

MONTEREY COUNTY

PLANNING & BUILDING INSPECTION DEPARTMENT
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MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: September 30, 2004 at 9:20 a.m.	Agenda Item 6
Project Description: Coastal Administrative Permit (PLN040363, National Refractories) to allow the demolition and removal of the following structures and equipment located within the Moss Landing Commercial Park (formerly known as National Refractories and Minerals Corporation): a) interior and exterior of high purity building, b) interior and exterior of feed building/kiln 4a, c) interior and exterior of filter building, d) interior and exterior of filter press building, e) interior of coke mill building, and f) interior of batching and grinding building.	
Project Location: Intersection of Highway 1 and Dolan Road, Moss Landing APN: 133-172-013-000	
Planning Number: PLN040363	Name: Agha, Nader
Plan Area: North County Land Use Plan	Flagged and Staked: No
Zoning Designation: HI (CZ), (Heavy Industrial)	
CEQA Action: Categorically Exempt per Sections 15301 and 15330	
Department: Planning and Building Inspection	

RECOMMENDATION:

Approve the National Refractories Coastal Administrative Permit based on Findings and Evidence (Exhibit "A") and subject to proposed conditions (Exhibit "B").

OVERVIEW:

The project consists of the demolition and removal of certain structures and equipment located within the Moss Landing Commercial Park (formerly known as National Refractories and Minerals Corporation). Project review focused on consistency with LCP policies for the North County Land Use Plan (including the Moss Landing Community Plan). The following issues were examined for potential impacts: 1) coastal dependent uses; 2) historic resources; 3) traffic circulation; 4) environmentally sensitive habitat; 5) water quality; 6) hazardous materials and 7) visual resources. Staff's review determined that the project would not have a potentially significant environmental impact related to the above-stated issues and is consistent with the LCP policies for the North County Land Use Plan (See Findings and Evidence in Exhibit "A"). The project qualifies for a Categorical Exemption under CEQA pursuant to Sections 15301 (no expansion of an existing use) and 15330 (minor cleanup action). No issue remains unresolved for this project.

The National Refractories Coastal Administrative Permit was originally scheduled for administrative approval on September 1, 2004. On August 31, 2004, staff received an objection letter to the issuance of the Coastal Administrative Permit from the Coastal Commission. Pursuant to this objection letter, staff pulled the item from administrative approval and referred it to the Zoning Administrator for consideration at a public hearing. Listed below are the Coastal Commission's reasons for objection. Following each objection is staff's response.

Objection #1: The staff report for the project and proposed conditions do not include any reference to General Development Plan requirements.

Staff's Response: The project qualifies for a waiver of the requirement of a General Development Plan pursuant to Section 20.28.030.E of Title 20 Zoning Ordinance. The scope of the project is limited to the demolition of six structures within an already disturbed area. As conditioned, the project will have no potentially significant adverse environmental impacts and requiring the General Development Plan will not further the purpose set forth in Section 20.28.030. Future uses and structures will require subsequent Coastal Development Permits and will be subject to the General Development Plan requirement. Finding #1 has been amended to include evidence describing the General Development Plan waiver.

Objection #2: Approval of the demolition project could prejudice future permit decisions.

Staff's Response: The project consists of the demolition and removal of specific equipment and structures that are aging, inoperable and in disrepair. Such demolition is a necessary prerequisite action in order to perform environmental remediation and hazardous material cleanup. The project, as conditioned, will not affect the existing infrastructure supporting current or future coastal dependent uses, potential adaptive reuse of existing structurally-sound structures or the historic integrity of potentially historic structures. For these reasons, staff believes that approval of the demolition project will not prejudice future permit decisions.

OTHER AGENCY INVOLVEMENT:

- ✓ Water Resources Agency
- ✓ Environmental Health Division
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Sheriff Department
- ✓ North County Fire Protection District
- ✓ California Department of Transportation District 5
- ✓ Monterey Bay Unified Air Pollution Control District
- ✓ California Department of Fish and Game
- ✓ California Coastal Commission

All have reviewed this project. The Planning and Building Inspection Department, Division of Environmental Health, Water Resources Agency, Public Works Department, Monterey Bay Unified Air Pollution Control District and the North County Fire Protection District recommend conditions (Exhibit "B").

The North County Coastal Land Use Advisory Committee (LUAC) reviewed the project on July 19, 2004 and recommended approval (vote 6 to 0) with no changes. (Exhibit "D").

Note: The decision on this project is appealable to the Board of Supervisors and to the Coastal Commission.

Brett C. Becker, Associate Planner
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September 17, 2004

Cc: North County Fire Protection District; Public Works; Parks Department; Environmental Health Division; Water Resources Agency; Sheriff Department; Coastal Commission; California Department of Transportation District 5; Monterey Bay Unified Air Pollution Control District; Department of Fish and Game; Jeff Main; Brett Becker; Linda Rotharmel; Project File

Attachments: Exhibit "A" Recommended Findings and Evidence
Exhibit "B" Recommended Conditions of Approval
Exhibit "C" Coastal Commission Objection Letter
Exhibit "D" North County Coastal LUAC Recommendation
Exhibit "E" Project Plans
Exhibit "F" Vicinity Map

This report reviewed by Jeff Main, Planning and Building Services Manager

EXHIBIT “A”
RECOMMENDED FINDINGS AND EVIDENCE

1. FINDING: **CONSISTENCY** – The National Refractories Coastal Administrative Permit (PLN040363), as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the North County Land Use Plan (includes Moss Landing Community Plan), North County Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance).

EVIDENCE: (a) The application and plans submitted for the Coastal Administrative Permit in project file PLN040363 at the Monterey County Planning and Building Inspection Department.

(b) The property is located at the intersection of Highway 1 and Dolan Road, Moss Landing, North County area in the Coastal Zone. The parcel is zoned “HI (CZ)” (Heavy Industrial, in the Coastal Zone). The proposed demolition meets the site development standards for the Heavy Industrial Zoning District.

(c) The project qualifies for a waiver of the requirement of a General Development Plan pursuant to Section 20.28.030.E of Title 20 Zoning Ordinance. The scope of the project is limited to the demolition of six structures within an already disturbed area. Such demolition is a necessary prerequisite action in order to perform environmental remediation and hazardous material cleanup. The project, as conditioned, will not affect the existing infrastructure supporting current or future coastal dependent uses, potential adaptive reuse of existing structurally-sound structures or the historic integrity of potentially historic structures. The project will have no potentially significant adverse environmental impacts and requiring the General Development Plan will not further the purpose set forth in Section 20.28.030. Future uses and structures will require subsequent Coastal Development Permits and will be subject to the General Development Plan requirement.

(d) The project is consistent with policies of the North County Land Use Plan dealing with archaeological/historic resources (Chapter 2.9). The scope of the project is limited to the demolition of six structures within an already disturbed area. No grading or land disturbance will be involved. A condition of approval will require that demolition work be stopped in the event that archaeological resources are discovered. A Historical and Architectural Evaluation was prepared for the demolition project by Kent Seavey (July 1, 2004). The evaluation concluded that the six structures to be affected by the project are not historic and demolition would not impact the potential historic integrity of the industrial complex as a whole. A condition of approval will require that the project adhere to the recommendations contained in this evaluation.

(e) The project is consistent with policies of the North County Land Use Plan dealing with traffic circulation (Chapter 5.2). A Traffic Impact Assessment was prepared by Higgins Associates (June 9, 2004). The assessment concluded that the equipment removal and hauling operation will have an insignificant traffic impact. The proposed truck route and truck traffic were reviewed and approved by Monterey County Public Works and the California

Department of Transportation – District 5. No truck traffic will occur on Highway 1 or at the intersection of Dolan Road and Highway 1. Public Works has conditioned the project where appropriate.

(f) The project is consistent with policies of the North County Land Use Plan dealing with environmentally sensitive habitat (Chapter 2.3). Based on staff's site visit, the area of demolition is limited and will not occur near environmentally sensitive habitat, including Elkhorn and Moro Cojo Sloughs.

(g) The project is consistent with policies of the North County Land Use Plan dealing with water resources (Chapter 2.5). The proposed demolition was reviewed by the Division of Environmental Health and the Water Resources Agency and is consistent with regulations pertaining to hazardous materials and water quality. The project will be required to retain all project-related runoff onsite.

(h) The project planner conducted a site visit on April 27, 2004 to verify that the proposed project complies with the LCP. The proposed project, as designed, will not have a significant adverse effect on the public viewshed.

(i) The North County - Coastal Land Use Advisory Committee reviewed and recommended approval (6 - 0 vote) of the Coastal Administrative Permit on July 19, 2004 with no changes.

2. FINDING: SITE SUITABILITY – The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, North County Fire Protection District, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, Monterey County Health Department, Monterey County Sheriff Department, California Coastal Commission, California Department of Transportation District 5, Monterey Bay Unified Air Pollution Control District and California Department of Fish and Game. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated as project conditions.

(b) The project planner conducted a site visit on April 27, 2004 to verify that the site is suitable for this use.

(c) Necessary public facilities are available and will be provided.

3. FINDING: PUBLIC ACCESS – The project is in conformance with the public access and public recreation policies of the Coastal Act and the Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impacts on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline access. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

(b) Staff site visit on April 27, 2004.

4. FINDING: CEQA (Exempt) – The proposed project will not have a significant environmental impact.

EVIDENCE: (a) Sections 15301 and 15330 of the CEQA Guidelines categorically exempt the proposed development from environmental review. The proposed demolition qualifies for these categorical exemptions since it will involve negligible or no expansion of an existing use and constitutes a minor cleanup action taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance.

(b) No adverse environmental impacts were identified during staff review of the project application.

(c) There are no unusual circumstances related to the project or property.

- 5. FINDING: NO VIOLATIONS** – The subject property is in substantial compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Section 20.28.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicate that no existing violations exist on subject property.

(b) There may be several un-permitted uses occurring on the site although evidence to support this conclusion has not been verified. The subject permit is limited to the demolition and removal of certain structures and equipment, which will not impact any future development potential. As a condition of approval, any un-permitted uses found on the site will not be vested by this permit and any future development applications considered on the site will be deemed incomplete unless and until all un-permitted uses are either permitted or removed from the site.

- 6. FINDING: HEALTH AND SAFETY** – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

- 7. FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

EVIDENCE: Sections 20.86.030 and 20.86.080 of the Monterey County Zoning Ordinance.

EXHIBIT “B” Monterey County Planning and Building Inspection Condition Compliance & Mitigation Monitoring and/or Reporting Plan	Project Name: National Refractories File No: PLN040363 Approval by: Zoning Administrator	APN: 133-172-013-000 Date: September 30, 2004
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Clearing Condition</i>	<i>Timing</i>	<i>Verif- ication of comp- liance</i>
1		<p>PBD029 - SPECIFIC USES ONLY</p> <p>The National Refractories Coastal Administrative Permit (PLN040363) allows for the demolition and removal of the following structures and equipment located within the Moss Landing Commercial Park (formerly known as National Refractories and Minerals Corporation): a) interior and exterior of high purity building, b) interior and exterior of feed building/kiln 4a, c) interior and exterior of filter building, d) interior and exterior of filter press building, e) interior of coke mill building, and f) interior of batching and grinding building. All other existing structures, rail lines/spurs and infrastructure that allows connection to Moss Landing harbor or ocean shall be retained and preserved. The property is located at the intersection of Highway 1 and Dolan Road, Moss Landing (Assessor's Parcel Number 133-172-013-000), North County area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. Any use or construction not in substantial</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		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. (Planning and Building Inspection)				
2		UN-PERMITTED USES Any un-permitted uses found on the site will not be vested by this permit and any future development applications considered for the site will be deemed incomplete unless and until all un-permitted uses are either permitted or removed from the site. (Planning and Building Inspection)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	
3		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 040363) was approved by the Zoning Administrator for Assessor's Parcel Number 133-172-013-000 on September 30, 2004. The permit was granted subject to 17 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of demolition/building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of demolition/building permits or start of use	
4		OPERATION PLAN The project shall adhere to the Equipment Removal and Site Specific Safety, Fire and Hazard Plan prepared by A&S Metals. Hours of operation shall be Monday through Friday from 7:00 A.M. to 6:00 P.M. Work shall not occur on the weekends or holidays. Truck traffic shall be limited to 3-8 loads per day during the hours of 10:00 A.M. to 3:30 P.M. and shall follow	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		the submitted traffic route plan. Employee traffic shall be routed to avoid making a left turn from westbound Dolan Road onto southbound Highway 1. (Planning and Building Inspection)				
5		RETENTION OF RUNOFF All project-related runoff shall be retained onsite and shall not be allowed to escape offsite. Runoff shall be collected by the existing stormwater system and pumped into one of the existing treatment tanks for holding. Runoff shall not overflow or be pumped into the settling pond area where it would reach the outfall line and be discharged into the ocean, harbor or slough. Any potential discharge would first require an amendment to the existing NPDES permit. (Planning and Building Inspection)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	
6		HISTORIC REQUIREMENTS Structure demolition shall be limited to the six structures described in Condition No. 1. The applicant/owner shall adhere to the recommendations contained in the Historic and Architectural Evaluation prepared by Kent Seavey (July 1, 2004). (Planning and Building Inspection)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	
7		PBD030 - STOP WORK - RESOURCES FOUND If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine	Owner/ Applicant/ Archaeologist	Ongoing unless otherwise stated	

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		responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection)	the extent of the resources and to develop proper mitigation measures required for the discovery.			
8		TRAFFIC ALERT The applicant shall submit to the Department of Public Works a plan for Dolan Road at the access driveway alerting oncoming traffic of truck traffic. (Public Works)	Submit traffic alert plan to Public Works for review and approval.	Owner/ Applicant	Prior to issuance of demolition/ building permits or start of use	
9		TRAFFIC ROUTES The applicant shall adhere to the routes and comply with the recommendations contained in the Keith Higgins letter (Re: Moss Landing Commercial Park Equipment Removal Operation, Moss Landing, California) dated June 9, 2004. (Public Works)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	
10		WR22 - FLOODPLAIN RECORDATION The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." (Water Resources Agency)	Submit the recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Prior to issuance of demolition/ building permits or start of use	
11		EH30 - HAZARDOUS WASTE CONTROL Comply with Title 22, Division 4.5 of the California Code of Regulations and Chapter 6.50 of the California Health and Safety Code (Hazardous Waste Control) as approved by the Director of Environmental Health. (Environmental Health)	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Ongoing unless otherwise stated	

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12		ASBESTOS AND LEAD REMOVAL The applicant shall coordinate removal of asbestos and lead based paint material with Mike Sheehan, District Compliance Division. (Monterey Bay Unified Air Pollution Control District)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	
13		FIRE MAINS AND HYDRANTS SYSTEM Provide drawings of the fire mains and hydrants system and ensure that they are able to provide fire suppression water at adequate pressure and gallons per minute. (North County Fire Protection District)	Submit drawings and other information to North County FPD for review and approval.	Owner/ Applicant	Prior to issuance of demolition/ building permits or start of use	
14		WORK EXECUTION PLAN Provide a work execution plan, Safety Plan and a Hazards Analysis for the project. (North County Fire Protection District)	Submit work execution plan to North County FPD for review and approval.	Owner/ Applicant	Prior to issuance of demolition/ building permits or start of use	
15		COLD CUT/HOT WORK PERMITS Obtain any and all “Cold Cut” and/or “Hot Work” permits, if applicable, for the project. (North County Fire Protection District)	Provide evidence of permits to North County FPD for review and approval.	Owner/ Applicant	Prior to issuance of demolition/ building permits or start of use	
16		TRAINING EXPENSES Reimbursement for training expenses incurred shall be provided for NCFD. Training shall include all NCFD emergency response personnel. Training shall consist of site visits and scope of demolition work information. Training for all personnel shall be coordinated and take place before any demolition commences. (North County Fire Protection District)	Coordinated training and reimbursement with North County FPD.	Owner/ Applicant	Prior to issuance of demolition/ building permits or start of use	

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17		<p>NFPA STANDARD 241</p> <p>Conform to the National Fire Protection Association Standard 241 – Standard for Safeguarding Construction, Alteration and Demolition Operations (2000 Edition) and Cal-OSHA Construction Safety Order / Article 36 – Fire Protection and Prevention. (North County Fire Protection District)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	