



County of Monterey Planning Commission

Item No.7

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Agenda Item No.7

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PLN140602 - JIMENEZ SALVADOR JR. TRUST (A.K.A. THE RED BARN)

Continued from July 10, August 28 and October 9, 2024, public hearing to consider amendment to Use Permits ZA-3117 and ZA-3629, as amended by Zoning Administrator Resolution No. 19-018, to increase the parking and sales area; amend an adopted General Development Plan to allow new uses including social gathering and corporate events within the Red Barn structure and in adjacent areas and allowing construction of on-site storage, shipping containers or similar, for vendors to rent); an after-the-fact permit for grading on slopes greater than 25%; and abate Code Enforcement Case Nos. 20CE00297 and 22CE00422.

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

Proposed CEQA action: Adopt a Mitigated Negative Declaration pursuant to CEQA Guidelines section 15074

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

1. Adopt a Mitigated Negative Declaration (SCH#2024040732) pursuant to CEQA Guidelines section 15074;
2. Approve a second amendment to ZA-3117 and an amendment to ZA-3629 which allowed approximately 156,840 square feet (sq. ft.) vending and outdoor sales (flea market) area and 306,000 sq. ft. of parking area. These amendments grant an additional 34,500 sq. ft. of outdoor vending area, approximately 18,140 sq. ft. vehicle access, a 720 sq. ft. office structure southwest of the Red Barn and an additional 51,446 sq. ft. parking area northeast of the Red Barn to abate Code Enforcement Case Nos. 20CE00297 and 22CE00422;
3. Amend an adopted General Development Plan to expand the existing open-air sales (flea market) and to add new uses including social gatherings and corporate events within the Red Barn structure and in adjacent areas and allowing construction of on-site storage (shipping containers or similar) for vendors to rent; project includes installation of an onsite wastewater treatment system;
4. Approve an after-the-fact Use Permit for grading on slopes in excess of 25 percent to partially abate Code Enforcement Case No. 22CE00422; and
5. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Program.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 27 conditions of approval.

PROJECT INFORMATION:

Agent: Joel Panzer

Property Owner: Jimenez Salvador Jr Trust

APNs: 141-013-035-000, 141-013-034-000, 141-013-037-000 and 141-131-025-000

Project Size: 32 acres

Zoning: Light Commercial or “LC” and Rural Density Residential or “RDR”

Plan Area: North County Area Plan

Flagged and Staked: No

SUMMARY:

On July 10, 2024, prior to the originally scheduled hearing, the applicant requested that the Planning Commission continue the hearing to a date certain of August 28, 2024, in order to allow time for the applicant to prepare an update to their amended GDP for consideration. The Planning Commission did not open the discussion of the item. Staff agreed with the applicant’s request for continuance so that the Environmental Health Bureau (EHB) and HCD staff could work with the applicant on attenuating the conditions of approval and the Initial Study/Mitigated Negative Declaration in response to a reduced and clarified project. The Planning Commission granted the continuance to a date certain of August 28, 2024. Up until the day before the August 28th hearing, the applicant reconsidered the scope of the GDP after meeting with EHB staff and public at a noticed Land Use Advisory Committee hearing on August 7, 2024. Therefore, staff requested continuance for the new refinements to be analyzed, conditions of approval to be reassessed, then the LUAC requested to review the final version of the GDP. Although Planning staff conferred with the applicant on their proposed GDP redesign since the applicant’s request for continuance on August 28, 2024, the process was not finished in time for the Planning Commission’s continuance date of October 9, 2024. Staff continued to meet with the applicant, refined the CEQA document to reflect the new scope of the amended GDP, and coordinated follow up with CalTrans who submitted a comment letter in response to the hearing notice on the project’s Traffic Studies (discussed in the last page of **Exhibit A**, Discussion, and shown in **Exhibit L**). As the revised amended GDP presents a reduced program of uses and staff, agency and public concerns have generally resolved at the time of this writing, staff recommends the Planning Commission approve the Use Permit amendments and Amended GDP as proposed with 27 conditions of approval including 6 mitigation measures.

The Red Barn is a commercial center focused on a Sunday flea market. It has a large red barn which is an historic structure with a 60-year history of commercial uses inside and around its exterior. On April 14, 1977, the Zoning Administrator approved ZA-3117 (**Exhibit F**), which renewed and consolidated previous Use Permits ZA-1047 and ZA-2449 on the subject property (herein after referred to as the “Red Barn”) for indoor and outdoor retail sales of new and used merchandise, beer bar, snack food bar, and wine tasting and sales. The site plan identified the area allowed for retail sales with a dashed line. This area was found to total approximately 157,050 square feet. In 2019, a Minor and Trivial Amendment to the Use Permit (Zoning Administrator Resolution No. 19-018, **Exhibit I**) allowed the Red Barn to relocate 17,497 square feet of outdoor retail sales area which had been lost due to the Caltrans San Juan Interchange project in 2015; this resulted in an outdoor sales area of 136,814 square feet. With the Red Barn included, the commercial area is roughly equal to the original approval in 1977. PLN140602 proposes a second amendment to ZA-3117, allowing an addition of 34,505 square feet of outdoor retail sales area and 18,140 square feet of vehicle access in existing paved areas at the Red Barn/ Jimenez Salvador Jr Trust property, abating Code Enforcement Case No. 20CE00297. The Project site plan shows measured areas that are slightly different than those

discussed above. As the area is measured, the existing area where vending is allowed is 156,840 square feet. When the Minor and Trivial Amendment was granted, existing parking approved by the previous permit and by subsequent Use Permit ZA-3567 and ZA-3629 was noted to continue to serve the project, unamended. The proposed Amendment to Use Permit ZA-3629 would allow an additional 51,446 square feet of paved parking and access on the lower lot northeast of the Red Barn, allowing the owner to next pursue an HCD-Building Services permit for recent paving of 3,100 square feet and abate Code Enforcement Case No. 20CE00297 / 22CE00422. Approximately 300 cubic yards of grading shall be permitted, including some grading on slopes, through this entitlement which abates the code violations which have occurred on the site.

The project would provide 758 public parking and 95 vendor parking spaces, including Americans with Disability Act (ADA) accessible spaces. The project would include the installation of vehicle directional signage and onsite advertising signage (non-monument) at the northeastern parking lot area facing the frontage road. This may include new “Lane Open” signs for the ticket booths and a new entry sign advertising the Red Barn. In addition, the three flag poles that were removed due to Highway 101 improvements would be replaced on the project site between the Red Barn and the ticket booths. A second 720 sq. ft. modular office would be permitted to remain on the site (one 720 sq. ft. modular office was already permitted on the site). Two new restrooms within two permanent buildings would connect to a new wastewater treatment facility on the property. Food and beverage vendor locations would be limited to areas within 200 feet of a restroom with flush toilets as required by applicable sections of the California Retail Food Code. As shown on the Site Plan, this amendment would allow 86 additional vendor spaces in the outdoor retail sales area. The total number of vendors would not exceed a maximum of 319 vendors (see General Development Plan, “GDP” attached to **Exhibit B**). As part of the GDP, construction of on-site storage (shipping containers or similar) for vendors to rent is proposed. The GDP also describes new uses for indoor and outdoor areas. The new uses would include social gatherings such as weddings and quinceñeras and corporate events such as car shows, food festivals, and California Rodeo ancillary events.

Staff received several public comments on the proposed project prior to noticed hearings which described the GDP as a more intensive project. Earlier in the year, the proposed uses included a mini-track for electric carts, a nursery, outdoor movies, and a paintball club. Two comment letters were received in response to the July 10, 2024 hearing noticing. One letter, written on behalf of the Ballantree Homeowners Association (HOA), listed “increase traffic” as the first reason they are opposed to the proposed amendment and GDP. The letter further described that “dozens of cars lined up back towards the freeway overpass just to get into The Red Barn property.” In the letter from the Ballantree HOA, “increased noise levels” associated with electric carts, outdoor movies, large events and a paintball club as the second reason for the HOA’s concern with the Project. A second letter from a neighbor residing on Ballantree Lane identified the proposed paintball club as a potential source of noise that “will absolutely spook our horses and dogs” and described issues with current vendors. A brief staff response is provided in **Exhibit A**. Staff received a phone message from a self-identified neighbor, as well. The neighbor stated that they can hear noise from the Red Barn, now and they are opposed to the new outdoor activities (electric carts, outdoor movies, and a paintball club) for reasons of noise and the trash and dumping they associate with the Red Barn vendors. No phone number was left, so staff was not able to respond but is adding this comment to the record. Other comment letters came in response to the continued hearing (August 28, 2024 and October 9, 2024) and outlined very

similar concerns with the previously described GDP. These are attached as **Exhibit J**.

DISCUSSION. The discussion is attached as **Exhibit A**.

CEQA:

Pursuant to Public Resources Code Section 21083 and CEQA Guidelines Sections 15063(a) and 15063(b)(2), Monterey County as Lead Agency completed environmental review to determine if the project may have a significant effect on the environment. The County prepared a draft Initial Study and Mitigated Negative Declaration (IS/MND) for this project. Potential impacts to Aesthetics, Greenhouse Gasses, Hydrology and Water Quality, Noise, and Tribal Cultural Resources were identified. The MND recommends incorporating Mitigation Measures (MMs) to reduce project impacts to a less-than significant-level. Other potential impacts were identified but were able to be reduced to a less-than-significant level through the implementation of County and State regulations. The Draft MND for PLN140602 was prepared in accordance with CEQA and circulated for public review from April 17, 2024 through May 17, 2024 (SCH#2024040732). Three comments on the IS/MND were received (**Exhibit D**). Staff made minor responsive edits. Further changes were made to the draft IS/MND which reflect the reduced project description and scope of impacts. These edits are removal of references to paintball club, outdoor movies, electric carts, nursery events and the related impacts of those proposed uses, as well as minor changes to the hours of operation that the revised amended GDP proposes. See **Exhibit A**, Discussion for impacts, MMs and responsive edits/discussion on comments and **Exhibit C**, Redline IS/MND for the version of the document which staff recommends the Planning Commission adopt.

OTHER AGENCY INVOLVEMENT:

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

- HCD-Engineering Services
- HCD-Building Services
- HCD-Environmental Services
- Environmental Health Bureau
- Aromas Tri-County Fire Protection District
- Monterey County Sheriff
- CalTrans District 5
- County of San Benito Public Works Division
- Office of the County Counsel

LAND USE ADVISORY COMMITTEE

The project was referred to the North County LUAC for review. The LUAC reviewed the project at a duly noticed public meeting on August 7, 2024, and unanimously voted 7 ayes to 0 noes with 2 members absent to continue the item to a later meeting date when final plans and reports are available to the Committee. Although no decision was made at the August meeting, several members of the public commented on the project about perceived traffic, noise and water treatment concerns. The applicant explained that the scope of the project was moving toward a reduced amended GDP and promised to take the public concerns into consideration in the redesign. Committee members opined on the project reduction in concept and also advised some minor edits to the IS/MND which informed

the redline IS/MND of the Noise mitigation measure N-1. In the second project review at the October 2, 2024 North County LUAC meeting, the applicant presented the project as it is currently proposed and testified to the LUAC that he has recently improved site security and safety by increasing staff dedicated to traffic control and security. Only two members of the public spoke at the meeting, and both were generally supportive. Committee members requested HCD be mindful of the scenic byways for not only Highway 101 but also Highway 156 in administering of the MM AES-1, which staff agreed to do. Committee member supported a public opinion that was expressed in the meeting about upgrading the fire sprinkler system in the Red Barn for large assemblies, if needed. The agent for the project confirmed that additional fire inspections are anticipated pursuant to Condition No. 13. Finally, two Committee members expressed that they wished the Red Barn would host “more than 30” events. The LUAC unanimously voted to recommend approval of the project in a vote of 8 ayes to 0 noes and 0 absent (one member left the LUAC between August and October).

Prepared by: Mary Israel, Supervising Planner, x5183

Reviewed and approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with the HCD:

Exhibit A - Project Discussion

Exhibit B - Draft Resolution

- Draft Conditions of Approval/Mitigation Monitoring and Reporting Plan
- General Development Plan
- Project Plans

Exhibit C - Redline Initial Study/Mitigated Negative Declaration

Exhibit D - CEQA Comments

Exhibit E - Vicinity Map

Exhibit F - Zoning Administrator Resolution ZA-3117

Exhibit G - Zoning Administrator Resolution ZA-3629

Exhibit H - Board of Supervisors Resolution No. 10-037

Exhibit I - Zoning Administrator Resolution No. 19-018

Exhibit J - Correspondence Received from member of the public

Exhibit K - North County LUAC Meeting Minutes for Oct. 2, 2024

Exhibit L - Correspondence with CalTrans and San Benito County Public Works

cc: Front Counter Copy; Anna Ginette Quenga, AICP, Principal Planner; Mary Israel, Planner; Joel Panzer, Agent; Dale Ellis, Agent; Jimenez Salvador Jr Trust, Applicant; John Olejnik, CalTrans; Jacob Hernandez, CalTrans; Deems Katada, County of San Benito; Edward Gluhan, Interested Party; Patricia Waibel, Interested Party; Sheila Smith, Interested Party; Ken Tunstall, Interested Party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN140602.