MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: February 14, 2012 SCHEDULED **AGENDA NO:**

SUBJECT: Public hearing to consider the following actions:

a. Rescind certification of the Environmental Impact Report prepared for the Monterey-Salinas Transit (MST)/Whispering Oaks Business Park project;

b. Adopt an ordinance to repeal Ordinance No. 5181, which would have rezoned certain property in the County unincorporated Fort Ord Master Plan area in connection with the MST/Whispering Oaks Business Park project;

c. Rescind approval of a Combined Development Permit consisting of:

1) 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 three Open Space parcels (approximately 59 acres);

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

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

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

5) A Use Permit to allow the removal of approximately 1,000 Coast Live Oaks on Lots 2 through 16, and for infrastructure improvements; and

6) An Administrative Permit and Design Approval for development within the Site Plan Review ("S") zoning district; and

d. Rescind the Mitigation Monitoring and Reporting Plan for the MST/Whispering Oaks Business Park project.

e. Rescind allocation of 92.7 acre feet of water per year to the MST/Whispering Oaks Combined Development Permit.

(Monterey-Salinas Transit Bus Maintenance and Operations Facility and Whispering Oaks Business Park – PLN110231/MST and Monterey County, Former Army Landfill site, Fort Ord Master Plan area)

Project Location:	A portion of the former Army Landfill site in Fort Ord	**APN:**	031-101-041-000 and 031-101-056-000
Planning Number:	PLN110231	**Name:**	County of Monterey as successor to Redevelopment Agency of Monterey County
Plan Area:	Fort Ord	**Flagged and Staked:**	No
Zoning Designation:	PQP-D-S		
CEQA Action:	Exempt per Public Resources Code Section 21080(b)(5)		
DEPARTMENT:	RMA – Planning Department		

RECOMMENDATION:

It is recommended that the Board of Supervisors consider the following actions:

a. Rescind certification of the Environmental Impact Report prepared for the Monterey-Salinas Transit/Whispering Oaks Business Park project;
b. Adopt an ordinance to repeal Ordinance No. 5181, which would have rezoned certain property in the County unincorporated Fort Ord Master Plan area in connection with the MST/Whispering Oaks Business Park project;
c. Rescind approval of a Combined Development Permit consisting of:

1) 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 three Open Space parcels (approximately 59 acres);
2) A General Development Plan establishing Allowed Uses, Conditional Uses allowed, and site development standards and design criteria for the proposed Whispering Oaks Business Park;
3) A General Development Plan and Use Permit to allow development of the Monterey-Salinas Transit (MST) administrative and maintenance facility containing the following: A) a 36,000 square foot three-story administrative building; B) a 96,450 square foot two-story bus maintenance building; C) an 18,620 square foot fuel/brake/tire building with underground tanks attached by a canopy to an 8,373 square foot bus wash/steam cleaning building; and D) approximately 15 acres of paved parking to accommodate up to 281 busses and 388 automobiles;
4) A Use Permit to allow the removal of approximately 2,400 Coast Live Oak trees on Lot 1 (MST parcel);
5) A Use Permit to allow the removal of approximately 1,000 Coast Live Oaks on Lots 2 through 16, and for infrastructure improvements; and
6) An Administrative Permit and Design Approval for development within the Site Plan Review ("S") zoning district; and

d. Rescind the Mitigation Monitoring and Reporting Plan for the MST/Whispering Oaks Business Park project.
e. Rescind allocation of 92.7 acre feet of water per year to the MST/Whispering Oaks Combined Development Permit.

SUMMARY:
On July 12, 2011, the Board of Supervisors certified an EIR for the MST/Whispering Oaks Business Park project, adopted a rezoning ordinance (Ordinance No. 5181), approved a Combined Development Permit for the MST/Whispering Oaks project, and a water allocation to the site, within the former Fort Ord. A referendum petition protesting adoption of the Board's Ordinance No. 5181 (the "Ordinance") relating to the rezoning of the subject property has successfully qualified for the ballot. Under State law, the qualification of the referendum results in the suspension of the ordinance, and the Board must reconsider the ordinance. The Board may either submit the ordinance to the voters or repeal the ordinance. At the Board of Supervisors meeting on January 24, 2012, the Board of Supervisors directed staff to set a public hearing for February 14, 2012 to consider rescinding all approvals related to the project.

DISCUSSION:
See Exhibit A.

OTHER AGENCY INVOLVEMENT:
County Counsel, Elections, and Resource Management Agency – Planning Department have been consulted with respect to this report.

FINANCING:
Funding for staff time associated with this action is included in the FY11-12 Final Budget for the Planning Department and Office of the County Counsel.

If the Board were to choose to submit the ordinance to the voters, consolidating a ballot measure along with the existing June 5, 2012 Presidential Primary Election when the County will be holding elections for three of five members of the Board of Supervisors would be the most cost feasible option. Any additional cost would be paid from the County General Fund.

Prepared and approved by:

Mike Novo, Director
RMA - Planning Department

Date: January 30, 2012

cc: Front Counter Copy; Board of Supervisor's (14); County Counsel; Monterey Regional Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; CSUMB; City of Marina; FORA; Mike Novo, Project Planner; Jim Cook, Economic Development, Owner; Monterey-Salinas Transit, Applicant; Land Watch; Richard Rosenthal; Planning File PLN110231

Exhibits:

A Discussion
B Draft Ordinance to repeal ordinance 5181 (Zoning Districts)
C Draft Resolution to rescind development approvals
- Certification of EIR
- Subdivision
- Use Permits
  - MST Center
  - Tree Removal (2)
- General Development Plan (2)
- Administrative Permit and Design Approval
- Water Allocation

D Correspondence
E Public/Quasi-Public Zoning District Allowed Uses
F Vicinity Map and Site Plans/Tentative Map

The original resolutions and ordinances applicable to approval of the rezoning and Combined Development Permit are available at the Clerk of the Board office or the Planning Department counter. They can also be found at the following website:
http://www.co.monterey.ca.us/planning/major/MST_Whispering_Oaks_Business_Park/MST_Whispering_Oaks.htm