

MONTEREY COUNTY PLANNING COMMISSION

Meeting: May 14, 2008 Time: 9:00 A.M	Agenda Item No.: 2
Project Description: Second Extension request (PLN970390) for a mobile asphalt and concrete recycling facility involving no permanent structures. The property is located at the Southeast corner of Reservation Road and Injim Road (Assessor's Parcel Number 031-121-002-000), Greater Monterey Peninsula Area Plan	
Project Location: Southeast corner of Reservation Road and Injim Road.	APN: 031-121-002-000
Planning File Number: PLN070377	Name: U S A, Property Owner Don Chapin Construction, Applicant
Plan Area: Greater Monterey Peninsula Area Plan	Flagged and staked: No
Zoning Designation: : PQP-D-S [Public Quasi Public, Design Control District, and Site Plan Review overlays,]	
CEQA Action: Addendum to Mitigated Negative Declaration (PLN970390)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission 1) Adopt an addendum to the Mitigated Negative Declaration and; 2) Approve the extension to the Use Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

PROJECT SUMMARY:

The subject parcel, owned by the UC Regents, is located at the corner of Injim Road and southeast Reservation Road. The applicant, Don Chapin, applied for the temporary use of a concrete and asphalt facility. An Initial Study was conducted and filed on September 25, 1997 (**Exhibit F**). On October 29, 1997 the Planning Commission adopted the Mitigated Negative Declaration and granted a Use Permit, PLN970390, for the establishment and operation of a temporary asphalt recycling facility for a duration of five years, see **Exhibit D**. Mr. Chapin's lease with UC MBEST was in five year increments and was granted a second extension on July 31, 2002 under PLN02143 (**Exhibit E**). Mr. Chapin has negotiated an additional 10 year lease with UC MBEST and is requesting to continue the temporary operation for an additional ten years (**Exhibit I**). Staff has reviewed the request and the only potential change in the operation may have been the effects of the trucks entering and exiting Injim Road. After a review of the updated Traffic Report (**Exhibit L**) staff concurred that there was no additional environmental review warranted. Truck traffic to the site was averaging no more than two trucks a day during peak hours and the use of the site is for no more than six months out of the year.

It has been determined that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, that only minor technical changes to the project description have occurred to extend the permit ten more years, that there are no new significant environmental effects

or increase in the severity of previously identified significant effects per Section 15162(a)(2) of the CEQA Guidelines, and there is no new information of substantial importance that was not known at the time the previous MND/IS was adopted, per Section 15162(a)(3) of the CEQA Guidelines.

Staff supports the approval of the second extension as the project does not involve new construction, is consistent with UC MBEST and is temporary in nature as it involves no permanent structures.

OTHER AGENCY INVOLVEMENT:

- ✓ Salinas Rural Fire Protection District
- ✓ Parks Department
- ✓ Public Works Department
- ✓ Water Resources Agency
- ✓ Environmental Health Division
- ✓ Sheriffs Department
- ✓ City of Marina
- ✓ Ford Ord Reuse Authority
- ✓ Marina Coast Water District
- ✓ Monterey Bay Unified Air Pollution Control District

The above checked agencies and departments have reviewed this project. Conditions recommended by Salinas Rural Fire, Public Works, and Environmental Health have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project is exempt from CEQA per Section 15303 (a). In addition, the project does not involve ridgeline development, a variance, lot line adjustment, slope restriction or did not raise any significant land use issue.

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

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May 7, 2008

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; North County Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; City of Marina; Ford Ord Reuse Authority; Marina Coast Water District; Monterey Bay unified Air Pollution Control District; Bob Schubert, Planning & Building Services Manager; Valerie Negrete, Planner; Carol Allen; Fenton and Keller C/O John Bridges, Applicant; Don Chapin, Agent; Graham Brice, Managing Director

of UC MBEST; File PLN070377.

Attachments:	Exhibit A	Project Discussion
	Exhibit B	Recommended Findings and Evidence
	Exhibit C	Recommended Conditions of Approval
	Exhibit D	Resolution for Use Permit PLN970390
	Exhibit E	Resolution for Use Permit extension PLN020143
	Exhibit F	Initial Study dated September 22, 1997
	Exhibit G	Letter from FORA Re-Use Plan Consistency, Jonathan Garcia
	Exhibit H	Letter from the City of Marina, Neil Hudson
	Exhibit I	Letter from UC MBEST supporting 10 year lease
	Exhibit J	Letter requesting extension
	Exhibit K	Site Plan of the Recycling Center
	Exhibit L	Traffic Report, Higgins and Associates
	Exhibit M	Addendum to Initial Study Resolution No. 97076.
	Exhibit N	Vicinity Map

This report was reviewed by Bob Schubert, Planning Services Manager.

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EXHIBIT A DISCUSSION

The parcel is located on the corner of Injim and Reservation Roads in Marina. The parcel is zoned PQP-D-S (Public Quasi Public, Design Control with Site Plan overlay). The proposed project involves the temporary use of a 5 acre portion of the South Campus area of UC Monterey Bay Education, Science and Technology (UC MBEST) Center site. The parcel is located within the South Central area of the UC Campus and is zoned R & D for Research and Development, namely parcel CS1. The R&D zoning is for uses primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific commodities for sale, or the production, assembly, testing and repair of components, devices, equipment, systems, and parts. Minor office and warehousing uses are allowed.

According to the UC MBEST Managing Director Graham Bice, the Chapin facility is a compatible use and the university continues to support the continued use. The UC MBEST campus has extended their temporary lease with Mr. Chapin for five years with an additional five year extension. Mr. Chapin has applied with the county for a second extension to the temporary asphalt and recycling facility to continue the use.

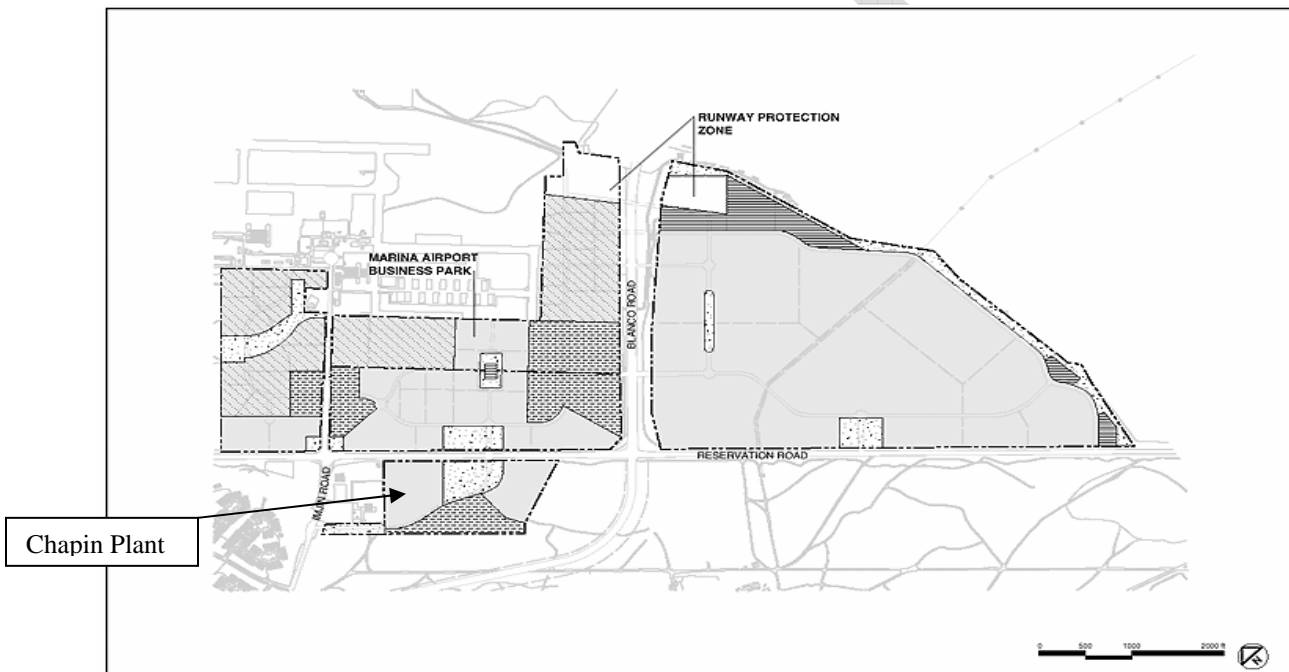


Figure 5.2- Land Use Map*

* EDUCATIONALLY-RELATED USES PERMITTED ON ALL DEVELOPMENT SITES WITHIN UC MBEST CENTER.

The project stockpiling of used asphalt and concrete for further processing to include grinding and screening for reuse. The equipment to be used in the operation is mobile and includes two crushers, hopper, conveyors, screens and cedarapids of a Primary and Secondary Crushing operation. Debris consisting of broken concrete and asphalt pavement is trucked to the site, inspected, weighed, recorded, dumped, sorted and stockpiled. Processing generally occurs once a year when the stockpiled volume totals 25,000 tons or more. The mobile equipment is used 6

months out of the year in Monterey County and remains in the City of Hollister the rest of the year. The area in which the activity will take place is shown in as Exhibit K.

Extension Request Review

As part of staff's review for the first request, PLN970390, an Initial Study was prepared and adopted on October 29, 1997 by the Planning Commission. A traffic analysis, biological report, and acoustical analysis were evaluated in the Initial Study and mitigations measures were complied with. Prior to expiration of PLN970390, Mr. Chapin requested a continuation of the operation of a temporary asphalt recycling facility and applied for an extension, PLN020143. No new information regarding potential environmental impacts was found during staff's review of the extension request and there are no substantial changes with respect to the circumstances under which the project was undertaken. Conditions of approval of PLN970390 were complied with and on July 31, 2002 the Planning Commission granted an additional five years. **(Exhibit E)**

On July 13, 2007, Mr. Chapin requested a ten year extension of the asphalt and concrete recycling facility. Staff requested an updated traffic report to evaluate whether or not there were any substantial changes to the traffic patterns previously discussed in the Initial Study to and from Injim Road. Staff has reviewed the traffic report and concurs that no substantial changes to the traffic flow into and exiting the site are occurring. Entrance to the recycling center is through Injim Road which is under the jurisdiction of the City of Marina. Staff has reviewed the request pursuant to CEQA Section 15162 (a) which states that once a Negative Declaration has been adopted for a project, subsequent environmental review shall not be prepared unless the lead agency, Monterey County Resource Management Agency, finds:

- 1) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- 2) Significant effects previously examined will be substantially more severe than shown in the previous EIR; or
- 3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative;
- 4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The project is located in a previously disturbed environmentally sensitive area and will continue to utilize the property which was and is highly disturbed. As conditioned there will be no adverse impact to the surrounding areas. The project is not visible from either Injim or Reservations Roads due to the creation of a landscaping berm along Injim Road for the reduction of visibility. The extension request does not include an expansion of the facility and grading for the facility was completed over ten years ago. The facility will not involve new water impacts nor result in the alteration of existing drainage patterns or increased water use. The facility has an on-site drainage retention basin which collects any run-off from paved areas and areas used for stockpiling. Water usage is well under the previously evaluated 2.65 acre feet per year and is currently at 1.5 acre feet per year. Any run-off created through recycling activities is captured in the parcels pre-existing detention pond. No additional noise will be generated from the project,

as previously conditioned, machinery is placed so as to reduce potential noise to receivers from equipment. The Environmental Health Department has not received any complaints regarding noise and the facility remains compliant with their conditions of approval. Upon the request for an additional ten years staff requested an updated Traffic Study to evaluate traffic impacts for the project extension. The project would continue to be consistent with the University of California's Monterey Bay Education, Science and Technology Center site Master Plan. The project also remains in compliance with the Monterey Bay Unified Air Pollution Control District conditions of project approval, which mitigate potential impacts on air quality.

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EXHIBIT B
RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance Title 21, which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The property is located at Southeast corner of Reservation Road and Injim Road. (Assessor's Parcel Number 031-121-002-000), Greater Monterey Peninsula Area Plan. The parcel is zoned "PQP-D-D [Public Quasi Public, Design Control District, and Site Plan Review overlays,]" which allows uses such as solid and liquid waste disposal sites, removal or minerals or natural materials for commercial purposes and other uses of similar nature, density and intensity. Therefore, the property is suitable for the proposed development.

(c) The project planner conducted a site inspection on September 21, 2007 to verify that the project on the subject parcel conforms to the plans listed above and compliance with previous conditions of approval.

(d) On October 29, 1997 the Planning Commission adopted the Mitigated Negative Declaration and granted a Use Permit, PLN970390, for the establishment and operation of a temporary asphalt recycling facility for a duration of five years. Additionally, the applicant requested continual use of the recycling plant and on July 31, 2002 the Planning Commission granted an additional five years. The applicant, Don Chapin, has negotiated an additional 10 year lease with UC MBEST and would like to continue the temporary operation for ten more years. Staff has review the second request and no new significant information was found regarding potential environmental impacts. The operation has not exceeded what was originally approved and all of the applicable conditions of the previous approvals have been complied with.

(e) The project was not referred to the Greater Monterey Peninsula Area Plan Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions; the project does not involve ridgeline/viewshed development; the project is exempt from CEQA per Section 15301; is not a Lot Line Adjustment.

(f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070377.

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

- EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Salinas Rural Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- (b) Technical reports by outside a Traffic Engineer consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
- i. "Traffic Report" (LIB080272) prepared by Higgins Associates, Gilroy, CA, 95020.
- (c) Staff conducted a site inspection on September 21, 2007 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN070377.

3. FINDING: CEQA: An Addendum to the adopted Mitigated Negative Declaration is appropriate for the proposal, and no further documentation is necessary CEQA Section {15162(b)}.

- EVIDENCE:** (a) CEQA Guidelines Section 15164 allows that an Addendum to the adopted Mitigated Negative Declaration may be prepared, subject to the provisions of that Section.
- (b) All physical impacts to the development were reviewed with County File Number PLN970390 and a Mitigated Negative Declaration was approved and filed October 29, 1997 (**Exhibit D**).
- (c) An addendum to an adopted Negative Declaration may be prepared and considered as allowed by Section 15164 of the CEQA Guidelines if only minor technical changes or additions (to the project description) are needed. The permit will be extended for an additional ten years.
- (d) None of the conditions described in Section 15162 calling for the preparation of a Subsequent EIR or Negative Declaration have occurred.
1. There are no new substantial changes to the project CEQA Section {15162(a)(1)}, or the circumstances under which the project is undertaken {15162(a)(2)}. The project scope is unchanged since the MND/IS, no intensification or expansion has occurred. The project involves recycling, stockpiling and transporting of asphalt and concrete materials using a mobile crusher and conveyor. The leased portion of the site is heavily disturbed, does not involve new grading, and remains invisible from surrounding Injim and Reservation Roads.
 2. There are no new significant environmental effects or increase in the severity of previously identified significant effects CEQA Section {15162(a)(2)}. Operations at the facility have not increased since the MND/IS, as conditioned the site remains in compliance with previous conditions of approval including ongoing compliance with the Regional Air Quality District and UC MBEST.
 3. There is no new information of substantial importance that was not known at the time the previous (mitigated) Negative Declaration was adopted CEQA Section {15162(a)(3)}. Public Works has reviewed the updated Traffic Report and concur that no traffic related improvements

are warranted. The project scope has not increased and no new structures are proposed.

4. FINDING: USE PERMIT EXTENSION – The project is a request for a second extension in accordance with the applicable policies of the Monterey County Zoning Ordinance (Title 21) specifically 21.74.110.A and 21.74.110.B. The Appropriate Authority may extend a Use Permit upon receipt of a written request from the permittee, provided such request is made at least thirty days prior to the expiration of the Use Permit. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

EVIDENCE: (a) The applicant, Don Chapin has applied for an extension well within required thirty days of the expiration of PLN020143. There is a continued need for a concrete and asphalt recycling center to assist in facilitating the recycling of excess asphalt and concrete in the reuse of Fort Ord development.

(b) Conditions of approval for the prior Use Permit have been complied with and no violations exist on the property.

(c) The Chapin recycling facility is consistent and compatible with the UC MBEST Center Master Plan as it is an interim use. The Chapin facility is located at parcel CS-1 of the UC MBEST parcel map located in the **Central South** portion of the UC MBEST campus where uses are targeted for a mix of Research and Development (R&D) and Commercial Mixed-Use (CMU) development. The recycling center is zoned in the UC MBEST Master Plan as R & D for Research and Development. **(Exhibit I)**

3. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

4. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

8. FINDING: APPEALABILITY – The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Sections 21.80.040(D) of Monterey County Zoning Ordinance Title 21.

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EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Don Chapin Recycling File No: PLN070377 APNs: 031-121-002-000 Approved by: Planning Commission Date: May 14, 2008
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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>Conditions of Approval and/or Mitigation Measures 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 Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Use permit extension (PLN070377) allows a second extension to a previously approved permit, PLN970390, for a temporary asphalt and concrete recycling facility. The property is located at the Southeast corner of Reservation Road and Injim Road. (Assessor's Parcel Number 031-121-002-000), Greater Monterey Peninsula Area Plan. 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 the RMA - Planning Department. Any use or construction not in substantial 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures 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 Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 031-121-002-000 on May 14, 2008. The permit was granted subject to 3 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD00 – ONGOING COMPLIANCE The applicant will comply with continue to comply with all of the previously approved conditions for PLN970390 (Resolution Number 97076) and PLN020143 (Resolution Number 02042).	Adhere to said conditions and uses specified in this permit and previous approvals; PLN970390 and PLN020143. Proof shall be furnished to the RMA - Planning Department upon request.	Owner/ Applicant	Ongoing unless otherwise stated	

END OF CONDITIONS