

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> April 13, 2011	<b>Time:</b> 9:00 A.M.	<b>Agenda Item No.:</b> 2
<p><b>Project Description:</b> Zoning Reclassification amending the Zoning Map for a 58 acre portion of the former landfill site from PQP-D-S to Heavy Commercial (HC-D-S) and rezoning open space parcels totaling approximately 58 acres from PQP-D-S to Open Space (O-D-S); and a Combined Development Permit consisting of:</p> <p>a) Standard Subdivision Phased Vesting Tentative Map dividing two parcels of 30.3 acres and 85.2 acres (Assessor's Parcel Numbers 031-101-041-000 and 031-101-056-000) into 16 buildable lots including a 24.4 acre lot and 15 smaller lots ranging in size from 1 acre to 3 acres, a roadway parcel (approximately 7.4 acres), a drainage detention and percolation parcel (approximately 1.7 acres), and two Open Space parcels (approximately 49 acres and 8.7 acres);</p> <p>b) General Development Plan establishing Allowed Uses, Conditional Uses allowed, and site development standards and design criteria for the proposed Whispering Oaks Business Park;</p> <p>c) General Development Plan and Use Permit to allow development of the Monterey- Salinas Transit (MST) administrative and maintenance facility containing the following: 1) a 36,000 square foot three-story administrative building; 2) a 96,450 square foot two-story bus maintenance building; 3) an 18,620 square foot fuel/brake/tire building attached by a canopy to an 8,373 square foot bus wash/steam cleaning building; and 4) approximately 15 acres of paved parking to accommodate up to 281 busses and 388 automobiles;</p> <p>d) Use Permit to allow the removal of approximately 2,400 Coast Live Oak trees on Lot 1 (MST parcel); and</p> <p>e) Use Permit to allow the removal of approximately 2,000 Coast Live Oaks on Lots 2 through 16, and for infrastructure improvements</p> <p>f) Administrative Permit and Design Approval for development within the Site Plan Review ("S") zoning district.</p>		
<b>Project Location:</b> A portion of the former Army Landfill site in Fort Ord		<b>APN:</b> 031-101-041-000 and 031-101-056-000
<b>Planning File Number:</b> PLN090071 <b>Project Title:</b> Monterey-Salinas Transit/Whispering Oaks Business Park		<b>Owner:</b> The Redevelopment Agency of the County of Monterey (RDA) <b>Agent:</b> Monterey-Salinas Transit (MST)
<b>Planning Area:</b> Fort Ord Master Plan		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> : "PQP-D-S" [Public Quasi-Public, with Design Control and Site Plan Review Zoning Overlays]		
<b>CEQA Action:</b> Environmental Impact Report		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Pursuant to the Planning Commission's March 9, 2011 motion of intent, staff presents for the following draft resolutions for consideration:

1. A resolution to deny the Combined Development Permit (**Exhibit C**); and
2. A resolution recommending denial of the Zoning Amendment to the Board of Supervisors (**Exhibit D**).

### PROJECT OVERVIEW:

On March 9, 2011 the Planning Commission considered an application from the Redevelopment Agency of Monterey County and Monterey-Salinas Transit to Rezone approximately 116 acres of the former Army Land fill site from Public Quasi-Public (PQP) to Heavy Commercial (HC) and Open Space (O) and a Combined Development Permit for a 16 lot subdivision and Monterey-Salinas Transit and Whispering Oaks Business Park (PLN090071)

entitlements to allow construction of a new bus maintenance and operations facility and a new 15 lot business park including Use Permits for the removal of up to 4,400 oak trees. After considering testimony and the evidence in the record, the Planning Commission voted to issue a resolution of intent to deny the project based on the following comments and considerations:

- The number of trees being removed is too high;
- Tree removal has not been minimized to the maximum extent feasible; and
- Alternate sites may exist near the multi-modal corridor that need to be redeveloped and would be environmentally superior locations for the proposed project.

The above statements are supported by Policy OS-5.4 and the Zoning Ordinance Title 21 Section 21.64.260 which require that development be designed to avoid, minimize, and mitigate impacts on trees and habitat to the extent feasible.

The proposed application includes a request to rezone the subject property from its current designation of Public Quasi-Public. This request is not necessary if the project is being denied. Therefore, a separate resolution has been prepared recommending the Board of Supervisors deny the zoning amendment.

Also, projects that are disapproved are statutorily exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15270(a). Therefore, the Planning Commission is not required to take action on the Environmental Impact Report Prepared for the project.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

RMA - Public Works Department  
Environmental Health Bureau  
Water Resources Agency  
Monterey Regional Fire Protection District  
Parks Department  
United States Department of Defense (Army)  
California Department of Transportation, District 5  
California Department of Fish and Game  
City of Marina  
Sheriff's Department  
Fort Ord Reuse Authority  
Transportation Agency of Monterey County (TAMC)  
Marina Coast Water District

No conditions are necessary for the proposed action.

The project was not referred to a Land Use Advisory Committee because there is currently no Committee established to review projects in the Fort Ord Area.

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

/S/ Craig W. Spencer



Craig W. Spencer, Associate Planner

March 10, 2011

cc: Front Counter Copy; Planning Commission; Monterey Regional Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; CSUMB; City of Marina; FORA; John Ford, Planning Services Manager; Craig Spencer, Project Planner; Carol Allen, Senior Secretary; Redevelopment Agency, Owner; Monterey-Salinas Transit, Co-applicant; Land Watch; UCSC; DFG; Richard Rosenthal; Planning File PLN090071

Attachments: Exhibit A Draft Resolution (denial of the Combined Development Permit)  
Exhibit B Draft Resolution (Recommendation to Board of Supervisors to deny the Zoning Amendment)

This report was reviewed by John Ford, Planning Services Manager



**EXHIBIT A  
DRAFT RESOLUTION**

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

In the matter of the application of:

**The Redevelopment Agency of Monterey County (PLN090071)**

**RESOLUTION NO.**

Resolution by the Monterey County Planning  
Commission:

Denying a Combined Development Permit consisting  
of:

a) Standard Subdivision Phased Vesting Tentative Map  
dividing two parcels of 30.3 acres and 85.2 acres  
(Assessor's Parcel Numbers 031-101-041-000 and 031-  
101-056-000) into 16 buildable lots including a 24.4  
acre lot and 15 smaller lots ranging in size from 1 acre  
to 3 acres, a roadway parcel (approximately 7.4 acres),  
a drainage detention and percolation parcel  
(approximately 1.7 acres), and two Open Space parcels  
(approximately 49 acres and 8.7 acres);

b) General Development Plan establishing Allowed  
Uses, Conditional Uses allowed, and site development  
standards and design criteria for the proposed  
Whispering Oaks Business Park;

c) General Development Plan and Use Permit to allow  
development of the Monterey- Salinas Transit (MST)  
administrative and maintenance facility containing the  
following: 1) a 36,000 square foot three-story  
administrative building; 2) a 96,450 square foot two-  
story bus maintenance building; 3) an 18,620 square  
foot fuel/brake/tire building attached by a canopy to an  
8,373 square foot bus wash/steam cleaning building;  
and 4) approximately 15 acres of paved parking to  
accommodate up to 281 busses and 388 automobiles;

d) Use Permit to allow the removal of approximately  
2,400 Coast Live Oak trees on Lot 1 (MST parcel); and

e) Use Permit to allow the removal of approximately  
2,000 Coast Live Oaks on Lots 2 through 16, and for  
infrastructure improvements.

**(PLN090071, Redevelopment Agency of Monterey  
County, A portion of the former Army Landfill site  
in Fort Ord, Fort Ord Master Plan Area (APNs:  
031-101-041-000 and 031-101-056-000)**

**The Monterey-Salinas Transit and Whispering Oaks Business Park application  
(PLN090071) came on for public hearing before the Monterey County Planning  
Commission on March 9, 2011 and April 13, 2011. Having considered all the written and**

documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

## FINDINGS

**FINDING:** **INCONSISTENCY** – The Project is not consistent with the applicable plans and policies which designate this area as appropriate for development.

**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- The 2010 Monterey County General Plan
- Fort Ord Master Plan,
- Monterey County Zoning Ordinance (Title 21)
- Monterey County Subdivision Ordinance (Title 19)
- Fort Ord Base Reuse Plan

Conflicts with the 2010 Monterey County General Plan, the Zoning Ordinance Title 21, and the City of Marina General Plan land use designation were identified.

- b) The design of the proposed project is not consistent with the tree preservation goals and policies of the 2010 General Plan. The project requires grading of large building pads within an oak woodland habitat thus failing to accomplish the goal of maximum protection and preservation of oak woodlands.
- c) Alternate locations may exist near the project site that are highly disturbed and in need of redevelopment. Location of the proposed project in such an area would substantially reduce or avoid altogether removal of oak trees.
- d) The proposed project does not conform to Section 21.64.260.D.5 of the Zoning Ordinance, Title 21, Section 21.64.260.D.5 contains findings required in order to grant a permit for tree removal including that the tree removal is the minimum required under the circumstances and that the tree removal will not involve the risk of adverse environmental impacts. Alternate designs and locations may exist for the proposed development that would substantially reduce the number of trees proposed for removal. In addition, the project would involve the risk of adverse environmental impacts to the ecology and habitat of the oak woodlands at the site (See also Finding #5).
- e) LUAC The project was not referred to the Land Use Advisory Committee (LUAC) for review because no advisory committee has been created to review and make recommendations on development projects in the Fort Ord area. Consistency determinations in Fort Ord are made by the Fort Ord Reuse Authority.
- 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 PLN090071.

2. **FINDING:** **SITE UNSUITABILITY** – The site is not physically suitable for the proposed project as presented.

**EVIDENCE:** a) The site currently contains oak woodlands. The proposed subdivision

would impact approximately 58 acres of oak woodland necessitating the removal of up to 4,400 oak trees. Alternative locations may exist in the area that are better suited for the development proposed.

- b) Because the site is heavily forested, a development type that provides flexibility in the grading and tree preservation efforts is more suitable for this location.
- c) 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 PLN090071.

3. **FINDING:** **CEQA (Exempt):** - The project is statutorily exempt from environmental review.

- EVIDENCE:**
- a) CEQA Guidelines §15270 (a) exempts projects in which a public agency rejects or disapproves.
  - b) In disapproving the project no action is taken on the Environmental Impact Report prepared for the project.

4. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code requires that a request for subdivision be denied if any of the following findings are made:

- 1. That the proposed map is not consistent with the applicable general plan and specific plans.
- 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
- 3. That the site is not physically suitable for the type of development.
- 4. That the site is not physically suitable for the proposed density of development.
- 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

- EVIDENCE:**
- a) The site is not suitable for the proposed project due to the oak woodland habitat and eco-system that exist at the site (See *Finding 2*).
  - b) The site is not physically suitable for the proposed project as designed and with the proposed density. Large amounts of grading and tree removal are required for building pads for 16 industrial/business park lots and for installation of the needed infrastructure. A different project design and grading scheme could reduce tree removal.

5. **FINDING:** **TREE REMOVAL** – The tree removal is not the minimum required under the circumstances and the removal will involve a risk of adverse environmental impacts.

- EVIDENCE:**
- a) The project includes application for the removal of approximately 4,400 trees. In accordance with the applicable policies of the 2010 General

Plan and the Monterey County Zoning Ordinance (Title 21), a Use Permit is required and the authority to grant said permit has not been met.

- b) Alternative locations and or designs may exist that could substantially reduce the number of trees proposed for removal at the site.
- c) The site supports oak woodlands and a variety of habitat for rare and endangered plant and animal species. Alternative designs may exist that could substantially reduce impacts to the habitat at the site including reducing the number of lots proposed, redesigning the proposed project to cluster lots, and/or reducing the size of the proposed lots. Additionally areas containing oak trees could be preserved in pockets in and around the foreseeable building envelopes.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors
- EVIDENCE:** a) Section 21.80.040.D Monterey County Zoning Ordinance (Board of Supervisors). The Board of Supervisors is the appeal Authority to consider appeals from the discretionary decisions of the Planning Commission.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby deny the Combined Development Permit for the Monterey-Salinas Transit and Whispering Oaks Business Park (PLN090071).

**PASSED AND ADOPTED** this 13th day of April, 2011 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mike Novo, Director of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

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

**Resolution No.**

Resolution of the Monterey County Planning )  
Commission recommending that the Board of )  
Supervisors deny an Ordinance amending )  
Section 21-11 of the Zoning Maps to rezone )  
approximately 58 acres of the Former Army )  
Landfill site from Public/Quasi-Public (PQP) )  
to Heavy Commercial (HC) and two areas on )  
the same parcel totaling approximately 58 )  
acres from Public/Quasi-Public (PQP) to Open )  
Space (O). )

**Amendments to the Monterey County Zoning Map Section 21-11 came on for public hearing before the Monterey County Planning Commission on April 13, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**RECITALS**

1. On March 9, 2011, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding certification of the EIR, the proposed Zoning amendment, and the proposed Combined Development Permit for PLN090071. Having considered the evidence and testimony, the Planning Commission voted to issue a resolution of intent to deny the Combined Development Permit.
2. On April 13, 2011, the Monterey County Planning Commission adopted a resolution denying the proposed Combined Development Permit finding that the proposed development is not suitable for the site and not in conformance with the Policies of the 2010 Monterey County General Plan and Zoning Ordinance Title 21.
3. In denying the Combined Development Permit, the zoning amendment is rendered unnecessary and arbitrary.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby recommend denial of the Zoning amendment to Section 21-11 of the Monterey County Zoning Maps to the Board of Supervisors.

PASSED AND ADOPTED on this 13<sup>th</sup> day of April, 2011, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Mike Novo, Director of Planning