



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Board Report

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**File #:** PC 18-107, **Version:** 1

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### **PLN070377-EXT1 - REGENTS OF THE UNIVERSITY OF CALIFORNIA (DON CHAPIN CONSTRUCTION COMPANY) CONTINUED FROM SEPTEMBER 12, 2018**

Public hearing to consider extending an existing permit (PLN070377) for a mobile asphalt and concrete recycling facility involving no change in operations.

**Project Location:** Southeast corner of Reservation Road and Imjin Road, Fort Ord Master Plan Area (Assessor's Parcel Number 031-121-002-000, no address is assigned to parcel).

**Proposed CEQA Action:** Addendum to a Mitigated Negative Declaration adopted on October 29, 1997 for PLN970390, pursuant to Section 15164(b) of the California Environmental Quality Act (CEQA).

#### **RECOMMENDATION:**

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

- a. Consider the Addendum with the previously adopted Mitigated Negative Declaration (MND) for the mobile asphalt and concrete recycling facility; and
- b. Extend PLN070377 for ten years allowing continued operation of a mobile asphalt and concrete recycling facility with no change in conditions until September 26, 2028.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). RMA Planning Staff recommends approval subject to nine (9) new conditions of approval. In addition, RMA Planning Staff recommends carrying forward a total of eight (8) conditions and mitigation measures from Use Permit PLN970390 (Resolution No. 97060). A total of seventeen (17) conditions and mitigation measures are incorporated under one Draft Resolution as Conditions of Approval (**Exhibit B**).

#### **PROJECT INFORMATION:**

**Agent:** John Bridges, Fenton and Keller

**Property Owner:** Regents of the University of California (Chapin)

**APN:** 031-121-002-000

**Parcel Size:** 221.40 acres

**Zoning:** "PQP-D-S" [Public Quasi Public, Design Control District, and Site Plan Review overlays,]

**Plan Area:** Fort Ord Master Plan Area

**Flagged and Staked:** No

#### **SUMMARY:**

"The Regents of the University of California" (UC Regents) own a five-acre parcel located at the southeast corner of Imjin Road and Reservation Road in the former Fort Ord area. UC Regents leases the property to Don Chapin Construction Company (Chapin Construction) through an agreement to operate and manage a concrete and asphalt recycling facility (Recycling Facility). Monterey County issued a Use Permit (PLN970390) in 1997. Subsequent approval of two separate extensions July 2002 (PLN020143) and May 2008 (PLN070377, Resolution No.) were granted to allow the Recycling Facility to operate through September, 2018.

Chapin Construction, through John Bridges of Fenton and Keller law Firm (Applicant), is requesting the Monterey County Planning Commission for a third extension to the Use Permit. As in the previous two extensions, no changes to the use of the property are proposed as part of this project - only an extension of the existing use.

Further, this application does not include the concrete recycling facility located across the street from the District 4 County Supervisor's office in Marina as it was not part of this original approval.

At the September 12, 2018 Planning Commission meeting, RMA Staff presented a report on a project application for a third extension. Following the RMA Staff presentation, the Planning Commission requested additional information on conditions and mitigation measures compliance. RMA Staff sought a continuance to the September 26, 2018 Planning Commission meeting to conduct additional research into conditions of approval and mitigation measure compliance.

RMA Staff developed a matrix to list previously approved conditions, mitigation measures and compliance (**Exhibit C**). A close scrutiny of conditions and mitigation measures compliance by RMA was conducted. In many instances, conditions and mitigation measures were deemed and documented "cleared" and/or "on-going" by handwritten notes, memorandums and letter correspondence. It is RMA Staff opinion that the Applicant has fully met by the conditions and mitigation measures, including continued implementation, as the Recycling Facility continues operation. Some of the original conditions and mitigation measures are incorporated in this extension because they involve on-going monitoring for compliance. Conditions that have been met and for which no on-going monitoring is needed have not been carried forward. In all, RMA Staff recommends approval subject to nine (9) new conditions of approval and a total of eight (8) conditions and mitigation measures have been carried forward from the original approval and two previous extensions. A total of seventeen (17) Conditions of Approval are proposed under for this extension.

#### DISCUSSION:

The following information was presented at the September 12, 2018, Planning Commission meeting (Planning Commission Agenda, September 12, 2018, Pl, Agenda Item No. 1, Legistar File Number: PC 18-103, DISCUSSION):

At their October 29, 1997 meeting, the Planning Commission adopted a Mitigated Negative Declaration and granted a Use Permit (PLN970390), subject to 7 conditions and 9 mitigation measures. The Use Permit allowed Chapin Construction to operate an asphalt and concrete Recycling Facility for five years, expiring October 29, 2002. (**Exhibit E**). However, the five-year Use Permit began June 3, 1998, on the day the Recycling Facility began operation (to expire March 31, 2003). Extensions were approved by the Planning Commission on July 31, 2002 (PLN020143, 5 years to March 31, 2008) and May 14, 2008 (PLN070377, 10 years to May 14, 2018).

The Applicant requested an extension on February 22, 2018, well within the timeframe to receive approval by the Planning Commission. Therefore, the Applicant is requesting the Planning Commission to consider approval of a third extension that will allow Chapin Construction to operate for an additional 10 years, extending the Use Permit to September 12, 2028. Previous extensions were approved through processing a new 'PLN.' Since the last extension, RMA started using an 'EXT-#' designation to better track permits and conditions.

RMA Planning reviewed the Mitigated Negative Declaration (MND) that was adopted by the Planning Commission, October 29, 1997. It was determined that none of the conditions described in Section 15162 of the California Environmental Quality Act (CEQA) Guidelines calling for preparation of a new Initial Study (IS) or MND exist. The basis of this analysis is that no substantial changes to the project description have occurred, and that there are no new significant environmental effects or increases in the severity of previously identified significant effects per Section 15162(a)(2) of the CEQA Guidelines. Further, no new information of substantial importance, that was not known at the time the previous MND/IS was adopted has been identified, per Section

15162(a)(3) of the CEQA Guidelines. Therefore, pursuant to Section 15164(b) of the CEQA Guidelines, an Addendum to the adopted Mitigated Negative Declaration has been prepared to disclose the minor technical changes proposed.

The subject parcel is zoned PQP-D-S (Public Quasi Public, Design Control with Site Plan overlay) and owned by UC Regents, University of California Monterey Bay Education, Science, and Technology Center (UC MBEST). The UC MBEST property is zoned R & D (Research and Development) and its permitted uses are primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific commodities for sale, or the production, assembly, testing and repair of components, devices, equipment, systems, and parts with minor office and warehousing uses allowed. The Recycling Facility is a compatible use and the university continues to support the continued operation. According to the UC MBEST Managing Director Graham Bice, the UC MBEST campus has extended their lease agreements with Chapin Construction for consecutive 2-year periods since the initial start of operations in June 1998.

The Recycling Facility stockpiles and processes used asphalt and concrete for reuse. The equipment to be used in the operation is mobile and includes two crushers, hopper, conveyors, and screens of a primary and secondary crushing operation. Debris consisting of broken concrete and asphalt pavement is trucked to the site, inspected, weighed, recorded, dumped, sorted and stockpiled. Processing generally occurs once a year when the stockpiled volume totals 25,000 tons or more. The mobile Recycling Facility equipment is generally used 6 months out of the year. The area in which the activity will take place is shown in **Exhibit B - Site Plan**.

#### Extension Request Review

On October 29, 1997, the Planning Commission adopted an MND and approved a Use Permit, PLN970390 to allow the establishment of an asphalt concrete recycling facility for a 3 to 5-year period. Prior to expiration of PLN970390, Chapin Construction requested a continuation of the operation and applied for the first extension, PLN020143. No new information regarding potential environmental impacts was found during staff's review of the first extension request and no substantial changes with respect to the circumstances under which the project was proposed. Conditions of approval of PLN970390 were complied with and on July 31, 2002 the Planning Commission granted an additional five years.

On July 13, 2007, Chapin Construction requested a second extension allowing the Recycling Facility to operate for an additional ten years. An updated traffic report was prepared to evaluate whether or not there were substantial changes to traffic patterns on Imjin Road based on the previously analyzed IS/MND. There were no substantial changes on project operation. County staff subsequently determined that as a result, no changes in traffic flow into and exiting the project site were attributed to the Recycling Facility.

The third Extension proposes continued operation in accordance with the second Extension. RMA Staff has analyzed the current application and finds that no substantial changes to traffic flow into the exiting Recycling Facility site will occur. RMA Staff have observed other development changes in the general surrounding area. Those improvements include office, industrial, and commercial shopping areas. However, the development will not result in significant changes to this project's operations and traffic flows.

#### CEQA Review

As part of staff's review for the original Use Permit, PLN970390, an IS was prepared and a MND was adopted on October 29, 1997 by the Planning Commission. A traffic analysis, biological report, and acoustical analysis was conducted and evaluated in the Initial Study. Mitigations measures were incorporated as conditions of approval. Staff has reviewed the current third extension request pursuant to Section 15162(a) of the CEQA

Guidelines, which does not require preparation of a subsequent environmental document unless the lead agency finds:

- 1) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- 2) Significant effects previously examined will be substantially more severe than shown in the previous EIR; or
- 3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative;
- 4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The project is not visible from either Imjin or Reservations Road due to the creation of a landscaping berm along Imjin Road for the reduction of visibility (Condition No. 7, **Exhibit B**). Approval of the extension request would not allow an expansion of the facility or additional grading. No alterations of existing drainage patterns or increased water use will result from approval of the extension. The facility would continue to utilize the on-site drainage retention basin to collect run-off from paved and stockpiling areas. Water usage is currently at 1.5 acre feet per year, below the previously approved 2.65 acre feet per year. Approval of the Extension would not result in additional noise generated from the project. In compliance with a previously approved condition (see Condition No. 12, **Exhibit B**), machinery has been placed so as to reduce potential noise to receivers from equipment. The Environmental Health Department has not received any complaints regarding noise and the facility remains compliant with their conditions of approval.

RMA Public Works Staff reviewed traffic conditions at this location. Existing traffic volumes and conditions are comparable to the traffic volumes and conditions at the time of the traffic analysis prepared for the second Extension. Therefore, RMA Public Works Staff does not anticipate any intensification of impacts as a result of this project. Additionally, the previous analysis includes an analysis utilizing a 10-year projection of traffic volumes to evaluate potential future impacts related to this project. The future conditions of this scenario include a project to widen Imjin Road to four-lanes, which is currently scheduled for construction by the City of Marina in the summer of 2019. Subsequently, existing conditions are considerably lower than the traffic forecasts in the original Traffic Analysis. Based on this information, RMA Public Works Staff has determined that the analysis and findings reviewed in previous reports are still applicable to today's conditions for third Extension.

Subsequently, the Recycling Facility project will continue to be consistent with the University of California's Monterey Bay Education, Science and Technology Center Master Plan. The project also remains in compliance with the Monterey Bay Unified Air Pollution Control District conditions of project approval, which mitigate potential impacts on air quality. These conditions will be carried forward through the extension. Based on the above discussion and in accordance with the Section 15164 of the CEQA Guidelines, an Addendum to the previously adopted MND has been prepared (**Exhibit E**).

#### OTHER AGENCY INVOLVEMENT:

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

- ✓ RMA-Public Works
- ✓ RMA-Environmental Services
- ✓ Water Resources Agency
- ✓ Monterey County Regional Fire Protection District
- ✓ Environmental Health Division

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. In addition, the project does not involve ridgeline development, a variance, lot line adjustment, slope restriction or did not raise any significant land use issue.

**FINANCING:**

Funding for staff time associated with this project is included in the FY17-18/18-19 Adopted Budgets for RMA-Planning.

Prepared by: S. Ted Lopez, Associate Planner ext. 5198

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: John M. Dugan, FAICP, Deputy Director of Land Use and Community Development

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

- Site Plan
- Conditions of Approval

Exhibit C - Condition of Approval Tracking Matrix

Exhibit D - Vicinity Map

Exhibit E - Addendum to Mitigated Negative Declaration

Exhibit F - Planning Commission Resolution No. 97076

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Monterey County Regional, Fire Protection District; Public Works Department; Environmental Health Division; RMA Environmental Services; Water Resources Agency; City of Marina; Ford Ord Reuse Authority; Marina Coast Water District; Monterey Bay Unified Air Pollution Control District; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Jacqueline R. Onciano, RMA Chief of Planning; Brandon Swanson, RMA Services Manager; S. Ted Lopez, Associate Planner; John Bridges, Fenton and Keller, Agent; Don Chapin, Chapin Construction, Applicant; Graham Brice, Managing Director of UC MBEST, Owner; File PLN070377 Ext1.