

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

- a. Public hearing to consider an appeal by Omni Resources, Inc. from the January 26, 2011 decision by the Monterey County Planning Commission resulting in no action on a Combined Development Permit for a 126,523 square foot commercial development and Omni Resources request to remove the "B-8" Overlay zoning designation and rezone the property from "LC-B-8-D" to "LC-D;" and )
- b. Receive a status report regarding potential design changes to the project. )  
(Appeal, Discretionary Decision - PLN110077 an appeal of PLN020344) Omni Resources, Inc. LLC, 5 Corral de Tierra Road, Salinas, Toro Area Plan)..... )

Upon motion of Supervisor Potter, seconded by Supervisor Parker to deny the appeal. Motion failed on this 17<sup>th</sup> day of May, 2011, by the following vote, to wit:

AYES: Supervisors Parker and Potter  
NOES: Supervisors Armenta, Calcagno, Salinas  
ABSENT: None

Upon motion of Supervisor Calcagno, seconded by Supervisor Salinas to continue the public hearing to July 12, 2011 to allow applicant to propose a revised and modified project.

PASSED AND ADOPTED on this 17<sup>th</sup> day of May, 2011, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas  
NOES: Supervisors Potter and Parker  
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on May 17, 2011.

Dated: May 23, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

# **MONTEREY COUNTY BOARD OF SUPERVISORS**

|   |   |                                      |
|---|---|--------------------------------------|
| <b>MEETING:</b> May 17, 2011  |   | <b>AGENDA NO:</b> S-4                |
| <b>SUBJECT:</b> Public hearing to:  |   |                                      |
| a. Consider an appeal by Omni Resources, Inc. from the January 26, 2011 decision by the Monterey County Planning Commission resulting in no action on a Combined Development Permit for a 126,523 square foot commercial development and Omni Resources request to remove the “B-8” Overlay zoning designation and rezone the property from “LC-B-8-D” to “LC-D.” |   |                                      |
| b. Receive a status report regarding potential design changes to the project.<br>(Appeal, Discretionary Decision – PLN110077 (an appeal of PLN020344) Omni Resources, Inc. LLC, 5 Corral de Tierra Road., Salinas, Toro Area Plan)  |   |                                      |
| <b>Project Location</b>   | 5 Corral de Tierra Road.  | <b>APN:</b> 161-571-003, 161-581-001 |
| <b>Planning Number:</b>   | PLN110077 (appeal of PLN020344)   | <b>Name:</b> Omni Resources, Inc.    |
| <b>Plan Area:</b>   | Toro Area Plan  | <b>Flagged and Staked:</b> Yes       |
| <b>Zoning Designation:</b>  | LC-B-8-D (Light Commercial with Building Site and Design Review Overlay District) |                                      |
| <b>CEQA Action:</b>   | Statutorily Exempt (CEQA Guidelines 15270)  |                                      |
| <b>DEPARTMENT:</b>  | RMA – Planning Department   |                                      |

## **RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Receive a status report regarding the applicant's willingness to undertake project design changes to address concerns expressed by the Board of Supervisors. If the Board is satisfied that a redesign may prove acceptable, the public hearing should be continued to July 12, 2011, to allow staff to analyze the revised project.

Or, if the Board is not satisfied that a redesign may prove acceptable,

- a. Adopt a resolution (Exhibit A) to:
  1. Deny the appeal
  2. Deny a Combined Development Permit for 1) Use Permit, 2) General Development Plan and 3) Design Approval consisting of a 126,523 square foot commercial center and the Hybrid alternatives proposed by the applicant, based upon the Findings and Evidence.
- b. Adopt a resolution (Exhibit B) to Deny Omni Resources' request to rezone the property to remove the "B-8" Overlay Zoning District from the subject site's overall "LC-B-8-D" zoning.

## **SUMMARY:**

This item is continued from the Board of Supervisors meeting of April 12, 2011. At that meeting the Board of Supervisors conducted a public hearing, and deliberated on the matter prior to approving a Resolution of Intent to deny the application. Staff was directed to return on May 17, 2011 with a resolution to deny the application, and to provide a status report on the applicant's willingness to undertake design changes that address concerns raised by the Board. The Board would then be able to give consideration to the applicant's proposed changes or to take action on the Resolution with Findings and Evidence to deny the application.

Attached in Exhibit A is the Resolution with Findings and Evidence for denial. This was prepared based upon the motion to adopt the Resolution of Intent to deny the application. The applicant has also presented a redesign for the project. The design changes will be summarized below. It is recommended that the Board of Supervisors review the proposed redesign and make a determination if it meets the Board's objectives to warrant continuance of the project for further consideration. If the Board of Supervisors determines the redesign is not consistent with plans and policies then the attached resolutions can be adopted to deny the appeal and application, and deny the request to remove the B-8 Zoning from the property.

## **DISCUSSION**

The applicant has presented a multi-page document titled "Corral De Tierra, Revised Hybrid LEED Alternative Design Changes" dated April 29, 2011. (Exhibit C) The applicant proposes the following changes:

- Reduction of project building size to 116,308 square feet.
  - Original Application – 126,523 square feet
  - Hybrid Alternative – 121,350 square feet
  - Staff Alternative – 112,000 square feet
- Reduction in Parking to 462 parking spaces.
- All buildings removed from the 100' setback along both Corral de Tierra and Highway 68.
- Reduction in the height of most buildings (6 of the 12 buildings have been reduced in height by amounts ranging from 6 feet to as much as 18 feet. Five of the buildings have no change in height. Building seven increases in height by 9 feet. See sheet 3 of Exhibit C)
- Removal of tower features.
- Expansion of the Landscaping along the Corral de Tierra frontage.

The redesign pulls all buildings out of the 100 foot setback consistent with General Plan Policy T-3.3, and increases the berm heights and widths. In addition, the proposal reduces the overall mass of the buildings, eliminates one building and reduces the size and height of many of the proposed buildings, all of which has a beneficial impact from a visual sensitivity standpoint. However, the proposed center is still larger than the staff recommended 112,000 square feet and the office building and building 7 are two stories in height.

In response to Board direction to show what is intended for the corner parcel, the applicant provided a sketch showing a schematic development plan for a gas station. As illustrated, the architecture would be consistent with the design of the center; however, staff has noted throughout this process that development should:

- Combine access on Highway 68 and Corral de Tierra with access to the center. The concept plan provides independent access on both roadways with only one connection to the shopping center.
- Landscaping should be included along the corner to soften the building mass at the corner and minimize pavement.

This sketch is shown for schematic purposes only and is not a part of the application. However, staff recommends that the Board provide direction as it relates to how the corner parcel is designed with this criteria in mind. If the corner is to be a gas station, staff would recommend

placing the building closer to the intersection of Highway 68 and Corral de Tierra as it is a smaller structure and would allow more landscaping around it. The much larger canopy and associated pavement could be placed at the rear of the lot away from the corner, minimizing visual impacts and improving circulation.

If the Board of Supervisors finds that the proposed revisions address the Board's concerns, the project should be continued to allow staff to evaluate the revised plans for consistency with the General Plan and the assumptions contained in the Environmental Impact Report.

### **CEQA**

Projects which are denied are statutorily exempt from CEQA under Public Resources Code Section 21080(b)(5) and by CEQA Guidelines Section 15270.

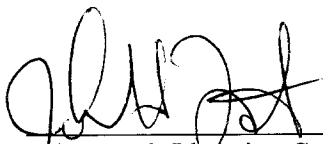
An EIR was prepared for the project, but action on the EIR is not necessary if the project is denied.

### **FINANCING:**

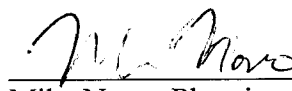
The cost of staff work on this project has been included in Department budgets. The applicant has paid the necessary fee for the appeal.

Prepared by:

Approved by:



John Ford, Planning Services Manager  
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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, Planning Services Manager; Carl Holm Assistant Planning Director, Alana Knaster, 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.

#### **Attachments:**

Exhibit A – Resolution for Denial of Combined Development Permit  
Exhibit B – Resolution for Denial of Rezone to Remove B-8 Overlay  
Exhibit C – Revised Hybrid LEED Alternative Design Changes  
Exhibit D – Concept Sketches for Gas Station on Corner Parcel.