

**MONTEREY COUNTY BOARD OF SUPERVISORS**

**MEETING:** June 14, 2011      **TIME:** 1:30 PM      **AGENDA NO:**

**SUBJECT:** Public hearing to consider:

- a. Certifying the Environmental Impact Report prepared for the Monterey-Salinas Transit/Whispering Oaks Business Park project;
- b. Adoption of an ordinance amending Section 21-11 of the Monterey County Zoning Maps to rezone approximately 58 acres of the project site from Public Quasi Public with Design Review and Site Plan Review Overlays (PQP-D-S) to Heavy Commercial with Design Review and Site Plan Review Overlays (HC-D-S) and to rezone the remaining approximately 58 acres from Public Quasi Public with Design Review and Site Plan Review Overlays (PQP-D-S) to Open Space with Design Review and Site Plan Review Overlays (O-D-S);
- c. Granting the appeal by Monterey-Salinas Transit (MST)/Redevelopment Agency of the County of Monterey from the April 13, 2011 decision of the Monterey County Planning Commission;
- d. 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 two Open Space parcels (approximately 49 acres and 8.7 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
- e. Adoption of the Mitigation Monitoring and Reporting Plan for the MST/Whispering Oaks Business Park project.
- f. Adoption of a resolution to allocate 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/Redevelopment Agency of Monterey County, Former Army Landfill site, Fort Ord Master Plan area)**

<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 Number:</b>	PLN110231	<b>Name:</b>	Redevelopment Agency of Monterey County
<b>Plan Area:</b>	Fort Ord	<b>Flagged</b>	No
<b>Zoning Designation:</b>	PQP-D-S	<b>and</b>	

<b>CEQA Action:</b>	Environmental Impact Report	<b>Staked:</b>
<b>DEPARTMENT:</b>	RMA – Planning Department	

**RECOMMENDATION:**

It is recommended that the Board of Supervisors

- a. Adopt a resolution certifying the Final Environmental Impact Report prepared for the Monterey-Salinas Transit/Whispering Oaks Business Park project;
- b. Adopt an ordinance amending Section 21-11 of the Monterey County Zoning Maps to rezone approximately 58 acres of the project site from Public Quasi Public with Design Review and Site Plan Review Overlays (PQP-D-S) to Heavy Commercial with Design Review and Site Plan Review Overlays (HC-D-S) and to rezone the remaining approximately 58 acres from Public Quasi Public with Design Review and Site Plan Review Overlays (PQP-D-S) to Open Space with Design Review and Site Plan Review Overlays (O-D-S);
- c. Adopt a resolution
  1. Granting the appeal by Monterey-Salinas Transit (MST)/Redevelopment Agency of the County of Monterey from the April 13, 2011 decision of the Monterey County Planning Commission;
  2. Approving a Combined Development Permit consisting of:
    - A) 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) A General Development Plan establishing Allowed Uses, Conditional Uses allowed, and site development standards and design criteria for the proposed Whispering Oaks Business Park;
    - C) A 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 with underground tanks 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) A Use Permit to allow the removal of approximately 2,400 Coast Live Oak trees on Lot 1 (MST parcel);
    - E) A Use Permit to allow the removal of approximately 1,000 Coast Live Oaks on Lots 2 through 16, and for infrastructure improvements; and
    - F) An Administrative Permit and Design Approval for development within the Site Plan Review ("S") zoning district; and
  3. Adopting a Mitigation Monitoring and Reporting Plan contained in the resolution for the Combined Development Permit.
- d. Adopt a resolution to allocate 92.7 acre feet of water per year to the MST/Whispering Oaks Combined Development Permit

## SUMMARY:

The proposed project includes a subdivision to create a 16 lot "green business park" within the Fort Ord Master Plan area. The property is part of the former Army landfill site and is owned by the Redevelopment Agency of Monterey County. The Redevelopment Agency has partnered with Monterey-Salinas Transit (MST) who is proposing to construct a new bus maintenance and operations facility on Lot 1 of the proposed subdivision.

For consistency with zoning, the project requires amending the zoning on the property from Public Quasi-Public with Design Review and Site Plan Review Overlays to Heavy Commercial for the project area and Open Space for the undeveloped project area maintaining the D and S overlays. The zoning amendment will take effect only if and when the first final map for project is recorded because the zoning amendments are specific to the proposed Vesting Tentative Map for the project. Two separate General Development Plans are proposed to guide development and operations at the site. The first General Development Plan is specific to the 24 acre MST bus maintenance and operations facility on Lot 1 of the subdivision. The second General Development Plan would apply to the remaining 15 lot business park referred to as Whispering Oaks Business Park.

On February 10, 2011 the Standard Subdivision Committee unanimously recommended approval of the project by a vote of 5-0. On April 13, 2011 the Planning Commission unanimously voted to deny the Combined Development Permit and recommended denial of the rezone by a vote of 9-0. The Planning Commission denial was based on the significant amount of tree removal needed to develop the heavily wooded site with commercial uses. More discussion on the Planning Commission concerns is provided in the discussion (**Exhibit A**) and in the Planning Commission resolution (**Exhibit F**).

The original estimate for total tree removal was 4,400 trees. During the review process changes were made to preserve trees on the MST parcel and to retain trees on the Whispering Oaks portion of the development by including tree preservation corridors and updated policies in the proposed General Development Plans. Accordingly, the project description has been revised from removal of 4,400 trees to removal of a maximum of 3,400 trees. This number reflects the tree preservation measures that have already been incorporated into the project.

In considering this appeal, the Board of Supervisors must weigh the denial by the Planning Commission with the relevant facts that make this property appropriate for development. Topically the related facts are: the subject site has been designated as appropriate for this type of development in the Fort Ord Reuse Plan and the 2010 Monterey County General Plan; is within a Community area; is surrounded by existing development; is served by existing utility infrastructure; is on a parcel that contains a closed landfill; is along the frontage of the future multi-modal corridor and the tree impacts have been mitigated both on a cumulative level and on a project specific basis. The Planning Commission action to deny the project based upon concern for the loss of the trees is consistent with the County concern for oak woodland preservation, however in this case the concern for the loss of the oak trees must be balanced with the fact that this site has been designated for development and there is mitigation built into the Fort Ord Reuse Plan and the project as proposed. For these reasons staff is recommending that the Board grant the appeal and approve the project as requested.

An Environmental Impact Report has been prepared for the project that evaluated drainage, tree removal, traffic impacts, air quality and greenhouse gas impacts, biological impacts, visual impacts, and land use impacts. Impacts have been mitigated to a less than significant level, with the exception of traffic impacts to the on and off-ramps at Highway 1 and Imjin Parkway and related to

greenhouse gas emissions. CEQA findings and a statement of overriding considerations have been prepared for Board consideration.

**DISCUSSION:**

Detailed discussion is provided in Exhibit A.

**OTHER AGENCY INVOLVEMENT:**

The following agencies have reviewed the project and those that are checked (“✓”) have comments and/or recommended conditions:

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

**FINANCING:**


Funding for staff time associated with this project is included FY10-11 Final Budget for the Planning Department.

Prepared by:




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Approved by:



Mike Novo, Director of Planning

This report was prepared with assistance reviewed by John Ford, Planning Manager 

cc: Front Counter Copy; Board of Supervisor's (30); County Counsel; 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; Richard Rosenthal; Planning File PLN090071

- Attachments:
- Exhibit A Discussion of Proposed Project
  - Exhibit B Draft Resolution to certify the Final Environmental Impact Report
  - Exhibit C Draft Ordinance for approval of the Zoning Amendment
  - Exhibit D-1 Draft Resolution allocating 92.7 acre feet of the Monterey County, Fort Ord Water Allocation
  - Exhibit D-2 Draft Resolution to:
    1. Grant the appeal of MST/Redevelopment Agency;
    2. Approve the Combined Development Permit; and
    3. Adopt the Mitigation Monitoring and Reporting Plan

The following attachments are on file with the Clerk of the Board:

- Exhibit E Resolution of the Minor Subdivision Committee (2/10/2011)
- Exhibit F Resolution of the Planning Commission (4/13/2011)
- Exhibit G Exhibit A of the Staff Report prepared for the March 9, 2011 Planning Commission hearing
- Exhibit H Project Location Map
- Exhibit I Vesting Tentative Map

Exhibit J	MST site plans and elevations
Exhibit K	MST General Development Plan
Exhibit L	Whispering Oaks General Development Plan
Exhibit M	Environmental Impact Report
Exhibit N	Comments on EIR
Exhibit O	Comment Letters
Exhibit P	Oak Woodlands Mitigation Strategy
Exhibit Q	MST Forest Management Plan
Exhibit R	Whispering Oaks Forest Management Plan
Exhibit S	Notice of Appeal

Notes: 1. Studies referenced as attachments are available for review upon request.