

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> May 30, 2007 Time: 9:00 A.M	<b>Agenda Item No.:</b> 6
<b>Project Description:</b> Zoning Reclassification to rezone a three-acre portion of a 20-acre parcel from the "PQP-D-S" Zoning Classification (Public/Quasi-Public with Design and Site Review Overlay Districts) to the "LC-D-S" Zoning Classification (Light Commercial with Design and Site Review Overlay Districts).	
<b>Project Location:</b> The project site is located at 2700 Imjin Parkway, intersection of Imjin Parkway and Abrams Road in the Fort Ord area.	<b>APN:</b> 031-101-039-000
<b>Planning File Number:</b> GPZ070004	<b>Name:</b> Redevelopment Agency of Monterey County, Property Owner.
<b>Plan Area:</b> Greater Monterey Peninsula Area Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> : "PQP-D-S" (Public/Quasi-Public with Design and Site Review Overlay Districts)	
<b>CEQA Action:</b> A Mitigated Negative Declaration was adopted by the Redevelopment Agency on August 22, 2006 in conjunction with the approval of a <i>Disposition, Development and Lease Agreement</i> involving the subject site. A Technical Addendum has been prepared by the Redevelopment Agency pursuant to Section 15164 of the CEQA Guidelines, to make minor technical changes to the project description analyzed in the Mitigated Negative Declaration.	
<b>Department:</b> RMA – Planning Department and Housing and Redevelopment Agency;	

### RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

- 1) Consider the previously adopted Mitigated Negative Declaration for the Disposition, Development and Lease Agreement and Technical Addendum prepared for the proposed zoning reclassification (Exhibit C); and
- 2) Approve a resolution (Exhibit B) recommending the Board of Supervisors adopt an ordinance to reclassify the subject site from the "PQP-D-S" (Public/Quasi Public) Zoning Classification to the "LC-S-D" (Light Commercial) Zoning Classification.

### PROJECT OVERVIEW:

On November 20, 2001, the Board of Supervisors approved the "Fort Ord General Plan Amendment" (GPA) for areas in Fort Ord under the jurisdiction of the County to conform to the County's General Plan and to the Fort Ord Reuse Plan adopted by the Fort Ord Reuse Authority (FORA) in 1997. The subject three-acre site is designated as *Plan Development Mixed Use District/Convenience Retail*. This land use designation allows for a variety of uses including commercial and civic land uses. The site is zoned "PQP-D-S" (Public/Quasi-Public with Design Review and Site Review Overlays). The proposed "LC-D-S" (Light Commercial with Design and Site Review Overlay Districts) zoning classification would make the zoning consistent with the General Plan and allow for development of uses consistent with the land use designation.

The subject site is a three-acre portion of a 20-acre parcel owned by the Redevelopment Agency of the County of Monterey. The parcel was transferred to the Redevelopment Agency from the Department of Defense as part of the overall land transfer process associated with the closure of Fort Ord. The parcel fronts on Imjin Parkway and Abrams Road just outside the city limits of the City of Marina. The site contains a building with a convenience market (Ord Market) and previously contained a service/gas station and car wash. The three-acre site is currently leased to a private party under a *Disposition, Development and Lease Agreement* (DDLA) with the Redevelopment Agency. The DDLA allows the private party to operate the convenience market and allows for the possibility of reestablishing the service station and car wash with the appropriate

planning and building approvals. The convenience market operator is in the process of applying for planning permits for the continuing use of the market and the reestablishment of the service station. The Redevelopment Agency is currently evaluating land use strategies for the remaining 17 acres of the property. The zoning reclassification is needed for consistency with the General Plan.

**OTHER AGENCY INVOLVEMENT:**

The application has been reviewed by the Resource Management Agency – Redevelopment Agency and Planning Department.

The project was not referred to any of the Land Use Advisory Committees for review, as the subject site is not located within any of the Committees’ designated boundaries.

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(831) 755-5177  
May 18, 2007

cc: Planning Commission Members (10); County Counsel; Salinas Rural Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Fort Ord Reuse Authority; City of Marina Planning Department, Jacqueline R. Onciano, Planning & Building Services Manager; Luis A. Osorio, Senior Planner; Carol Allen; Redevelopment Agency; Darryl Choates; File GPZ070004.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Draft Planning Commission Resolution Recommending Approval of Zoning Amendment
	Exhibit C	Mitigated Negative Declaration and Technical Addendum including Comments and Responses to Comments

This report was reviewed by Jacqueline R. Onciano, Planning and Building Services Manager.

## EXHIBIT A

### Project Information for GPZ070004

Project Title: **REDEVELOPMENT AGENCY OF THE CO**

Location:	2700 IMJIN ROAD	Primary APN:	031-101-039-000
Applicable Plan:	Greater Monterey Peninsula Area Plan	Coastal Zone:	No
Permit Type:	Rezoning	Zoning:	POP
Environmental Status:	MND	Plan Designation:	PQP
Advisory Committee:	N/A	Final Action Deadline (884):	

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#### Project Site Data:

Lot Size:	N/A	Coverage Allowed:	N/A
Existing Structures (sf):	N/A	Coverage Proposed:	N/A
Proposed Structures (sf):	N/A	Height Allowed:	N/A
Total Sq. Ft.:	N/A	Height Proposed:	N/A
		FAR Allowed:	N/A
		FAR Proposed:	N/A

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#### Resource Zones and Reports:

Environmentally Sensitive Habitat:	No	Erosion Hazard Zone:	N/A
Biological Report #:	N/A	Soils Report #:	N/A
Forest Management Rpt. #:	N/A		
Archaeological Sensitivity Zone:	MODERATE	Geologic Hazard Zone:	IV
Archaeological Report #:	N/A	Geologic Report #:	N/A
Fire Hazard Zone:	N/A	Traffic Report #:	N/A

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#### Other Information:

Water Source:	N/A	Sewage Disposal (method):	N/A
Water Dist/Co:	N/A	Sewer District Name:	N/A
Fire District:	SALINAS RURAL FPD	Grading (cubic yds.):	0.0
Tree Removal:	N/A		

**EXHIBIT B**  
**DRAFT PLANNING COMMISSION RESOLUTION RECOMMENDING**  
**APPROVAL OF ZONING AMENDMENTS**

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

Resolution No. \_\_\_\_\_ )  
Resolution of the Monterey County )  
Planning Commission recommending )  
approval of amendments to Title 21 )  
(Zoning Ordinance) to the Monterey )  
County Board of Supervisors )

Proposed amendments to Title 21 (Zoning Ordinance) came on for hearing on May 30, 2007 before the Monterey County Planning Commission. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission forwards the following recommendation to the Board of Supervisors with reference to the following facts:

**I. RECITALS:**

1. The proposed zoning reclassification of a three-acre portion of a 20-acre site owned by the Redevelopment Agency of Monterey County would reclassify the subject area from the "PQP-D-S" (Public/Quasi Public) Zoning District to the "LC-D-S" (Light Commercial) Zoning District ("Project").
2. The property is located at 2700 Imjin Parkway (Assessor's Parcel Number 000-000-000-000), in the unincorporated area of the former Fort Ord under the jurisdiction of Monterey County.
3. The proposed zoning reclassification of the three-acre subject site to the "LC-D-S" (Light Commercial) zoning designation would make the area zoning consistent with the land use designation under the Fort Ord Reuse Plan and the Land Use Concept and designation established in the Fort Ord General Plan Amendment adopted on November 20, 2001 by the Board of Supervisors for the unincorporated areas of Fort Ord.
4. Both the Reuse Plan and the Fort Ord General Plan Amendment designate the three-acre subject site as *Plan Development Mixed Use District/Convenience Retail*. The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the proposed zoning reclassification. The Light Commercial zoning designation would allow for development of uses consistent with the policies established under these designations. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
5. At a duly noticed public hearing on May 30, 2007, the Planning Commission, among other actions, considered a Mitigated Negative Declaration ("MND") previously prepared for the approval of a *Disposition, Development and Lease Agreement* involving the use of the existing facilities at subject site, and considered a Technical Addendum to the Mitigated Negative Declaration which addressed the zoning reclassification.

6. The Mitigated Negative Declaration was adopted by the Redevelopment Agency on August 22, 2006 for the approval of a *Disposition and Development Lease Agreement* (DDLA). The DDLA allowed the lessee to continue the operation of the existing convenience market at the site and allows the lessee to pursue permits for a gas/service station and car wash. The Mitigated Negative Declaration found that the market and proposed uses under the lease are consistent with the property's land use designation under the Fort Ord Reuse Plan and the General Plan Amendment adopted by the County for unincorporated areas of the former Fort Ord. The Mitigated Negative Declaration identified mitigation measures for potential impacts resulting from the existing use of a convenience market and the reestablishment of the previously existing gas station and car wash. Those mitigation measures would be made conditions of approval of the service station and car wash if and when they are applied for and approved.
7. A Technical Addendum to the previously adopted Mitigated Negative Declaration has been prepared by the Redevelopment Agency pursuant to Section 15164 of the CEQA Guidelines. The addendum makes minor technical changes to the project description analyzed in the Mitigated Negative Declaration prepared earlier. Specifically, the Addendum addresses the rezoning of the subject three-acre site and concludes that such rezoning would not result in any new or significantly adverse environmental impacts not already identified and discussed in the previously adopted Mitigated Negative Declaration.
8. The proposed zoning reclassification would not foreseeably result in additional uses because the Disposition and Development Lease Agreement (DDLA) prohibits development of any other uses on the site without prior written consent of the Redevelopment Agency of Monterey County and the DDLA further restricts the development area to the existing three-acre developed area.
9. Based on the Mitigated Negative Declaration and Technical Addendum, the Planning Commission finds that the proposed zoning reclassification will not have any significant adverse impacts on the environment. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the proposed zoning reclassification may cause a significant effect on the environment. The Mitigated Negative Declaration and Technical Addendum reflect the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based is the Monterey County Planning and Building Inspection Department located at 168 W. Alisal St., 2<sup>nd</sup> floor, Salinas, CA 93901. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinions supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.
10. The proposed zoning ordinance is attached to this Resolution as **Attachment A** and is incorporated herein by reference. The ordinance would amend Section 21-11 of the Sectional District Maps of Section 21.08.060 of Title 21 (Zoning) of the Monterey County Code to apply the "LC-D-S" (Light Commercial with Design and Site Review Overlays) to an approximately three-acre portion of a 20-acre property owned by the Redevelopment Agency of Monterey County (Assessor's Parcel Number 031-101-039-000).

## **II. DECISION:**

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission hereby recommends that the Board of Supervisors approve the attached Ordinance amending Title 21 (Zoning Ordinance) of the Monterey County Code.

**PASSED AND ADOPTED** on this May 30, 2007, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

By \_\_\_\_\_  
MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON:

**ATTACHMENT A TO EXHIBIT “B”  
DRAFT ZONING ORDINANCE AND ZONING MAP**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTION 21.08.060 OF TITLE 21 (ZONING) OF THE MONTEREY COUNTY CODE TO APPLY THE “LC-D-S” ZONING CLASSIFICATION TO A THREE-ACRE PORTION OF A 20-ACRE PARCEL (APN 031-101-039-000).

***County Counsel Summary***

*This ordinance amends Section 21-11 of the Sectional District Maps of Section 21.08.060 of Title 21 (Zoning) of the Monterey County Code to change the zoning from “PQP-D-S” (Public/Quasi-Public with Design Review and Site Review Overlays) to “LC-D-S” (Light Commercial with Design and Site Review Overlays) on a three-acre portion of a 20-acre parcel owned by the Redevelopment Agency of Monterey County.*

The Board of Supervisors of the County of Monterey ordains as follows:

**SECTION 1.** Section 21-11 of the Sectional District Maps of Section 21.08.060 of the Monterey County Code is hereby amended as shown on the map attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 2. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall become effective on the 31<sup>st</sup> day after its adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2007 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Dave Potter, Chair

Monterey County Board of Supervisors

ATTEST:

LEW BAUMAN

Clerk of the Board

By:\_\_\_\_\_

Deputy

APPROVED AS TO FORM:  
Charles McKee, County Counsel

By: \_\_\_\_\_  
Deputy

# ATTACHMENT 'B' TO EXHIBIT 'B'

