

# Attachment F

This page intentionally left blank.

**MONTEREY COUNTY BOARD OF SUPERVISORS**  
**April 12, 2011**  
**(PARTIAL)**

**JOHN FORD:** Thank you, Chair Parker. Good afternoon. My name's John Ford with the RMA Planning Department and I think Alana Knaster with the RMA will be here shortly.

This is a project that includes an application for a general development plan, a use permit and design approval to allow a 126,523 square foot shopping center. Initially the application did include a tentative map but that application was withdrawn by the applicant on November 30, 2010. In addition there is a request to remove the B-8 overlay district from the site.

Just a brief overview of what's before you today is that this is actually an appeal of the Planning Commission's decision. The Planning Commission determined that they were deadlocked and in taking that action, the primary focus of their deadlock was related to the size of the center and they could not reach a positive motion to either approve or deny the project. In this particular case, staff recommended to the Planning Commission and continues to recommend that a smaller sized commercial center is appropriate for the site. Given the fact that the Planning Commission was divided over the size of the center and that the staff was recommending something smaller than the applicant was requesting, we are presenting to you today the facts related to this site and then asking for you to give direction as to the size, appropriate size of the center.

There's also the related issue of the adoption of the 2000 General Plan which requires that the Board make a determination that there is a long term sustainable water supply associated with the project prior to approving any development. So prior to

developing any findings for the Board we are asking you to give direction back to us. We do find that there is the ability to approve a commercial center on this site and would make that as a recommendation subject to the direction that you give us.

The project site is located at the intersection of Corral de Tierra and Highway 68. It includes two parcels. The parcel surrounded in red and the parcel surrounded in blue. The corner parcel which is where the gas station is, is not included within the site. You may hear during today's public testimony comments about the hillside. The hillside on the screen is this area that's right in here. It slopes down from a very high point down onto the project site. This is the proposed site plan going from the north. The site includes pedestrian retail village concept that's located in this area. It includes in-line shops. It includes a larger co-anchor store in this location and a two story component back in this area. This is the location of where a market would be with associated in-line shops and this is the location of a proposed two-story office.

There are currently five driveways proposed. Three driveways on Corral de Tierra and two driveways on Highway 68.

Looking at the building elevations, this is the elevations of the retail village. This would be the elevation facing Highway 68. This would be the elevation facing the Villas. This is the elevation to the rear facing the hillside. These are the elevations of the market building and the elevations of the two story building, or the two story office building are shown as such.

In terms of the regulatory setting. The project has been evaluated for compliance with the 2010 and 1982 General Plan. In both plans it is designated for commercial land use. In both plans it is designated to be within the critical viewshed along both

Highway 68 and Corral de Tierra. That requires a 100 foot setback and also requires consideration of additional architectural and site design considerations. This is a diagram showing the subject site with 100 foot setback that is part of the general plan and Toro Policy 3.3 and you can see that the 100 foot setback goes along the perimeter of the site.

This shows the location of the critical viewshed. It's this area right here. This line right here shows the 100 foot setback superimposed on that and this diagram shows the site plan with the 100 foot setback superimposed onto the site plan. The reason that we're pointing this out, is that it's important that the Board make the determination that the project is consistent with the Toro Area Plan, specifically with Policies 3.1 and 3.3. Policy 3.1 requires that there be a 100 foot, I'm sorry, 3.3 requires that there be a 100 foot setback and in that, I'm sorry to switch back and forth on you. It allows that that setback may be reduced for existing lots of record, which this site is, which have no developable area outside the setback. Now, arguably there is developable area outside the setback associated with this, but the argument also leads to one of understanding what does it do to a commercial site and this is definitely a site that is designated commercial, and so that needs to be taken into consideration.

Given that fact, staff in its analysis reviewed Toro Policy 3.1 which says that new development may be permitted if the development is located and designed in such a manner that it will enhance the scenic value of the area. This requires sensitivity to the architectural design, landscaping, the overall components of the site. In the staff analysis we have tried to bring that into the forefront of the analysis and place an

emphasis upon what the site looks like in the context of the critical view shed and scenic corridors of Highway 68 and Corral de Tierra.

In terms of the zoning of the site, the site is zoned for light commercial with a B-8 and a D overlay. The light commercial does allow a commercial center subject to approval of a general development plan, use permit, design approval. Now the B-8 was applied to this site related to restrictions related to water availability and we'll talk about that momentarily and the D overlay is a requirement because of the sensitivity, visual sensitivity of the area to pay particular attention to colors, materials and building design.

In terms of the B-8 overlay, the B-8 district allows construction or expansion of commercial uses where such construction or expansion can be found not to adversely affect the constraints which caused the B-8 district to apply to the property. So in essence what this is saying is that if it can be found that this site can be developed in such a way that it does not cause an adverse impact to the resource, the groundwater, then it is appropriate to approve this site within the B-8. It's not necessary to remove the B-8 in order to construct a commercial center on this site.

So I'm looking at kind of the high points of the project analysis. The original project revealed issues related to water, traffic and aesthetics. There were project alternatives that were developed as part of the draft environmental impact report and those alternatives identified that using LEED Silver technology and reducing the size of the project, that a project design could be developed using a water recharge system whereby the overall design of the center had a net water balance on the groundwater, meaning that it would collect groundwater, or collect surface water from the site, direct it to the ground and that the overall design of the center using LEED technology would not

use more water than it returned to the groundwater. In developing that alternative within the EIR it addressed some of the other mitigation measures that were required, I would just like to call your attention to the alternative that was presented to the Planning Commission and this did some things that implemented mitigation measures that were contained within the DEIR. Some of those involved eliminating two driveways, the driveways closest to the intersection, so it eliminated those driveways for safety purposes. It also enhanced the landscaping and redesigned this area to provide the secondary landscape buffer along Highway 68 that incorporated a pedestrian walkway to go from the bus stop which is currently there into the site. Moving south on the site, one of the concerns was the depth of this driveway and at the time it was not certain whether or not a minimum 40 foot throat depth could be attained so the alternative reversed the driveway and this building here to give that minimum depth there and placed a one way traffic aisle here so that there would not be conflicts at this primary entrance to the site. It also allowed and provided for an increased landscape buffer here. One of the other things that it did was remove the second story from the office building and to reduce the overall square footage so additional, so parking could be eliminated and additional parking could be provided along the frontage.

In terms of the CEQA, it has gone through the adequate CEQA process. The DEIR was circulated from May 28, 2010 to July 16, 2010. There were sixty comment letters received: six agency letters and fifty-four from individuals. The final environmental impact report was available for public review on November 24, 2010.

In terms of the DEIR, it identified potential significant impacts for which mitigation measures reduced the impacts to a less than significant level related to aesthetics, air

quality, biology, noise and utilities but the DEIR found significant unavoidable impacts related to traffic and to water. Now this seems a little confusing because the original project did not include the recharge system. So when it identifies that water was a significant unavoidable impact. That is related to the original project, not to the alternatives. The alternatives were designed to provide mitigation for that.

The aesthetic concerns were related to the design in relation to the scenic corridors and we have talked about that a little bit prior to this presentation.

In terms of water there was significant concern with wastewater disposal and there is currently capacity available for wastewater disposal. There's also concern with water availability. The water will be provided by the Ambler Park Water System. The concerns are two-fold. What does it do from an environmental perspective and what is the project specific impacts due related to conformance with the B-8 and also from the general plan. The answer to that question is that in the location of the Ambler Park wells there does seem to be a fairly significant storage of water and the project has been designed to not adversely affect that groundwater by providing a positive water balance and that's consistent with one of the recommendations of the El Toro report, the Geosyntec report, which recommended that the county evaluate the feasibility of retaining surface water runoff and enhancing aquifer recharge. So, in essence the project is implementing one of the recommendations from the Geosyntec report. The water balance is being achieved through the LEED technology being used within the buildings and by using a water retention and recharge system. The recharge system would be located out on the northern end of the site in this cross-hatched area. What the retention system is, is underground chambers that are size long enough to



accommodate or large enough to accommodate the water from a 100-year storm so that when there is storm water runoff, it is collected in a normal storm drain, it is directed to these underground chambers and then the chambers allow the water to infiltrate back into the groundwater.

There has been a lot of controversy, questions asking whether or not this works or not. Based upon the scientific evidence that we have received, there is a great movement in this direction by many of the regulatory agencies to move in this direction. Obviously it was a recommendation of the Geosyntec report. There has not been any scientific evidence to indicate that it does not work, that it's not feasible.

The second component of that is to limit the amount of water used on the site. As a mitigation measure a water cap was recommended that the water usage not exceed 9 acre feet per year and it is understood that in the context of this shopping center where there will be a property manager, property owner who maintains the entire center, that has the ability to report and maintain the recharge system and work under the authority of the Water Resources Agency. There is the ability to not only monitor the amount of water usage but also make sure that the recharge system is maintained and functioning properly. So, we believe that the recharge system is feasible. We believe that using a water cap insures that more water is not being used than is being recharged into the groundwater. As part of that, separate conditions were, mitigation measures were added to insure that the landscaping was metered and monitored separately so that we could keep track of that water.

In terms of traffic, the traffic analysis evaluated the impact of, this is a neighborhood shopping center. It relies, what it does is, it looks at the center as a

target, attracting traffic from the local area, attracting pass-by trips, not being a significant generator of traffic from the regional area. I do need to talk about that.

The EIR also looked at what other projects have done. From a traffic analysis, we not only included the traffic study that was done specifically for this project, but we also included the Harper Canyon traffic analysis within the DEIR because the base data was somewhat different and so we wanted to give full disclosure and completely disclose the magnitude of fluctuation of traffic on Highway 68. That was then supplemented by traffic counts from Caltrans that showed that, yes in fact, over time those counts do fluctuate, so it's not just a matter of doing it at the wrong time of the year, or it's not a matter of doing it during an economically down time. It is actually, there is a normal flow of fluctuation along Highway 68 and we believe that the EIR analysis analyzes that adequately.

The EIR did identify that there would be direct significant unavoidable impacts to the intersection of Highway 68 and Corral de Tierra, and also Highway 68 and Laureles Grade. There is a direct significant mitigated impact to Highway 68 and San Benancio Road. The payment of TAMC, the regional traffic impact fee would address the cumulative traffic impacts associated with the site.

The direct project impacts are mitigated by mitigation measure 4.12.2 requiring frontage improvements to Corral de Tierra. What this does is requires Corral de Tierra to improve, to be improved to accommodate the additional traffic from the center, to eliminate two of the driveways and then also to tie the design at Corral de Tierra into the proposed intersection improvements to the intersection of Highway 68 and Corral de Tierra.

Because there were significant unavoidable impacts, it is important, it is necessary that the Board make findings of overriding consideration. The proposed findings of overriding consideration relate to the fact that this commercial center at this location would overall reduce the vehicle miles travelled because it would provide a more convenient location for people to do their shopping, do their business.

The general development plan focused on the design of the site. In that, staff identified changes that better comply with the policies of the general plan and one of the supreme issues floating throughout the analysis is the overall size. This was a table that was presented to the Planning Commission and what it attempted to do was to look at three other existing commercial centers in terms of what their overall size are and because the parcel sizes are different, there can't be just a direct comparison so we used the floor area ratio, the line along the bottom, which is a percentage of the square footage of the buildings devoted, or the, I'm sorry, the percentage of the site devoted to buildings and so the relative percentage then is what's the common factor and you can see and relate. In relating this to the Crossroads Shopping Center in Carmel, Creekbridge in Salinas and Stonecreek at the intersection of Highway 68 and 219, you can see that this center is proportionately larger than others that have been built and are existing.

In order to give a little bit more emphatic comparison, we prepared this table which shows the original application, FAR of 26.4%. The applicant did present a hybrid to the Planning Commission which was 121,350 square feet to the staff alternative and you can see the relative FAR's and the staff alternative would still be the lowest. If you were to look at Crossroads, Creekbridge and Stonecreek and take an average of those,

the average FAR of all three of those is 22.4%. So staff recommended to the Planning Commission, and continues to recommend to the Board that the site be reduced to 112,000 square feet, that additional landscaping be provided along Corral de Tierra, that additional tree wells be provided within the parking areas and that the general development plan be modified such that there are no monument signs unless approved by the Planning Commission as part of a sign package.

The general plan also requires undergrounding of all utilities. It also requires certain lighting policies be complied with and we would also recommend some of the larger features, such as the 50 foot clock tower be removed.

In terms of the applicant's request to remove the B-8, staff's analysis found that there is no evidence to change the finding that there was a, that the groundwater is in overdraft and recent well logs continue to show that trend and so the circumstances under which the B-8 was imposed still exist so staff would recommend denial of the request to remove the B-8.

In terms of project size and scale, we would ask the Board today to determine the appropriate size and scale. We've tried to provide the examples of the other centers. We've tried to provide an average there and the staff recommendation to give you a basis for that discussion and we would ask you to give us direction on that as we prepare findings and evidence.

In terms of consistency with the general plan, the general plan requires that a long term sustainable water supply be determined for the site. We believe that policy PS-3.2E which reads cumulative impacts consisting of projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft

condition or otherwise affecting supply, is the critical element to consider and we believe that the implementation of the recharge scheme, the ability to maintain a positive water balance, the fact that there is a good amount of water in storage where Ambler Park wells are and the fact that there will not be a negative net impact to the groundwater, would allow this project to be determined in compliance with PS-3.2 and thus PS-3.1 requiring that there be a determination of a long term sustainable water supply.

So we would request that the Board give us direction related to the appropriate size of the center, give direction related to Policy PS-3.2 related to long term sustainable water supply and then direct staff to prepare appropriate findings and evidence and continue the public hearing to May 17, 2011.

I would just like to, oh, and just as further amplification, the B-8 does not need to be removed. Staff would recommend that the Board give direction to bring back findings for denial of the request to remove the B-8 and that one last housekeeping thing: on the Board order requesting continuance or directing the continuance to May 17<sup>th</sup>, it says that this was passed and adopted on the 29<sup>th</sup> day of March and that obviously should be the 12<sup>th</sup> day of April so if that could be changed as part of the Board's action.

With that staff concludes its presentation and would be happy to answer any questions.

....

**ERIC PHELPS:** Thank you Madam Chair, Board of Supervisors. My name is Eric Phelps. I'm here today with my dad, Bill, and several other family members. I was born and raised in Salinas. My parents, Bill and Nancy Phelps, bought this property nearly

This page intentionally left blank