

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: August 30, 2011		AGENDA NO:
SUBJECT: Consider continuance of the Public Hearing to September 20, 2011 to consider certification of an Environmental Impact Report, approval of a Combined Development Permit consisting of 1) Use Permit 2) General Development Plan; and 3) Design Approval for development of a 99,970 square foot retail center known as the Corral de Tierra Neighborhood Retail Village and 4) Lot Line Adjustment to modify the lot line between two existing parcels (5.6 acres and 5.38 acres in area) to create Parcel A (1.12 acres) and Parcel B (9.86 acres), and a request to rezone the property to remove the “B-8” Overlay Zoning District from the subject site’s overall “LC-B-8-D” zoning classification.		
(Appeal, Discretionary Decision – PLN110077 (an appeal of PLN020344) Omni Resources, Inc. LLC, 5 Corral de Tierra Road., Salinas, Toro Area Plan)		
Project Location	5 Corral de Tierra Road.	APN: 161-571-003, 161-581-001
Planning Number:	PLN110077 (appeal of PLN020344)	Name: Omni Resources, Inc.
Plan Area:	Toro Area Plan	Flagged and Staked: Yes
Zoning Designation:	LC-B-8-D (Light Commercial with Building Site and Design Review Overlay District)	
CEQA Action:	Statutorily Exempt (CEQA Guidelines 15270)	
DEPARTMENT:	RMA – Planning Department	

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Continue the Public Hearing to September 20, 2011 to consider certification of an Environmental Impact Report, approval of a Combined Development Permit consisting of 1) Use Permit 2) General Development Plan; and 3) Design Approval for development of a 99,970 square foot retail center known as the Corral de Tierra Neighborhood Retail Village and 4) Lot Line Adjustment to modify the lot line between two existing parcels (5.6 acres and 5.38 acres in area) to create Parcel A (1.12 acres) and Parcel B (9.86 acres), and a request to rezone the property to remove the “B-8” Overlay Zoning District from the subject site’s overall “LC-B-8-D” zoning classification;

SUMMARY:

Prior to the July 12, 2011 Board hearing an issue was raised related to whether soil contamination had been properly remediated at the old Phelps Exxon station on the corner parcel. The concern was related to whether this discovery could have an effect upon the proposed water recharge system associated with the proposed project.

The Board of Supervisors adopted a Resolution of Intent to approve the project and continued the hearing to August 30, 2011 to allow staff to prepare an evaluation of the applicant’s proposal and to prepare the necessary findings, evidence and conditions. The motion also provided direction to conduct a Hazardous Materials investigation on the extent of contamination on the adjacent lot that had a gas station operating on the site and any impact it may have on the proposed project. Environmental Health staff followed up with the applicant within a couple of days of the hearing and indicated that a work plan must be submitted prior to work being performed.

On August 2, 2011 a work plan was submitted and a permit for the work was issued on August 8, 2011. The work was performed on August 16, 2011. On August 16, 2011 while observing the work being performed Environmental Health staff observed 3 monitoring wells on the gas station site that Environmental Health had not previously been aware of nor had the Regional Water Quality Control Board been aware of.

On August 17, 2011, staff directed Mr. Phelps to have his consultant perform further tests including: a) sample the groundwater monitoring wells on the gas station site for MTBE, BTEX, and TPH gas; b) determine the direction of the groundwater flow; and c) sample the gas station drinking water well for the full panel of Volatile Organic Compounds as listed in Title 22 of the California Code of Regulations.

At the time the staff report for this project was due (August 19, 2011) the needed information had not been received by Environmental Health. On August 25, Environmental Health received the test results from the soil and groundwater sampling on the gas station site. The results showed no contaminants in the wells on the gas station site, but showed an anomaly in the soils testing that requires further investigation. Environmental Health is also still awaiting results of tests and expects those no sooner than August 29, 2011.

Based upon these circumstances, staff recommends that the hearing on the project be continued to the meeting of September 20, 2011 to allow additional investigation and evaluation of test results to be completed.

Prepared by:

Approved by:

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Mike Novo, Planning Director

cc: Front Counter Copy; Monterey County Rural Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; John Ford, Senior Planner; Carl Holm Interim Deputy RMA Director, Carol Allen, Senior Secretary; Eric Phelps, c/o OMNI Resources LTD, Owner; Brian Finegan, Applicant's Attorney; Mike Weaver; Marit Evans; Gerry Bolles; Law Offices of Michael Stamp c/o Molly Erickson; Planning File PLN 110077 an appeal of PLN020344.

Attachment: Board Order