

# Exhibit A

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# Exhibit A

## Detailed Discussion

### Overview

This project involves consideration of a Use Permit to allow Agricultural Employee Housing and a Variance to allow and increase in lot coverage on a vacant (farmed) property in Pajaro. Staff has reviewed the project and all the relevant land use regulations and prepared an Initial Study. The Initial Study identified potentially significant impacts on California Reg-legged Frog and bird nesting, liquefaction hazards, presence of dust and pesticides, groundwater, construction noise, tribal cultural resources, and storm water but mitigation measures have been agreed to that would reduce these impacts to a less than significant level. Comments have been received during the processing of this application and those comments are addressed in more detail in the discussion below.

### Agricultural Employee Housing – Use Permit

The property is located at 51, 53, 55 & 57 Susan Street, Pajaro (Assessor's Parcel Number 117-361-016-000), North County Area Plan. It is located within the Pajaro Community Plan area as shown in Figure CA5 of the 2010 General Plan. Community plan areas are the top priority for development in the unincorporated area (LU-1.19). The parcel has three separate zoning districts: Farmlands with 40 acres per unit (F/40), Resource Conservation 40 acres per unit (RC/40), and High Density Residential, 20 units per acre (HDR/20). The "HDR/20" zoning occupies a narrow strip along the front of the property where it connects with Susan Street. The "RC/40" zoning occupies a small portion of the rear of property where it meets the Pajaro Levee. The "F/40" zoning covers the majority of the parcel. All buildings are proposed within the Farmland zone. No development is proposed in the RC/40 zone and roads, parking, and infrastructure will be located in the HDR/20 zone. The Farmlands zoning district allows agricultural employee housing consisting of more than 12 units or thirty-seven (37) beds in group quarters with a Use Permit in each case (Section 21.30.050.AA of Title 21 of the Monterey County Code).

Policy AG-1.6 of the 2010 General plan allows farmworker housing on lands designated for agriculture (i.e. Farmlands) subject to appropriate review and provided they are located to minimize the conversion of viable agricultural lands and consistent with the nature of the surrounding land uses. Surrounding land uses in this case include single family and multi-family residential use within a High Density Residential zoning, the Pajaro River Levee with a Resource Conservation zoning, and Farmlands.

Use Permits for agricultural employee housing are subject to the specific standards contained in Section 21.66.060 of the Monterey County Code (Inland Zoning Ordinance, Title 21). This section of the County Code requires the applicant to submit a Facilities Plan containing information about the proposed project. A Facilities plan has been submitted and is attached as **Exhibit G** to this report. Criteria to grant a permit for an Agricultural Employee Housing Development includes:

- a. There must be adequate water and sewer available to service the development, as determined by the Director of Environmental Health.
- b. The housing must be located off prime and productive agricultural land, or on the parcel where no other alternatives exist on site, on the least viable portion of the parcel.
- c. The development shall incorporate proper erosion and drainage controls.

- d. Enclosed storage facilities shall be provided for each housing or dwelling unit.
- e. Laundry facilities, including washers and dryers, shall be provided on-site.
- f. The site design of the facilities shall be subject to the approval of the Director of Planning.
- g. The development of more than twelve (12) dwelling units shall require inclusion of recreation facilities and open space, proportional to the amount and type of facilities to be provided. The facilities shall require children's play equipment. Adult housing shall require the inclusion of appropriate recreational areas, such as for baseball, basketball, soccer or horseshoe pitching.
- h. The development shall be landscaped pursuant to a landscaping plan approved by the Director of Planning prior to issuance of building permits for the facility.
- i. All recreational areas and landscaping shall be installed prior to occupancy of the facilities. Landscaped areas shall be maintained.

This project will be served water by Pajaro/Sunny Mesa, there is no alternative location on this property for development to occur, erosion and drainage measures will be incorporated, and laundry, storage, recreational facilities, and landscaping will all be provided (See plans attached to **Exhibit B** and the discussion that follows.

### **Variance**

The project exceeds the building site coverage regulations for the Farmland zoning district, which limits building site coverage to 5%. The site is 3.41 acres in size (148,536 square feet) and at 5%, the maximum building site coverage would be 7,426 square feet. The project proposes 39,771 square feet or approximately 27% of the lot size. A Variance is requested to allow the additional lot coverage. MCC Section 21.72.040 outlines the required findings for variances. Findings required to grant a Variance include:

- A. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and
- B. That the variance not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which such property is situated; and
- C. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regularly governing the parcel of property.

A letter has been submitted by the applicant with the application which describes the applicant's justification for the Variance request (**Exhibit D**). Staff has reviewed the letter and identified unique circumstances applicable to this site. The site is located within the boundaries of the Pajaro Community Plan area (Figure CA5) which is an area that is a priority for development in the unincorporated areas of Monterey County. The property is much smaller in size, 3.41 acres, than typical Farmland properties. Properties in the Farmland zone typically have a minimum lot size of 40 acres. The project is located adjacent to properties zoned for High Density Residential use. Typical residential (housing) building site coverage is between 25% in Low Density Residential zones and 60% in High Density Residential Zones. Properties to the west and south are zoned for

High Density Residential use and those properties enjoy a much higher building site coverage limitation. The site is 3.41 acres in size (148,536 square feet). At 5% of the lot size, the maximum building site coverage would be 7,426 square feet which would severely limit the ability to construct an agricultural employee housing project. The County has issued Variances for lot coverage on other properties zoned Farmland in the Vicinity where the existing lot size in non-conforming (less than 40 acres) and where agricultural support uses are constructed, (See PLN190077/Duran for example) so the Variance would not grant a special privilege in this case. Finally agricultural employee housing is a use allowed in the Farmland zone.

### **Environmental Review**

An Initial Study has been prepared for this project pursuant to the requirements of the California Environmental Quality Act (CEQA). The Initial Study was circulated for public review from December 23, 2021 through January 24, 2022 (SCH#: 2021120560). The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid or mitigate the effects. Resources potentially impacted by the development are described below. Comments have been received during the public comment period on the Initial Study and during review of this project in general. Comments have been reviewed and are addressed under the comments heading in the discussion below.

### **Public Comments addressed before the March 16, 2022, Planning Commission hearing**

Comments from residences and interested parties were submitted during review of the application. For context, there is a separate application for agricultural employee housing on a property under separate ownership at the end of Gonda Street currently being considered by the County. Gonda Street is west of, and runs parallel to Susan Street. The two projects are located at the end of the respective streets and share a property line. For this project, nineteen (19) property owners along Susan Street have signed a petition against the project. The Gonda Street project is still in process and has not been decided upon to date. Comments submitted by Susan Street neighbors have requested that the project not be approved as it would negatively impact neighborhood character, traffic (along Susan Street), fire, and flooding. There have also been requests for more notice (to all neighbors on Susan Street) and for notice in Spanish. Two other comments were received, one from Anthony Nicola and one from LandWatch, questioning the baseline (existing) water use for the agricultural operations.

*Neighborhood Character:* The proposed project would result in an increase in population and traffic on Susan Street and would introduce new multi-family housing in the area. This will change the nature of conditions on this small street. Staff does not dispute this. These factors have been weighed with the need for housing, particularly agricultural employee housing as described in the County's Housing Element. In addition, this area was contemplated in the 2010 General Plan which designates this area as a priority for development. Staff has found the site is capable of supporting the proposed housing.

*Safety:* Many local residents expressed safety concerns about the project's population. The project is serviced by the Monterey County Sheriff's Department and the closest police station is located approximately 0.8 miles away. The Monterey County Sheriff's HQ is located approximately 23.9 miles away. An Emergency Action Plan has been prepared for the proposed project

*Traffic:* (See more on traffic later in this report).

*Fire:* A fuel management plan was prepared in accordance with local and state wildlife urban interface guidelines that focuses on irrigating and landscaping within 30 feet of structures and managing vegetation within 100 feet from structures or to the edge of the parcel, whichever comes first.

*Notice:* A notice of intent was distributed in English to all properties within 300 feet of the project site. Notice for this Planning Commission hearing, and for the March 16, 2022, Planning Commission hearing, have been provided in both English and Spanish and the notice has been distributed to everyone who requested notice of the hearing in addition to all property owners within 300 feet of the project. Separate notices have also been provided for advisory committee meetings including the North County Land Use Advisory Committee and the Agricultural Advisory Committee.

*Baseline Water Use:* Comments were received during the comment period on the Initial Study concerning the establishment of the current annual water demand for agricultural use (baseline water use). The Initial Study prepared for the project assumes an annual water use on the 3.41 acre property of 5.25 Acre Feet per Year (AFY) per acre for irrigation of celery, spinach, and brussels sprouts grown on-site in a one year period. This figure was based on information provided by Lakeside Organics who have been farming on this property, and other nearby properties, for the last 4 years. Comments from Anthony Nicola (neighbor) and LandWatch Monterey County suggest that this number is too high and request reconciliation of this water amount with average water use numbers published in the Monterey County Water Resources Agency (MCWRA) annual Groundwater Extraction Summary (GEMS) Report. Figures published in the MCWRA GEMS report do not cover the Pajaro groundwater basin since this basin falls under the jurisdiction of the Pajaro Valley Water Management Agency (PVMA) and not MCWRA. The 2020 GEMS report covers four groundwater basins in the Salinas Valley; Pressure, East Side, Forebay, and Upper Valley. Well data is used to average and summarize water use within the Basins for the GEMS report. In Figure 22 of the 2020 GEMS report, average water use by basin for “vegetable crop” irrigation is provided. Average water use ranges from between 2.3 (in the Pressure basin) and 3.2 AFY per acre (in the Upper Valley Basin). The average in all four basins is approximately 2.675 AFY per acre. This is significantly less (about half) than the stated 5.25 AFY per acre water demand. HCD-Planning staff reached out to MCWRA staff and learned that the data used in Figure 22 is an average of data which includes wells serving agricultural operations with a range of vegetable crops and irrigation systems and includes multiple operations with 1 crop rotation per year, 2 crop rotations per year, and 3 crop rotations per year. Three crop rotation operations use more water than 1 crop and 2 crop rotation agricultural harvesting operations. MCWRA staff confirmed that in their professional opinion that 5.25 AFY per acre use on a three crop rotation farm is within range of other 3 crop rotation farming operations collected in the GEMS program. Site specific information is available in this case rather than averages applicable in other areas and the site-specific information is within the range of similar agricultural operations with similar crop types, rotations, and irrigation systems.

### **Neighborhood Outreach following the February Planning Commission Meeting**

Two community outreach meetings were hosted by the applicant at the project site. The outreach meetings were fitted with several tables, stands, chairs, and lights. The applicant provided large sheets of paper, markers, and project information in English and Spanish to source ideas and suggestions for the project. Live translation services were provided by the applicant at the first meeting and translation was provided at the second meeting with the facilitation of the Monterey Bay Economic Partnership. The project was noticed to the residents of Susan Street Sunday on February 13, 2022 by delivering flyers to each doorstep with information written in English and Spanish. The first meeting was held on February 16, 2022 from 5:30 pm-6:30pm. This community meeting resulted in a relatively low community turnout with only neighbors on surrounding streets turning up to the meeting. No Susan Street residents attended this meeting, and no comments, ideas, or suggestions were written down at this meeting. The second meeting was held on February 23, 2022 from 5:30 pm-7:30pm. This second community meeting resulted in a high turnout. Approximately 30 people of various ages attended the meeting, mostly residents from Susan Street. The meeting was facilitated by Matt Huerta of the Monterey Bay Economic Partnership and his team which included housing advocates proficient in English and Spanish translation. The residents of Susan Street requested that the applicant, represented by Mike Avila, not present the project. Mr. Avila complied with this request and there were no Susan Street residents who objected to this request. The Susan Street residents did not feel as though the community meetings were genuine, as they believed these meetings should have occurred much earlier in the project, prior to the Planning Commission suggestion.

The Susan Street residents discussed many concerns they had with the project including the potential traffic impacts to their street, the way the project would change neighborhood character, a disagreement with the Mitigated Negative Declaration determination, disagreement with the Long-Term Sustainable Water Finding, flooding concerns, safety concerns, and a lack of translation for the previous LUAC and AAC meetings. The residents of Susan Street discussed that their street was too small for the proposed traffic connection and the amount of traffic proposed. Many residents suggested that the applicant find alternate traffic connections for the project either through purchasing farmland on the east side of Susan Street or building across the levee. The applicant stated that they did pursue connecting traffic on the east side of Susan Street, but that the connection would not be feasible for the project. Additionally, the residents of Susan Street discussed that the proposed project would change the character of the neighborhood, converting their closed street that allowed residents to walk and play in the street into a through street that would not allow for the same feeling of pedestrian safety. One resident expressed concern regarding the letter included in the LUAC minutes which annotated a previous California Coastal Commission letter to Monterey County regarding LTSWS findings in the North County Coastal Zone. The Susan Street residents additionally shared concerns regarding flooding and drainage. Many residents expressed safety concerns about the project's population increase. Two residents of Susan Street made the request that staff translate every document publicly uploaded in Accela, the staff report, and the initial study in Spanish. HCD-Staff worked with the Civil Rights Office to provide noticing and live translation for the March 16, 2022 Planning Commission hearing in English and Spanish.

### **March 16, 2022 Planning Commission hearing**

At the Planning Commission hearing on March 16, 2022, the Planning Commission heard public testimony, and continued the hearing to a date uncertain. In continuing the hearing, and based on public comments, the Planning Commission requested that staff return with more details on:

1. Flooding elevations;
2. Liquefaction;
3. Failures in the water and wastewater infrastructure;
4. Existing and proposed traffic conditions; and
5. Stormwater Drainage

*Flood Elevations:*

At the March 16, 2022 Planning Commission hearing, Dr. Mark Strudley with the Pajaro Regional Flood Management Agency provided testimony that recent modeling data done for the Pajaro river levee improvement project suggest that flooding elevations at the site could be 3-5 feet rather than 1-3 feet. As it was proposed on March 16, 2022, the project was designed to comply with the Regulations for Floodplains for Monterey County contained in Chapter 16.16 of the Monterey County Code by elevating the first floor of the proposed buildings 1 foot above the “Base Flooding Elevation” (BFE). BFE is defined as: “...*the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of being equaled or exceeded in any given year.*”

In this case, the Flood Insurance Rate Map for zone AO (applicable to this project site) describes a BFE of 1 foot. The project was designed to be 1 foot above the BFE or 2 feet above the current elevation of the property. The project also incorporated building anchoring to prevent flotation, collapse, or movement in a flood and flood resistant construction materials and methods (elevating the building and utilities and designing them to be resistant to floods).

With comments and evidence provided by Dr. Strudley at the hearing, evidence of a potentially higher BFE was considered. Staff worked with Dr. Strudley and the project engineers to share modeling data. New data was used to identify a potential 3-foot BFE rather than a 1-foot BFE (**Exhibit K**). This data did not modify the Federal Flood Management Agency (FEMA) Flood Insurance Rate Maps on which the County floodplain management regulations are based, but the applicant chose to modify the project design to raise the proposed buildings approximately 4.5 feet rather than 2 feet. With a proposed 4.5-foot finished floor of buildings, and all the same anchoring and flood resistant building materials and design, the project will continue to comply with Chapter 16.16 of the Monterey County Code and will elevate the buildings to protect residence from the potentially higher flooding elevations identified in the more recent modeling.

The applicant revised their plans by adding 2.5 additional feet to the finished floor elevations. All other aspects of the design have remained the same. The increased height does require the applicant to import approximately 9,500 cubic yards of dirt. This will involve dump trucks carrying an average of about 12 cubic yards per load for a total of about 792 loads. About 80 loads will be delivered per 8-hour day, or about 10 loads per hour. The entire hauling operation will take about 10 to 15 working days, or two to three weeks, to complete. To offset the need for more soil due to the project revisions, and as a benefit to the regional drainage facilities, the applicant is proposing to deepen the County’s stormwater retention pond on the east side of the



property and transfer the dirt removed from deepening the pond to the project site. This is anticipated to provide 8,000 cubic yards of dirt and reduce the import of dirt in trucks by 42%. (See more detail in the drainage discussion below).

These measures will protect the occupants of the proposed project in the event of a flood by elevating the site and buildings above projected flooding elevations. Filling of land within the floodplain decreases the area for dispersal of floodwaters which has downstream considerations and potential effects within the larger floodplain. The project specific Potential Flood Hazard Impact report (**Exhibit L**) concluded that that the proposed project will not have a significant impact on the floodplain. The proposed development will not adversely block overland (sheet flow) flow paths due to existing flow orientation. Chapter 16.16 generally requires certification that the fill will not increase the BFE by more than 1 foot. In this case, the Floodplain is large (thousands of acres) and filling of 3.5 acres within that floodplain will be minor.

*Liquefaction:*

Comments were provided by several people at the hearing that the site is categorized as having a high potential for “liquefaction” which makes it inappropriate for development. Additionally, some commentors speculated that other projects in the area were found to be infeasible due to the liquefaction issue in the past.

Liquefaction occurs when loose soils are vibrated or shaken (as in an earthquake) leading to the soils having a liquid characteristic rather than their non-agitated solid soil characteristics. As soils liquify, they become unstable and can lead to foundation movement or collapse. This issue is discussed in the proposed Initial Study/Mitigated Negative Declaration. A Geotechnical engineer has prepared a report for this project. The project engineer acknowledged the high liquefaction potential at the site and makes recommendations for foundation preparation and foundation design to mitigate the for the liquefaction potential. The engineer concludes that with the recommendations incorporated in the building design and construction, the site is appropriate for the proposed use.

In this case, the applicant is required to excavate the top 5 feet of loose soils. The soils will then be put back and compacted. An additional 3.5 feet of compacted soils will be added on top of this to achieve the elevations needed to address flooding. On top of the engineered soils, engineered foundations will be constructed that resist settlement if liquefaction of soils occurs. The Monterey County Building Department reviews all building permit applications to ensure that the design of buildings comply with current building codes and engineering recommendations. Monitoring and final inspection of the soils and foundation will be provided by the project engineer.

Staff has been unable to verify historic projects being denied due to the potential for liquefaction. It is possible that site preparations and engineering requirements within liquifiable soils make a particular development less desirable from an environmental or financial perspective.

*Failures in water and wastewater infrastructure:*

The County of Monterey’s Public Works, Facilities and Park’s Special Districts Division has confirmed that although there is always the possibility for the wastewater system to experience a

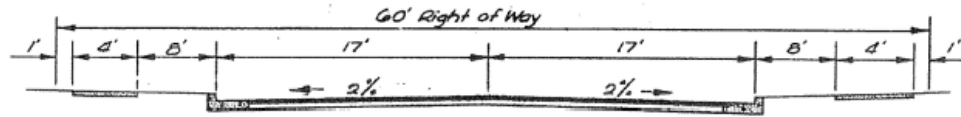
temporary failure for a variety of reasons, the proposed project will not increase the likelihood of such a failure. All past wastewater failures have been resolved. No wastewater spills have occurred within the project vicinity in the last 10 years and one manhole failure occurred approximately 5 years ago as a result of a large winter storm. The Special Districts Division is using American Resource Plan Act (ARPA) funding to provide wastewater infrastructure improvements throughout the County. The Pajaro Sunny Mesa Community Services Districts has stated that no water infrastructure failures have recently occurred and that the proposed project will not create a water infrastructure failure.

*Existing and proposed traffic conditions:*

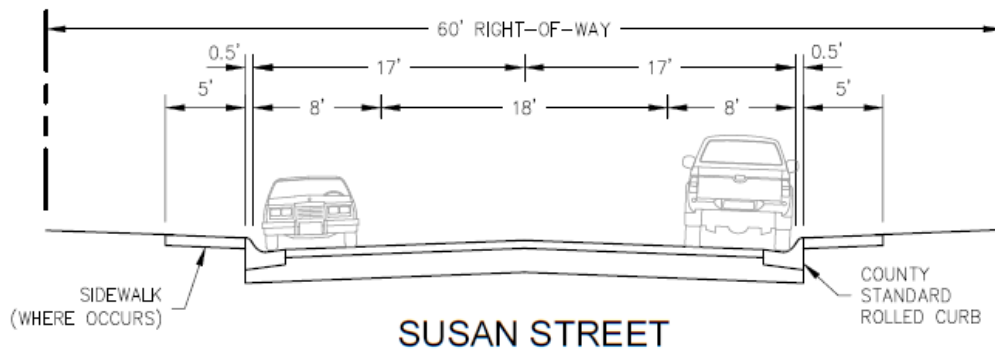
Traffic conditions were one of the primary concerns by commentors. The issues raised included both the width of Susan Street which does not allow for two-way traffic flows and with traffic congestion along San Juan Grade Road.

Street width: Susan Street is classified as a tertiary street because it does not provide through access for vehicles and because it serves a relatively small residential population. Monterey County has adopted Tertiary Street standards. Standards for a tertiary street include a minimum 34 feet width as measured between the face of the curbs on each side of the road. Susan Street is a modified tertiary street because it does not have typical curbs. It has rolled curbs. According to the project traffic engineer Susan Street is 34 feet in width when measured between the base of the rolled curbs. Rolled curbs allow vehicles to park with the outside wheel at the back of the rolled curb which can add 6 inches to the street width for a total effective width of 35 feet if provided on both sides of the street. However, to be conservative, the street width only includes the distance from the face of curb to 6 inches inside the rolled curb, which indicates an effective width of 34 feet. Parking lanes are conservatively estimated to be 8 feet wide on both sides of the street although the typical vehicle is about 6 to 7 feet in width. On a 34 foot wide street with cars parked on both sides of the street subtracting 16 feet from the overall width (8 feet on both sides), there is an 18 foot wide travel lane remaining. A large vehicle such as a bus, garbage truck, or fire truck is approximately 9 to 9.5 feet wide (includes rearview mirror protrusions). Two large vehicles would have a difficult time passing if they were to meet traveling opposite directions on the road. Vehicles would need to pull over in gaps in cars parked on the street to comfortably pass in this scenario.

**Attachment 4**  
**Comparison of County Tertiary Street**  
**and Susan Street Cross Sections**



*TERTIARY STREET*  
 FROM MONTEREY COUNTY STANDARD DETAIL #2



Susan Street trip counts: At the March 16, 2022 Planning Commission hearing, there was confusion over the number of trips on Susan Street currently and the number of trips that are expected to be generated by the project. According to County road standards, a tertiary street is anticipated to be abutted by up to 100 lots or units. 19 residential lots and 1 commercial lot currently abut Susan Street. The proposed project would add 62 units at the end of the street with a maximum occupancy of up to 480 employees. A traffic report prepared for the project by Keith Higgins (traffic engineer), dated December 8, 2021, describes that traffic counts were conducted at the intersection of San Juan Grade Road and Susan Street on August 28, 2021. This count would include all cars passing through the intersection. 400 trips were counted at that time. It was recognized that trips do dissipate down to zero at the end of the street.

Traffic trips anticipated from the project are discussed in two ways within the Initial Study prepared for the project. First, assuming that the project is not restricted to agricultural employee housing, a typical 62-unit multi-family apartment building would be expected to generate about 450 daily traffic trips. This scenario would result in 850 total daily trips on Susan Street which is less than the 1,000 trips that maximum range expected for a tertiary street. Secondly, and as proposed, the project will be limited to occupancy by agricultural employees. Based on actual traffic counts conducted at the Casa Boronda agricultural employee housing project, agricultural employee traffic trips are anticipated to be considerably less than a standard apartment because many employees will not have individual vehicles and are much more likely to rely on buses and vans for transport to/from work. As an agricultural employee housing project, it is anticipated that the project will generate 145 daily trips from about June through November of each year. With 145 daily trips, there would be approximately 545 trips on Susan Street per day.

Project Alternative	Tertiary Street Threshold – Daily Traffic	Existing	Project Total Vehicles (Buses) / Total PCE's	Existing + Project Vehicles / PCE's
Standard Apartments	1,000	400	450 (0) / 450	850 / 850
H2A Housing				
-Original Project Traffic Study	1,000	400	145 (64) / 273	545 / 673
-Based on Greenfield Project	1,000	400	175 (65) / 305	575 / 705

Levels of Service: 5 intersections were studied as part of the December 8, 2022 traffic report prepared for the project. The purpose of studying these intersections was to determine the existing levels of service at the intersections and to project the impacts that may result from adding anticipated traffic from the proposed project. This analysis is required for consistency with Policy C-1.1 of the 2010 General Plan. Traffic impacts under the California Environmental Quality Act (CEQA) are considered using a Vehicle Miles Traveled (VMT) standard rather than a Level of Service (LOS) standard. LOS is a measurement of delay or congestion on road ways. LOS is identified using letters A through F with LOS-A being uncongested roads and LOS-F being highly congested roads. Congestion is measured during peak traffic hours which are usually from 7-9 AM and 4-6 PM. Studied intersection with their identified LOS rating are:

- Porter Street / San Juan Road – LOS C (AM), LOS D (PM)
- Porter Street – Salinas Road / Stender Avenue – Salinas Road – LOS C (AM, PM)
- San Juan Road / Salinas Road – LOS B (AM), LOS C (PM)
- San Juan Road / Gonda Street – LOS C (AM), LOS B (PM)
- San Juan Road / Susan Street – LOS C (AM), LOS A (PM)

None of these intersections operate below LOS D during peak hours which is the minimum LOS identified in Policy C-1.1. The addition of project trips to these intersections were not anticipated to degrade the LOS rating. Trips would add to the existing congestion but not to a degree that it would cause the lowering of the LOS classification at these intersections.

*Drainage and Stormwater:*

Questions about the proposed stormwater system were raised at the hearing. The site is currently farmed. Much of the water that crosses this site is absorbed into the ground but once the ground is saturated, some water flows from off site. The project includes covering about half of the soils with structures and parking lots (impervious surfaces) which can increase the amount of water the runs off-site. To address this, the applicant has hired a Civil engineer to prepare an stormwater control plan. The draft stormwater control plan incorporates landscape features (bioswales) and retention ponds that retain stormwater on-site, allowing it to percolate into the ground. The capacity of retention in the bioswales and ponds (amount of water that can be held) has been sized so that stormwater coming from the development will be captured and retained until it reaches that same level of saturation that would lead to the pre-development runoff. This works by having a holding tank or pit that fills with water until it overtops (the point of saturation). In larger storm events, the excess stormwater that would have naturally flowed off site will be directed to the County storm drainage facility located just east of the project site. To better understand the functionality of the County's storm drain facilities, the applicant had their

engineer analysis the existing drainage system. The engineer suggested that drainage facilities could be improved if:

1. The County's retention pond was deepened to allow a larger amount of storage before pumps are triggered to carry water over the levee;
2. An 18" diameter storm drain was installed at the project site's southerly boundary to allow future development along Gonda street to utilize the County stormwater facility (pond and lift station) in the event that the Pajaro River levels prevent drainage through the existing flap gate; and
3. The County could install a weir (or small bump) in the storm drain at the connection of the Susan Street drainage pipe (running in a north/south direction) to the San Juan Grade Road pipe (running in an east/west direction) to keep stormwater flowing down San Juan Grade Road from backing up into the Susan Street storm drain pipes.

In exchange for use of the soils excavated from the pond on the project site, the applicant has agreed to deepen the County's stormwater detention pond using their grading equipment. This reduces the quantity of soils that must be imported for the project. Additionally, the applicant has agreed to construct an 18" diameter storm drain along the property's southern boundary, connecting to the County stormwater detention pond and abutting the adjacent west parcel. There are no plans in place to place a weir in the existing storm drain but the County's Community Services District that maintains the system is aware of the recommendation. The storm drain analysis noted that a downstream flap gate was broken and needed replacement to prevent backflow from the Pajaro river. Monterey County Water Resources Agency has been notified and repairs to the flap gate are in the works.

#### **Public Comments received after the March 16, 2022, Planning Commission hearing**

Staff received one public comment letter prior to distribution of the September 28, 2022 Planning Commission hearing (**Exhibit P**). This letter was submitted by the Pajaro Citizens' Action Committee and raised the following concerns: lack of proper environmental review and analysis of liquefaction, traffic, flooding, need for a long-term sustainable water supply, and impacts to the neighborhood character and safety. Finally, the letter requested that the Planning Commission deny the proposed project because the North County Land Use Advisory Committee voted to not support the project as proposed. This concerns have been addressed throughout this discussion and in the draft resolution attached to the September 26, 2022 staff report.

#### **Conclusion**

Based on all the information in the record, staff recommends that the criteria to grant a Use Permit and Variance for the proposed project have been met. The applicant has agreed to mitigation measures that will reduce environmental impacts to a less than significant level. All comments have been reviewed and none of the comments change the analysis or conclusions contained in the Initial Study/Mitigated Negative Declaration prepared for the project. Staff has prepared a draft resolution with findings and evidence to support approval of this project for consideration by the Planning Commission.

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