

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

**REGENTS OF THE UNIVERSITY OF CALIFORNIA
(DON CHAPIN CONSTRUCTION COMPANY)
(PLN070377-EXT1)**

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Consider the Addendum with the previously adopted Mitigated Negative Declaration (MND) for the mobile asphalt and concrete recycling facility; and
- 2) Extend PLN070377 for ten years allowing continued operation of a mobile asphalt and concrete recycling facility with no change in conditions until September 12, 2028.

[PLN070733-EXT1, Southeast corner of Reservation Road and Imjin Road, former Fort Ord area (no address is assigned to parcel) (APN: 031-121-002-000) Fort Ord Master Plan Area]

The Regents of the University of California (Don Chapin Construction Company) (PLN070377-EXT1) application for an Amendment to a Use Permit was presented at a public hearing before the Monterey County Planning Commission on September 12, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Amendment to a Use Permit, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for continued development and operation of a recycling facility .
EVIDENCE: a) During course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Monterey County Zoning Ordinance (Title 21);
 - Fort Ord Master Plan.No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
b) The property is located at the Southeast corner of Reservation Road and Imjin Road, Fort Ord area (no address assigned to parcel) (Assessor's Parcel Number 131-121-002-000), in the former Fort Ord area. The

parcel is zoned Resource PQP-D-S (Public Quasi-Public, Design Control District, and Site Plan Review overlays) which allows uses such as solid and liquid waste disposal sites, removal or minerals or natural materials for commercial purposes and other uses of similar nature, density and intensity. Therefore, the property is suitable for the proposed development.

- c) The project planner conducted a site visit on August 31, 2018, to verify that the project conforms to the area plans listed above and compliance with previous conditions of approval.
- d) On October 29, 1997, the Planning Commission adopted a Mitigated Negative Declaration (MND) and granted Use Permit, PLN970390 to the Don Chapin Construction Company (Applicant), for operation of a mobile asphalt and concrete recycling facility (Recycling Facility) for a duration of five years until October 29, 2002. The Applicant began operating the Recycling Facility on June 3, 1998 with the Use Permit to expire on March 31, 2003. On July 31, 2002, the Applicant requested an extension (PLN020143) to continue operation of the Recycling Facility; the Planning Commission granted an additional five-years until March 31, 2008. On May 14, 2008, the Applicant requested a second extension to the Use Permit for 10-years until May 14, 2008 (PLN070377). RMA Staff has reviewed a third extension (PLN070377-EXT1) and no new significant information was found regarding environmental impacts. This permit will allow the Recycling Facility to operate until September 12, 2028. Therefore, the operation has not exceeded what was originally approved and all the applicable conditions of the previous approvals have been complied with.
- e) The project was not referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions and ridgeline/viewshed development.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning Department are found in Project File PLN070377-EXT1.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA Planning Department, RMA Environmental Services, Public Works, Water Resources Agency, Environmental Health Division, Monterey County Regional Fire Protection District and Fort Ord Reuse Authority (FORA). There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff conducted a site visit on August 31, 2018 to verify that the site is suitable for this use.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning Department are found in Project File PLN070377-EXT1.

3. **FINDING:** **USE PERMIT EXTENSION** - The Project is a request for a third extension in accordance with the applicable policies of the Monterey County Zoning ordinance (Title 21) specifically Sections 21.74.110.A and 21.74.110.B. The Appropriate Authority may extend a Use Permit. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.
- EVIDENCE:** a) The Applicant requested a third extension on February 22, 2018. This request was well within required thirty days of the expiration date of May 14, 2018 (PLN070377). There is a continued need for a concrete and asphalt recycling center to assist in facilitating the recycling of excess asphalt and concrete in the FORA development.
- b) Conditions of approval for the prior use permit have complied with and no violations exist on the property.
- c) The Chapin Construction facility is consistent and compatible with the UC MBEST Center Master Plan contained in the Fort Ord Master Plan, as it is an interim use. The Chapin Construction recycling facility is located at parcel CS-1 of the UC MBEST parcel map located in the Central South portion of, the UC MBEST campus. The UC MBEST Center Master Plan specifies uses that target a mix of Research and Development (R&D) and Commercial Mixed-Use (CMU) development. The recycling facility is zoned in the UC MBEST Master Plan as R & D for Research and Development.
4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property.
- b) Site visit August 31, 2018.
- c) File No. PLN070377
5. **FINDING:** **CEQA** – An Addendum to the previously adopted Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revision to the adopted MND.
- EVIDENCE:** a) A MND was prepared for the original Use Permit (File Number PLN970390) and adopted by the Planning Commission on October 29, 1997 (Resolution No. 970796).
- b) This permit includes a minor technical change to the previously adopted MND as it extends the use for the mobile asphalt and concrete recycling facility to occur until September 12, 2028. Pursuant to Section 15164 of the CEQA Guidelines, an Addendum to the MND adopted for PLN970390 was prepared.

- c) None of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a Subsequent MND have occurred:
1. There are no new substantial changes to the circumstance under which the project is undertaken. The project scope is unchanged since adoption of the MND and no intensification or expansion has occurred. The project involves an extension of the recycling, stockpiling and transporting of asphalt and concrete materials using a mobile crusher and conveyor to occur for an additional 10 years.
 2. There are no new significant environmental effects or increase in the severity of previously identifies significant. The leased portion of the site is heavily disturbed and the extension does not involve new grading or construction that would be visible from Imjin Road or Reservation Road. Operations at the facility have not increased since adoption of the MND, and as conditioned, the site remains in compliance with previous conditions of approval including ongoing compliance with the Monterey Bay Air Resources District and UC MBEST.
 3. There is no new information of substantial importance that was not known at the time the previous MND was adopted. Public Works has reviewed the updated Traffic Report and concur that no traffic related improvements are warranted. The project scope has not increased and no new structures are proposed.

6. **FINDING:** **HEALTH AND SAFETY** – The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: a) Preceding findings and supporting evidence.

7 **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE: Section 21.80.040.D of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Consider the Addendum with the previously adopted Mitigated Negative Declaration (MND) for the mobile asphalt and concrete recycling facility; and
2. Extend PLN070377 for ten years allowing continued operation of a mobile asphalt and concrete recycling facility with no changes until September 12, 2028 in general conformance with the attached plans and Conditions of Approval, including eight (8) new conditions, three (3) conditions carried forward from PLN070377, Resolution No. 08020

(second extension), and four (4) conditions (nos. 1,3,4,5) and nine (9) mitigation measures (numbers 6,7,8,9,12,13 14,15,16) carried forward from PLN970390, Resolution No. 97060, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of September, 2018 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jacqueline R. Onciano, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 10 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN070377-EXT1

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Use Permit Extension (PLN070377-EXT1) allows a third Extension to a previously approved Use Permit, PLN970390. The property is located at the Southeast corner of Reservation Road and Imjin Road (Assessor's Parcel Number 031-121-002-000), Fort Ord Master Plan Area. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Use Permit Extension (Third) (Resolution Number _____) was approved by Planning Commission for Assessor's Parcel Number 031-121-002-000 on September 12, 2018. The Use Permit Extension was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD029 - HOURS OF OPERATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Hours of operation for the Recycling Facility shall be 7:00 am to 5:00 pm, Monday through Saturday (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of use and on an on-going basis, the Owner/Applicant shall demonstrate compliance with the hours of operation to the Director of RMA-Planning.

4. PD032 - PERMIT LENGTH

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This permit shall be granted for a specific period of time, with an expiration date as specified in the permit. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of RMA-Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

5. FIRE008 - GATES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to clearance of condition, applicant shall obtain approval of the final fire inspection to verify the existing entry gate is compliant with the specifications in this standard.

6. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

All buildings (and/or business premises) shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: Monterey County Regional Fire District

**Compliance or
Monitoring
Action to be Performed:**

Prior to clearance of condition, applicant shall complete the following:

- (a) obtain an address from Monterey County RMA - Public Works, providing proof of such address issuance to the fire district; and
- (b) obtain approval of the final fire inspection to verify the posted address at the site entrance is compliant with the specifications in this standard.

7. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

Manage combustible vegetation from within a minimum of 100 feet of structures, or to the property line, whichever is closer. Trim tree limbs to a minimum height of 6 feet from the ground. Remove tree limbs from within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. Responsible Land Use Department: Monterey County Regional Fire District

**Compliance or
Monitoring
Action to be Performed:**

Prior to clearance of condition, applicant shall complete the obtain approval of the final fire inspection to verify the vegetation management at this site is compliant with the specifications in this standard.

8. NON-STANDARD CONDITION - ROAD ACCESS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Access roads shall be required for this industrial premises when any portion of the facility is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum width of 20 feet with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to clearance of condition, applicant shall obtain approval of the final fire inspection to verify the existing road is compliant with the specifications in this standard.

EXHIBIT B

Site Plan

Regents of the University of California (Chapin)

Planning File No. PLN070377-EXT1

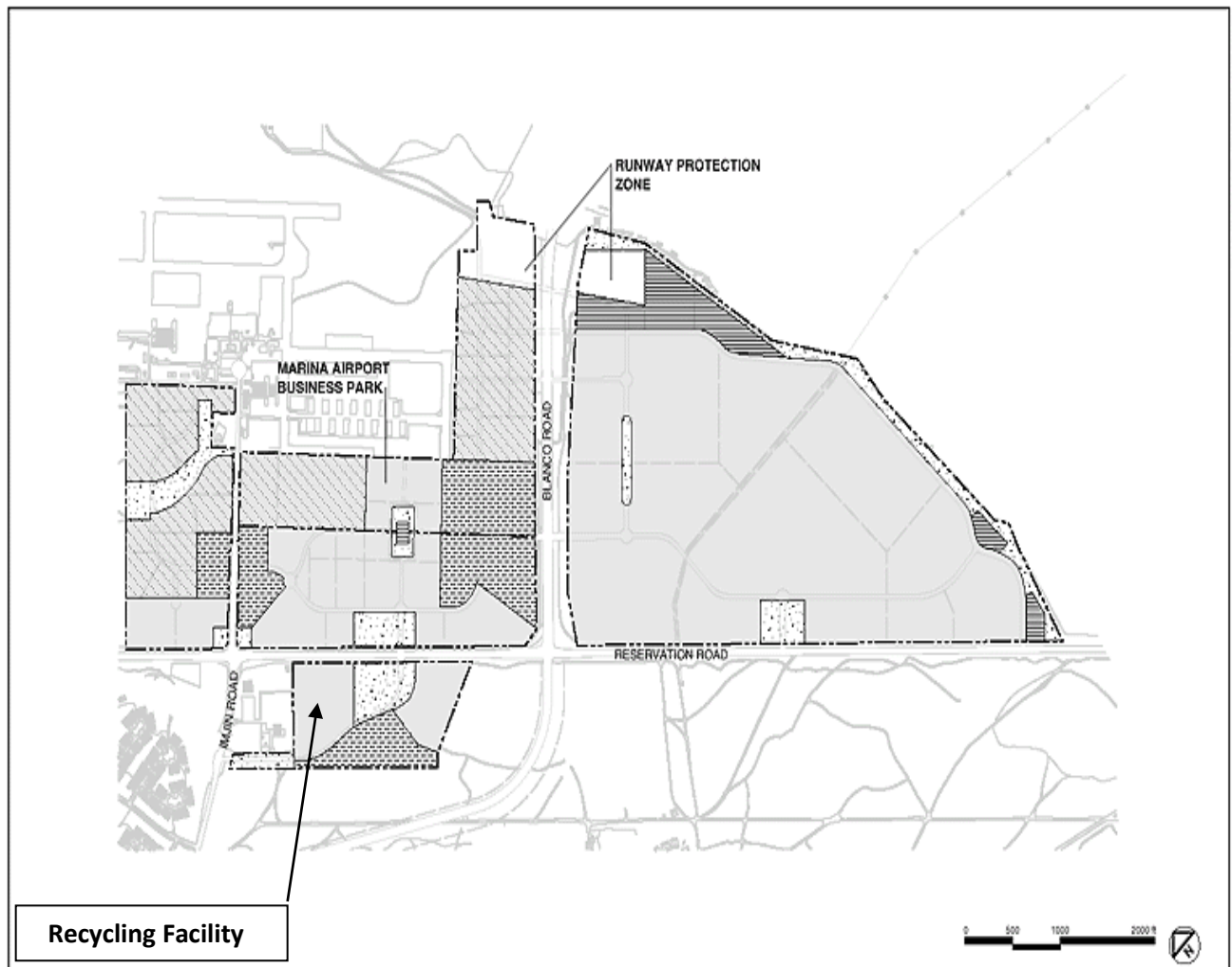


Figure 5.2– Land Use Map*



* EDUCATIONALLY-RELATED USES PERMITTED ON ALL DEVELOPMENT SITES WITHIN UC MBEST CENTER.