



Monterey County Planning Commission

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Agenda Item No. 3

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PLN160859 - S&S LAND DEVELOPMENT CO.

PLN160860 - PICK-N-PULL AUTO DISMANTLERS

PLN160861 - GERALD & DEBORAH CUTLER

Public hearing to consider amendments to three previously approved Combined Development Permits, consisting of Coastal Development Permits (PLN030510; PLN030498; and PLN030501) and associated General Development Plan to allow improvements to an existing storm water treatment system.

Project Location: 516A, 516B, and 516C Dolan Road, Moss Landing, North County Coastal Land Use Plan

Proposed CEQA action: Addendum to a previously adopted Mitigated Negative Declaration

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. Consider an addendum to a previously adopted Mitigated Negative Declaration approved on September 14, 2005; and
- b. Approve an amendment to allow improvements to an existing storm water treatment system as part of three previously approved Combined Development Permits:
 1. Coastal Development Permit (PLN030510/S&S Land Development Co.), 516A Dolan Road, APN: 131-054-001-000,
 2. Coastal Development Permit (PLN030498/Pick-N-Pull Auto Dismantlers), 516B Dolan Road, APN: 131-054-002
 3. Coastal Development Permit (PLN030501/ Gerald & Deborah Cutler), 516C Dolan Road, APN: 131-054-003
 4. General Development Plan (Covering PLN030510, PLN030498, and PLN030501).

The attached draft resolution includes findings and evidence for consideration (**Exhibit D**).

Staff recommends approval subject to 14 new conditions of approval and the existing 33 conditions being carried over from PLN030510, PLN030498, and PLN030501.

PROJECT INFORMATION:

Agent: Luis Osorio

Property Owner: S&S Land Development Co., Pick-N-Pull Auto Dismantlers, Gerald & Deborah Cutler

APNs: 131-054-001-000, 131-054-002, 131-054-003

Parcel Sizes: 7.52 acres, 4.51 acres, 5 acres (17.03 Total combined acres)

Zoning: Light Industrial (Coastal Zone)/ Agricultural Conservation (Coastal Zone)

Plan Area: North County Coastal Land Use Plan

Flagged and Staked: No

SUMMARY:

The project site is located along Via Tanques Road in Moss Landing, approximately 2,800 feet north of Dolan Road in close proximity to the Elkhorn Slough. The project site consists of three parcels, two of which are neighboring, and one just across the road. 516B Dolan Road and 516C Dolan Road are located together north of Via Tanques Road, and 516A Dolan Road which is southeast of Via Tanques Road. The sites are currently operating as an automobile recycling yard, known collectively as “Pick-N-Pull”. Pick-N-Pull Auto Dismantlers presently only owns one of the parcels, but manages operations across all three. Each of the three parcels were granted a Use Permit in 2003, with a joint General Development Plan covering the operation as a whole.

For additional clarity, below is a summary of the three properties and associated entitlements, including those proposed as part of this application:

- S&S Land Development, 516 #A Dolan Road:
 - Original Combined Development Permit PLN030510
 - 10-year extension of Coastal Development Permit PLN140677
 - Current proposed amendment to Combined Development Permit PLN160859
- Pick-N-Pull Auto Dismantlers, 516 #B Dolan Road:
 - Original Combined Development Permit PLN030498
 - 10-year extension of Coastal Development Permit PLN140713
 - Current proposed amendment to Combined Development Permit PLN160860
- Gerald & Deborah Cutler, 516 #C Dolan Road:
 - Original Combined Development Permit PLN030501
 - 10-year extension of Coastal Development Permit PLN140714
 - Current proposed amendment to Combined Development Permit PLN160861

On March 11, 2015, the Monterey Planning Commission approved extensions to each of the three previously approved Coastal Development Permits (PLN140677, PLN140713, PLN140714). On March 26, 2015, Ecological Rights Foundation (ERF), an environmental non-profit, submitted an appeal of the Monterey County Planning Commission’s decision **(Exhibit I)**. The following were the contentions of the appeal submitted by ERF:

1. ERF found new information regarding pollutant discharges from the applicant’s facilities into Elkhorn Slough;
2. The record before the Planning Commission was insufficient to support the findings and shows the Facility’s non-compliance with prior conditions; and
3. The auto dismantling and recycling operations, and consequent discharges of polluted storm water to Elkhorn Slough violate the Clean Water Act and Coastal Development Permits.

An appeal hearing was set for the May 19, 2015 Board of Supervisors meeting, but subsequently continued for 15 months (August 30, 2016) to allow time for water quality and biological studies to be performed. The project was then continued another 4 months to allow for ongoing attempts at finalizing a settlement agreement between ERF and the applicant. Ultimately, ERF and the applicant finalized a settlement agreement, and a Consent Decree was

created. On October 5, 2016 ERF submitted a withdrawal of their Appeal of the extension of Coastal Development Permits for PLN140677, PLN140713, and PLN140714, leaving the original decision of the Planning Commission intact (**Exhibit J**).

The objectives of the agreed upon Consent Decree are:

1. Continue to improve storm water quality as necessary to comply with the Storm Water Permit;
2. Ensure that the properties continue to use, implement, and improve ways, means, and methods to prevent or reduce the discharge of pollutants in storm water runoff from their facilities; and
3. Further the goals and objectives of the Clean Water Act.

The currently proposed amendments are in accordance with the terms of the Consent Decree between ERF and the applicant and are intended to meet the objectives listed above. The proposed amendments, (PLN160859, PLN160860, and PLN160861) will be amending the originally approved Combined Development Permits: PLN030510, PLN030498, and PLN030501, respectively. The project consists of improvements to the existing storm water treatment system and additional structural Best Management Practices.

To ensure that the work being done under these amendments will be adequate, ERF provided information to the applicant from observations and laboratory analysis of contaminated discharge areas. The laboratory analysis and subsequent report were completed to help craft the needed improvements to the storm water treatment system, including the additional Best Management Practices. The proposed work will be done at the four discharge locations spread throughout the overall project site:

- Discharge locations 1A and 2A (S&S Land Development)
- Discharge location 2B (Pick-N-Pull Auto Dismantlers)
- Discharge location 1B (Gerald & Deborah Cutler)

Based on the input from the ERF reports, the work being proposed through amendments to the Combined Development Permits and overarching General Development Plan includes;

- Upgrading of the existing treatment system to the 'StormwaterRx' Purus System
- Installation of additional holding tanks and other forms of storm water storage at discharge location 2B to allow additional water retention/treatment prior to storm water reaching the 'StormwaterRx' system
- Installation of filtration basins around the discharge locations
- Enlarged earthen berms
- Movement of interceptor vaults
- Concrete lining of forebays
- Updated Best Management Practices

A Mitigated Negative Declaration (MND) was adopted with the original Use Permits (PLN030510, PLN030498, PLN030501). The proposed modifications to the project require minor amendments to the previously adopted MND to reflect the storm water treatment facility improvements. The project changes do not impact the analysis or conclusions contained in the

previously adopted MND and will not increase the severity of previously analyzed impacts. Furthermore, no changes have occurred with respect to the circumstances under which the original project was considered. No subsequent environmental review is required pursuant Section 15162 of the California Environmental Quality Act (CEQA) guidelines.

Based on the review of the proposed improvements to the storm water treatment facility the project is consistent with the original approval and remains in substantial conformance with the North County Coastal Land Use Plan.

DISCUSSION:

Detailed discussion is provided in **Exhibit B**.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- North County Fire Protection District
- North County Coastal Land Use Advisory Committee

The proposed project was reviewed by the North County Coastal Land Use Advisory Committee on June 7, 2017. The North County Coastal Land Use Advisory Committee recommended approval of the project by a vote of 7-0 (**Exhibit C**).

Prepared by: Rudy Luquin, Assistant Planner, Ext. 6407
Reviewed by: Brandon Swanson, RMA Planning Services Manager
Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the RMA:

- Exhibit A - Project Data Sheet
- Exhibit B - Discussion
- Exhibit C - North County Coastal LUAC Minutes
- Exhibit D - Draft Resolutions including:
 - Conditions of approval
 - Site Plans
 - Construction Management Plan
 - Updated Best Management Practices
 - General Development Plan
 - Existing Conditions
- Exhibit E - Vicinity Map
- Exhibit F - Technical Addendum
- Exhibit G - Previous MND/ Previous Addendum
- Exhibit H - Planning Commission Resolutions
- Exhibit I - ERF Appeal Letter
- Exhibit J - ERF Appeal Withdrawal Letter/ Consent Decree

Exhibit K - Reports (LIB170182) Arborist Report, (LIB170183) Geotechnical and Geological Report

cc: Front Counter Copy; Planning Commission, California Coastal Commission; Jacqueline R. Onciano, RMA Chief of Planning; Luis Osorio, Agent; S&S Land Development, Pick-N-Pull Dismantlers, and Deborah L. Cutler, Owners; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN160859, PLN160860, PLN160861