit and Design Approval to allow an agricultural employee housing complex intended to house between 200 and 800 employees. The project is located within the Tanimura and Antle Industrial Park located south of the town of Spreckels and consists of a series of two story buildings divided into 100 two bedroom two bathroom units capable of supporting between two and eight people. The project will be occupied primarily during the Salinas Valley harvest season from April through November. The project includes open areas around the buildings with seating areas and barbeque areas. In addition the residents will have access to existing soccer, softball, indoor

hockey and gym facilities. The project also includes a small store to provide for the needs of the residents and serve employees of Tanimura and Antle.

The project has been designed to accommodate both existing domestic workers and H2A Visa workers. The traffic analysis has studied two scenarios, one with the project housing only H2A workers who would be bused to the area and will not have automobiles. The project analysis also looked at the potential for there to be 200 domestic workers who each has their own vehicle. Under either scenario, employees would still take Tanimura and Antle buses to the field each day.

On August 10, 2015, James Ross Riley (“Appellant”), a Spreckels resident, filed a timely appeal of the Planning Commission approval, stating that the Planning Commission decision was contrary to law and was not supported by the evidence (Attachment C). Responses to the Appellant’s contentions are contained in Finding 8 in the draft Board Resolution (Attachment B). Staff is recommending denial of the appeal, adoption of the Mitigated Negative Declaration, and approval of the project because the Appellant has not presented evidence that the Planning Commission decision was contrary to law or was not supported by the evidence. An EIR is not required because the Initial Study/Mitigated Negative Declaration (IS/MND) disclosed all of the potential impacts associated with the proposed project, identified mitigation measures that would reduce any potential environmental impacts to less than significant, and did not identify any potentially significant environmental impacts of the project that would require the preparation of an EIR. The record does not contain substantial evidence of a fair argument that the project may have a significant effect on the environment. The proposed project is consistent with the General Plan, including the policies identified in the contentions raised by the Appellant.

DISCUSSION:

Detailed discussion is provided in Attachment A.

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
- ✓ Water Resources Agency
- ✓ Monterey Regional Fire Protection District
- ✓ Parks Department
- ✓ RMA - Building
- ✓ Economic Development Department
- ✓ Agricultural Commissioner’s Office
- ✓ Sheriff’s Department
- ✓ Regional Water Quality Control Board, District 3

The Spreckels Neighborhood Design Review Committee reviewed the project on June 17, 2015 and recommended several changes to the project design. 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 Agricultural Advisory Committee (AAC) reviewed the project on June 25, 2015. One sentiment raised by some committee members was that they felt this project was outside the decision making scope of the AAC. They felt that the decision to approve the construction of a large labor housing project adjacent to the town of Spreckels was a decision to be made by the residents of Spreckels and the Planning Commission, not the AAC. Upon conclusion of discussion, a motion was made and seconded to recommend that the Planning Commission approve the Combined Development Permit with several conditions. The motion failed 4-5-3-0, and the committee moved on to the next item without considering another motion.

The Planning Commission conducted a public hearing on the project on July 29, 2015 and voted 9-0 (one member absent) to adopt the Mitigated Negative Declaration and approve the project. (See Planning Commission resolution at Attachment D.)

FINANCING:

Funding for staff time associated with this project is included in the FY2015-2016 Adopted Budget for RMA-Planning.

Prepared by: Bob Schubert, Senior Planner, ext. 5183

Approved by: Mike Novo, Director, RMA-Planning
Carl P. Holm, AICP, Acting Director, Resource Management Agency

This report was reviewed by John Ford, RMA Planning Services Manager

cc: Front Counter; Planning Commission; Monterey Regional Fire Protection District; RMA-Public Works; RMA-Environmental Services; Parks Department; Environmental Health Bureau; Water Resources Agency; RMA-Building, Agricultural Commissioner's Office; Sheriff's Department; John Ford, RMA Services Manager; Bob Schubert, Project Planner; Wesley Van Camp, Owner; Paul Davis, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; Janet Brennan; Planning File PLN150371.

The following attachments are on file with the Clerk of the Board:

Attachment A - Discussion

Attachment B - Draft Board Resolution including recommended Conditions of Approval and Project Plans

Attachment C - Notice of Appeal

Attachment D - Planning Commission Resolution

Attachment E - Vicinity Map

Attachment F - Initial Study/Mitigated Negative Declaration (IS/MND)

Attachment G - Correspondence from the Public