



County of Monterey

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

Board Report

File #: PC 22-080, Version: 1

PLN210152 - RIO VISTA GROUP LLC

Continued from February 9, 2022 and March 16, 2022 - Public hearing to consider construction of four 16,286 square foot apartment buildings totaling 60 units for agricultural workforce housing and 1 manager unit, associated site improvements including 17,500 cubic yards of grading, and a Variance to increase the required site coverage to 27%.

Project Location: 51, 53, 55 & 57 Susan Street, Royal Oaks, North County Area Plan

Proposed CEQA action: Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan

RECOMMENDATIONS

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

- 1) Adopt a mitigated negative declaration pursuant to Section 15074 of the CEQA Guidelines;
- 2) Approve a Combined Development Permit consisting of:
 - a. A Use permit for the construction of four 16,286 square foot apartment buildings totaling 60 units for agricultural workforce housing and 1 manager unit, and associated site improvements includes 17,500 cubic yards of grading; and
 - b. A Variance to increase the required building site coverage from 5% to 27%; and
- 3) Adopt a Mitigation Monitoring and Reporting Plan.

The attached draft resolution includes findings and evidence for consideration (Exhibit B). Staff recommends approval subject to 22 conditions of approval and 20 mitigation measures.

PROJECT INFORMATION:

Property Owner: RIO VISTA GROUP LLC

APN: 117-361-016-000

Parcel Size: 3.41 acres

Zoning: RC/40|HDR/20|F/40

Plan Area: North County

Flagged and Staked: No. Flagging was erected for a staff site visit in October 2021, but the flagging has been removed so as not to interfere with ongoing agricultural use of the property.

SUMMARY:

Rio Vista Group, LLC, represented by Avila Constriction, proposes to construct four 16,286 square foot two-story apartment buildings containing a total of 60 units for agricultural workforce housing plus 1 manager unit. Each unit contains two bedrooms capable of supporting four beds per room (eight beds per unit), a shared kitchen and dining room. The manager unit, located on the first floor of Building A, contains an office with a restroom, living area, kitchen, bedroom and bathroom. Laundry rooms are located on the first floors for Buildings B & D and a recreation room is located on the first floor of Building C. The project will have 121 parking spaces; 6,266 square feet of turf for outdoor sports and recreation; a 3,220 square foot multi-use play court striped for basketball and volleyball; a 4,900 square foot looped fitness pathway; 3,032 square feet of outdoor seating; and 1,966 square feet of open space. The project also includes construction of sidewalks along the west side of Susan Street and 17,500 cubic yards of grading (8,000 cubic yards of excavated material from

the adjacent County stormwater detention pond [APN: 117-381-031-000], and 9,500 cubic yards of imported fill). Excavation of the County stormwater detention pond will enlarge and improve the existing facility.

This project was reviewed by the Planning Commission on February 9, 2022, and at a special evening Planning Commission hearing on March 16, 2022. On February 9, 2022, the Planning Commission continued the hearing to March 16, 2022, with direction to conduct more public outreach, to provide additional analysis on flooding, to include the traffic report in the attachments to the staff report, and to schedule a special evening meeting when the item returns. The item returned to a special evening meeting of the Planning Commission on March 16, 2022 after two outreach meetings were held at the site. On March 16, 2022, public comments were provided both for and against the proposed development. Comment in favor of the project cited the need for agricultural employee housing and housing of all kinds in the County. Comments against the project raised a number of issues, including:

- Flood elevations
- Road width
- Traffic congestion
- Liquefaction
- Need for an Environmental Impact Report
- Neighborhood character (wrong location)
- Safety
- Failing water and wastewater infrastructure

At the conclusion of the hearing, the Monterey County Planning Commission continued the item to a date uncertain to allow staff adequate time to address the concerns.

Staff has reviewed all of the comments and information. In response to comments on flooding elevations, the applicant has revised the project to increase the finish floor elevation of the proposed structures by an additional 2.5 feet. No other changes have been made to the plans. In addressing the potential flood impacts, additional grading involving more dirt to raise the site is required. Separately but related to this, the applicant has prepared a storm drain analysis for the area and is suggesting that the County's stormwater detention pond on the east side of the subject property be improved or deepened to have a greater capacity (among other things). The applicants are proposing to deepen the County's storm water detention pond which will improve the drainage systems within the watershed and have the added benefit of creating a source of soil that can be used on the project site, reducing the need to import the dirt in trucks. Additional technical reports including a preliminary storm drain analysis (**Exhibit I**), assessment of potential flood hazard impacts (**Exhibit L**), geotechnical letter addressing liquefaction (**Exhibit M**), two letters from the traffic engineer providing clarifications in response to comments (**Exhibits J.1 and J.2**), and an emergency evacuation plan (**Exhibit H**) have been provided by the applicant.

With revisions to base flooding elevation, staff has found that the project conforms to the relevant building and zoning standards.

DISCUSSION:

The property is actively farmed and has no structures at this time. Access to the site is through a neighboring property to the east for farming operations. The proposed project would use Susan Street to access the employee housing development. Susan street is currently fenced at its terminus with the site. The rear of the property borders the Pajaro River levee. Residential uses exist on the west and south (Susan Street) sides of

the property. A County owned stormwater detention pond and facility surrounded by agricultural row crop production exists east to the property. Water for irrigation of the property's row crops comes from a shared off-site well. The project proposes to disconnect from the shared well and to connect to Pajaro/Sunny Mesa Community Services District.

This property has three different zoning designations with Resource Conservation (RC) zoning in the northernmost portion of the site adjacent to the Pajaro levee, Farmland (F) zoning in the majority of the parcel, and High Density Residential (HDR) zoning along the southernmost portion of the parcel, near the connection with Susan Street. All of the proposed buildings will be located on the portion of the property zoned Farmland. Some improvements for access, parking will occur within the HDR zone and no development is proposed in the RC zone. Within the Farmland Zoning District, agricultural employee housing is an allowed use subject to the granting of a Use Permit. In addition, the property is located at the northeastern edge of the Pajaro Community Plan area as show in figure CA5 of the 2010 General Plan. Community Plan areas are a priority for development in the General Plan.

A Variance is required for this project because the proposal would exceed the maximum allowable building site coverage for the Farmland zoning district (5%). As proposed, the project will result in a building site coverage of 27%. Staff has provided appropriate findings and evidence for consideration by the Planning Commission in the attached resolution to grant the Variance. There are unique circumstances applicable to the property including its location in a Community Plan area and its non-conforming lot size in the Farmland zoning district.

Neighbors to the site currently living on Susan Street oppose the project because it would impact traffic on their street, increase hazards for children who play in the street, introduce a large new population where a small quite residential neighborhood, and because it would negatively impact their property values. Commentors have also raised concerns about lack of noticing and lack of information in Spanish. Most of the existing residence on Susan Street (19 people) have signed a petition objecting to this project. Comments received by Nicola and LandWatch Monterey County questioned the existing water use figures described in the Initial Study for the existing agricultural operations.

Staff has noticed this Planning Commission hearing in English and Spanish and included all parties who have requested notice in addition to noticing all neighbors within 300 feet of the property. A detailed discussion is attached as “**Exhibit A**” to this report.

ENVIRONMENTAL REVIEW:

Pursuant to Public Resources Code Section 21083 and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2), Monterey County as Lead Agency completed environmental review to determine if the project may have a significant effect on the environment. The County prepared a draft initial study and mitigated negative declaration (IS/MND) for this project (**Exhibit E**). County staff filed the draft IS/MND with the County Clerk on December 23, 2021, and circulated the draft IS/MND for public review and comment from December 23, 2021 through January 24, 2022 (SCH No. 2021120560). The draft IS/MND identified potentially significant impacts to biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology and water quality, noise, tribal cultural resources, and utilities and service systems. Mitigation measures have been applied to reduce potential impacts to biological resources (California Reg-legged Frog and bird nesting), soils and geology (liquefaction), hydrology (groundwater), noise (construction hours and equipment), tribal cultural resources, and utilities (drainage study and stormwater control plan) to less than significant level. The proposed mitigation measures have been agreed to by the applicant. All other standard topics of environmental analysis were found to have no impact or a less than significant impact on the environment without the need for mitigation.

During the public review period for the draft Initial Study, the County received comments from the residences of Susan Street who object to the proposed project. Other comments were provided by the adjacent property owner (Anthony Nicola) and LandWatch who requested clarification on the existing water use figures. These comments are attached to the Planning Commission as **Exhibit F**. County staff reviewed the comments and determined that the comments do not conflict with or challenge the analysis and/or conclusions of the draft Initial Study. Responses to the comments are described in the discussion (**Exhibit A**) and are provided in the attached Resolution (**Exhibit B**).

Revisions to the IS/MND have been made following the March 16, 2016 Planning Commission hearing. Revisions are required to clarify and amplify the analysis and to reflect the change in project addressing flooding elevations. The proposed project was slightly changed to include raising the buildings to a finish floor elevation by 2.5 feet from the original proposal in response to comments provided by the Pajaro Valley Flood Management Agency. Additionally, the applicant is now proposing to deepening the County detention pond and using soils excavated from the pond as fill materials (8,000 cubic yard) on the site. Other minor revisions include installation of 4 high-flow tree box biofilters and 1 bioretention pond rather than 5 bioretention ponds. These changes triggered minor changes such as the need for additional retaining walls, ramps and stairs to accommodate the transition between the ground level and the building finish floor elevation. In response to traffic related concerns, the project traffic engineer conducted a second 24-hour traffic count at the 525 Third Street Apartments Agricultural Worker Housing project (Greenfield Project) in Greenfield, California to provide additional data to determine daily trip generation totals and hourly variations. These changes would not result in any new significant impacts or substantially increase the severity of impacts previously identified in the IS/MND and serve as clarification to the document. Pursuant to CEQA Guidelines Section 15073.5(c), recirculation of the IS/MND is not required because the project revisions have been added in response to comments on the projects effects which are not new avoidable significant effects and other information clarifies and amplifies the previous analysis. No new impacts have been identified.

OTHER AGENCY INVOLVEMENT:

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

- Environmental Health Bureau
- HCD-Environmental Services
- HCD-Development Services
- Monterey County Water Resources Agency
- North County Fire Protection District
- Public Works Facilities & Parks

LAND USE ADVISORY COMMITTEE:

The proposed project was reviewed by the North County Land Use Advisory Committee (LUAC) on December 1, 2021 (**Exhibit N**). The LUAC voted to continue their consideration of the project until after environmental analysis was complete and to allow the applicant to explore other potential traffic connection points for the project. A second meeting of the North County LUAC for this project was held on February 2, 2022 (**Exhibit O**). At that meeting, the LUAC voted to recommend denial of the project as presented, because the committee did not support the current traffic access, expressed concerns of neighborhood compatibility due to density, and expressed concerns regarding cumulative effects of multiple projects in the Pajaro Community Plan area.

Staff has reviewed the LUAC recommendation. Access to this site using Susan Street as a public road is in place and improvements to the sidewalks along Susan Street are proposed. Cumulative effects were considered in the IS/MND. Other projects in the vicinity are in earlier stages of permitting and have very different

circumstances. Additionally General Plan Policy LU-2.11 encourages development of affordable and workforce housing projects in Community Areas prior to the adoption of a Community Plan.

AGRICUTLURAL ADIVSORY COMMITTEE:

The proposed project was heard at the January 27, 2022 Agricultural Advisory Committee meeting. Comments from the public at that meeting indicated that the project had not been properly noticed and that the project should not be approved because of its negative impacts on the community. The AAC reviewed the project and adopted a recommendation of support by a 6-0 vote. The AAC suggested that the 100 feet agricultural buffer and proposed vegetation screening would be adequate but suggested that the proposed Sycamore trees be replaced with Cosrena trees or something similar in order to provide denser tree canopy from the ground up. The applicant has agreed to plant a more appropriate agricultural vegetation buffer and will work with the Agricultural Commissioner's Office on the type of vegetation.

FINANCING:

Funding for staff time associated with this project is included in the FY21-22 Adopted Budget for HCD-Planning.

Prepared by: Fionna Jensen, Associate Planner
Reviewed by: Craig Spencer, HCD Chief of Planning
Approved by: Erik Lundquist, AICP, HCD Director

The following attachments are on file with the HCD:

- Exhibit A - Detailed Discussion
- Exhibit B - Draft Resolution; including:
 - Recommended Conditions of Approval
 - Site Plan, Floor Plans, Elevations, and Colors and Materials
- Exhibit C - Vicinity Map
- Exhibit D - Variance Request Letter
- Exhibit E - Initial Study (SCH No. 2021120560)
- Exhibit F - CEQA Comments
- Exhibit G - Agricultural Employee Housing Facility Plan and Letter
- Exhibit H - Emergency Action Plan
- Exhibit I - Storm drain Analysis Study
- Exhibit J - Final Traffic Report
 - Attachment 1 & 2: Traffic Response Letters
- Exhibit K - Flood Elevation Memo
- Exhibit L - Assessment of Flood Hazard Impacts
- Exhibit M - High Liquefaction Hazard letter
- Exhibit N - LUAC Minutes December 1, 2021
- Exhibit O - LUAC Minutes February 2, 2022
- Exhibit P - Public Comment received after the March 16, 2022 Planning Commission

cc: Front Counter Copy; North County Fire Department; HCD-Public Works; HCD-Environmental Services; Environmental Health Bureau; Fionna Jensen, Associate Planner; Craig Spencer, HCD Chief of Planning; Christopher Bjornstad, CALTRANS Associate Transportation Planner; Michael Delapa, LandWatch Executive Director; Ryan Smith, Wastewater Division Manager, Watsonville; Stanley Mano, Neighbor; Anthony Nicola, Interested Party; Christine Shaw, KeepSusanStreetClosed Representative and Neighbor; Gloria Lopez,

Neighbor; Ilda Rocha, Neighbor; Eustacio Cardenas, Neighbor; Guadalupe Alvarez, Neighbor; Jose Ramirez, Neighbor; Jose Guadalupe Estanquero, Neighbor; Maria Isabel Padilla, Neighbor; Ana Rosa Ramirez, Neighbor; Monica Ualdonado, Neighbor; Jessica Costa, Neighbor; Gregorio Ayon, Neighbor; Ramona Ayon, Neighbor; David Parra, Neighbor; Sigifredo Lopez, Neighbor; David Evans, Interested Party; Steve Snodgrass, Interested Party; Cesar Padilla, Agent; Jeffrey Nohr, Project Manager; RIO VISTA GROUP LLC, Property Owner; RIO VISTA GROUP LLC, Agent; Planning File PLN210152