

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

Resolution No. 07024)
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 031-101-039-000 and 800-026-614-000), 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., 2nd 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 the 30th day of May, 2007, upon motion of Commissioner Isakson, seconded by Commissioner Brown, and passed by the following vote, to-wit:

AYES: Errea, Brown, Isakson, Padilla, Ottone, Rochester, Diehl, Sanchez, Salazar, Vandever
NOES: None
ABSENT: None

By 
MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON: JUN - 7 2007

**ATTACHMENT A
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 31st 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

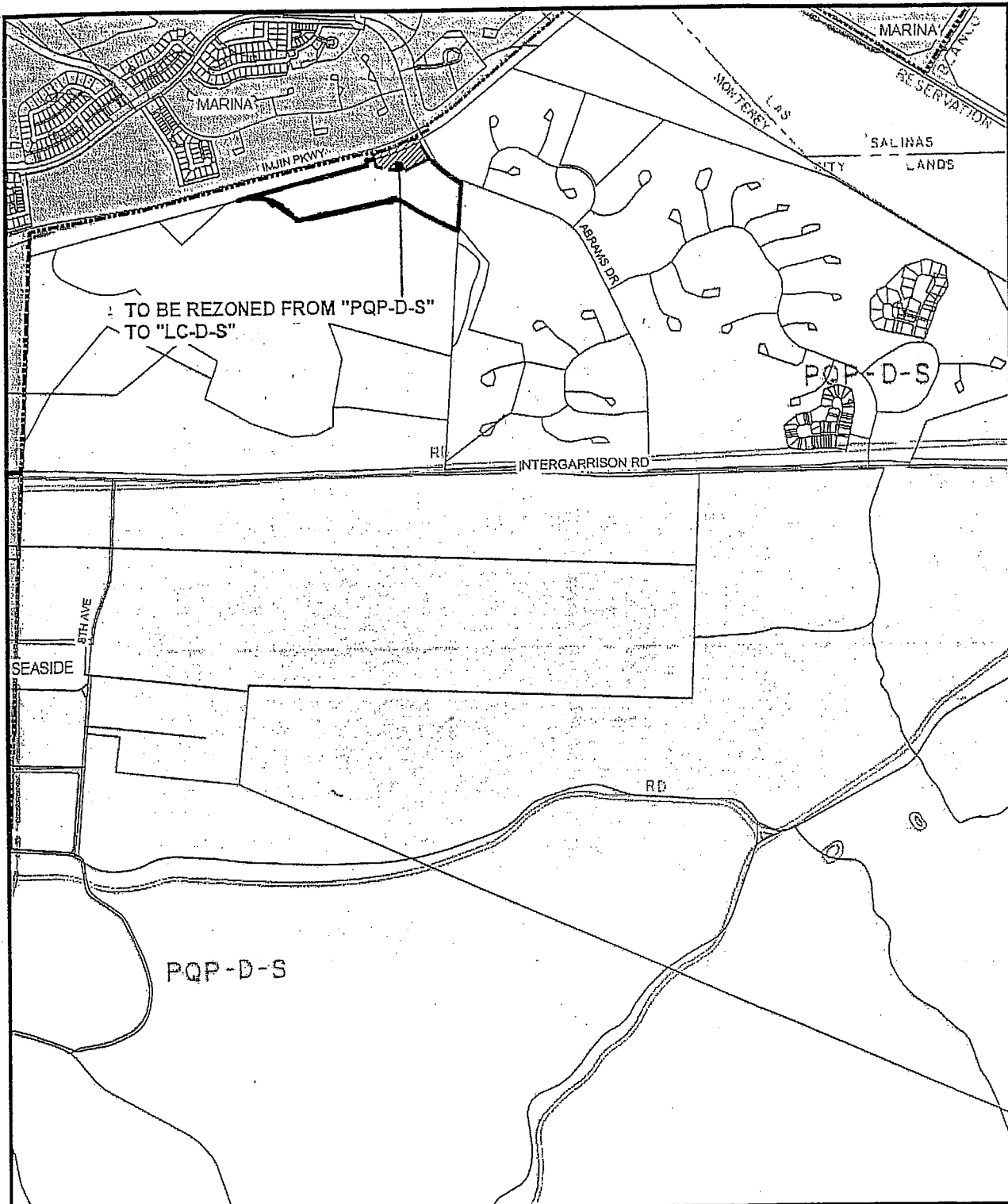
ATTEST:
LEW BAUMAN

APPROVED AS TO FORM:
Charles McKee, County Counsel

Clerk of the Board

By: _____
Deputy


By: _____
Deputy



PROPOSED REZONING, SECTION 21-11

APN: 031-101-039-000

FILE # GPZ070004

 City Limits

