

*Before the Board of Supervisors  
County of Monterey, State of California*

In the matter of the application of:

**ANTHONY NICOLA, INC. (PLN200203)**

**RESOLUTION NO. 24-339**

Resolution by the Monterey County Board of Supervisors:

- 1) Granting the appeal of Anthony Lombardo and Associates, on behalf of Anthony Nicola, Inc., from the Planning Commission's April 10, 2024, final determination of an unbreakable tie vote, and consequently, non-action on the subject application;
- 2) Adopting a Mitigated Negative Declaration (SCH#2023090035) pursuant to Section 15074 of the CEQA Guidelines;
- 3) Approving a Combined Development Permit consisting of:
  - a. Administrative Permit to demolish an existing approximately 850 square foot single family dwelling, 400 square foot shed, and septic system;
  - b. Use Permit to construct two three-story buildings for 34 two-bedroom units and one one-bedroom unit with office totaling 36,200 square feet for use as agricultural employee housing of up to 250 workers, a manager's suite, and three very low-income level inclusionary housing units; and
  - c. Variance for less than 200-foot agricultural buffer.
- 4) Adopting a Condition Compliance and Mitigation Monitoring and Reporting Plan with changes made as part of the Board of Supervisors' adopted motion of approval to draft Conditions of Approval Nos. 11 and 36 and the addition of Condition of Approval No. 37.

[PLN200203, ANTHONY NICOLA, INC., 124 Gonda Street, Royal Oaks, North County Area Plan (APN: 117-361-017-000)]

**The Appeal by Anthony Lombardo and Associates, on behalf of Anthony Nicola, Inc., from the decision of the Monterey County Planning Commission to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application (ANTHONY NICOLA, INC., PLN200203)**

came on for public hearing before the Monterey County Board of Supervisors on July 9, 2024 and September 10, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the finds and decides as follows:

### FINDINGS

1. **FINDING:** **PROCESS** – The County has processed the subject Combined Development Permit application (Planning File No. PLN200203/Anthony Nicola, Inc.) (the project) in compliance with all applicable procedural requirements.
- EVIDENCE:**
- a) On March 2, 2022, pursuant to Monterey County Code (MCC) sections 21.10.060, 21.66.030.F, 21.66.060.C.3, and 21.65.040, Anthony Nicola, Inc. filed a complete application for discretionary permits to allow demolition of an 850 square foot single family dwelling, 400 square foot shed, and septic system and the construction of two three-story buildings for 34 two-bedroom units and one one-bedroom unit with office totaling 36,200 square feet. The purpose of the project is to provide agricultural employee housing. The submittal included a proposal to utilize a density bonus and a request for variance to the agricultural buffer easement required by Title 21. The project site is a 1.3-acre lot at 124 Gonda Street, Royal Oaks, (APN: 117-361-017-000), in the North County Area Plan area.
  - b) The County referred the originally proposed project to the North County Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting at which all persons had the opportunity to be heard, reviewed the proposed project on June 1, 2022, and voted 4 – 1 (4 yes, 1 no, and 1 absent) to not recommend the project to the Planning Commission. See Finding No. 2, Evidence p.
  - c) The County subsequently scheduled the project for a special evening public hearing before the Monterey County Planning Commission on February 14, 2024. At the duly-noticed public hearing, at which all persons had the opportunity to be heard, the Commissioners decided to request additional materials from the applicant and to a continue the hearing of the proposed project (Planning File No. PLN200203). The Planning Commission voted to approve the continuance to a date certain of April 10, 2024.
  - d) The Monterey County Planning Commission held a duly-noticed public hearing on the Anthony Nicola, Inc. application on April 10, 2024.
  - e) On April 10, 2024, after review of the application and submitted documents, and a duly-noticed public hearing at which all persons had the opportunity to be heard, the Planning Commission voted 7 – 0 (7 yes, 0 no, and 3 absent) to state and issue a final determination, per Rule 12 of the Monterey County Planning Commission Rules for the Transaction of Business, that the Planning Commission had an unbreakable tie vote, and therefore neither approved nor denied the subject application. Staff prepared the requisite Resolution, which was approved as part of the May 8, 2024 consent agenda without comment (Monterey County Planning

Commission Resolution No. 24-011). The Planning Commission Resolution is included in the June 9, 2024, staff report to the Board of Supervisors as Attachment E.

- f) Under MCC section 21.80.030, Anthony Lombardo and Associates, on behalf of Anthony Nicola, Inc. (Appellant), timely appealed. See Finding No. 13 (Appeal) and supporting evidence for a summary of the Appellants' contentions and the County's responses.
- g) Pursuant to MCC section 21.80.050, an appeal shall be filed with the Clerk of the Board of Supervisors within 10 days after written notice of the decision of the Appropriate Authority has been mailed to the Applicant, and no appeal shall be accepted until the notice of decision has been given (i.e., mailed). The County mailed the written notice of the decision (Planning Commission Resolution No. 24-011) on May 9, 2024, and said appeal was filed with the Clerk of the Board of Supervisors on May 17, 2024, within the 10-day timeframe prescribed by the code. The appeal hearing is de novo. A complete copy of the appeal is on file with the Clerk of the Board, and is attached to the June 9, 2024, staff report to the Board of Supervisors as Attachment M.
- h) The appeal was timely brought to a duly-noticed public hearing before the Monterey County Board of Supervisors on June 9, 2024. Notice of the hearing was published on June 27, 2024, in the Monterey County Weekly; notices were mailed on June 28, 2024, to all property owners and occupants within 300 feet of the project site, and to persons who requested notice; and at least three notices were posted at and near the project site on or about June 28, 2024.
- i) The appeal hearing was continued to a date certain of September 10, 2024. The hearing did not require re-noticing.
- j) As part of the Board's decision on the appeal, the final adopted motion included the following changes:
  - The applicant shall amend the plans to include an emergency gate on the fence line between this parcel and the neighboring parcel (APN 117-361-016-000) for emergency vehicles and personnel to pass through from one parcel to the next in the event of emergencies. (This requires a redesign of the plans. See Condition No. 37)
  - Condition No. 11 shall be updated to include chip seal surface improvement of Gonda Street in addition to refreshing the stop stencil and stop bars at the intersection of Gonda Street/San Juan Road, and refresh the red zone on the northside of San Juan Road, east of Gonda Street for approximately 50 feet.
  - Condition No. 36 shall be updated to direct \$17,360 donation annually to the Pajaro Unified School District through the Community Foundation of Monterey County with the first donation made upon building permit final on the housing structure.
- k) The application, project plans, and related support materials submitted by the project applicant to County of HCD-Planning for the proposed development found in HCD Project File No. PLN200203; and Clerk of the Board of Supervisors' file(s) related to the appeal.

2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies that designate this area as appropriate for development.

- EVIDENCE:** a) The Project has been reviewed for consistency with the text, policies, and regulations contained in the:
- 2010 Monterey County General Plan (2010 GP);
  - North County Area Plan; and
  - Monterey County Zoning Ordinance (Title 21).

Communications were received during review of the project suggesting that the project may be inconsistent with some applicable policies. Concerns included: inconsistency with neighborhood character, potential impacts of added traffic on a narrow residential road, traffic impacts on San Juan Road intersections, and potential issues at times of evacuation or emergencies. Comments have been considered in review of this application and as documented in this Resolution. The evidence demonstrates consistency of the project with applicable policies and regulations.

- b) Project. This project includes the demolition of an 850 square foot single family dwelling, 400 square foot shed, and septic system and the construction of two three-story buildings for 34 two-bedroom units and one one-bedroom unit with office totaling 36,200 square feet on a 1.3-acre lot. Aside from the manager unit, which is presented as a one - bedroom with office, the units contain two bedrooms capable of supporting four beds per room (eight beds per unit), a shared kitchen and dining room. A shared laundry room (455 square feet) and a recreation room (approximately 520 square feet) are located on the first floor of the North building. With a density bonus, three units will be reserved for very-low income housing (see Finding No. 10). Therefore, the agricultural employee housing facility will fill 31 units with 8 employees per unit, totaling 248 employees, and the 32<sup>nd</sup> unit for the facility manager's 1 bedroom apartment and office. The project will have 56 parking spaces and eight bicycle racks; approximately 4,090 square feet of turf for outdoor sports and recreation; a half-court striped for basketball in the parking lot (approximately 615 square feet); approximately 515 square feet of outdoor seating and picnic areas. The project also includes construction of sidewalk improvements on Gonda Street and at intersection of San Juan Road. Approximately 1,000 cubic yards of grading is anticipated (500 cubic yards excavated, 200 cubic yard fill, and 300 cubic yards imported).
- c) Allowed Use. The property is located at 124 Gonda Street, Royal Oaks, (APN: 117-361-017-000), North County Area Plan. This property is within the Pajaro Community Area as shown in Figure CA5 of the 2010 General Plan. Under 2010 General Plan Policy LU-1.19, Community Areas are identified as appropriate areas for growth and the top priority for development in the inland area of Monterey County. The parcel is zoned High Density Residential, 20 units per acre (HDR/20). The current use is a single-family dwelling, which is proposed for demolition. HDR zoned areas allow any residential use exceeding ten dwelling units per

acre with a Use Permit (MCC section 21.10.050.A). A Use Permit is also the entitlement required for agricultural employee housing under MCC section 21.66.060.C.3 (discussed in evidence e, below). A variance is also required to forego the 200-foot buffer required for projects adjacent to parcels zoned Farmland which have agricultural operators (discussed in Findings 7, 8, and 9 and supporting evidence).

- d) Lot Legality. This 1.3-acre lot was created by deed prior to 1964, when subdivision map requirements became effective for creation of three or more lots. The subject parcel is a portion of the 5.95 acre parcel of land shown on that certain map entitled “The Purpose of this Map is Reversion to Acreage,” filed for record on March 25, 1949, in Volume 5 of Cities and Towns, Page 31. The deed was created prior to 1964, therefore the County recognizes the parcel as modified above as a legal lot of record.
- e) Development Standards. The project is subject to the development standards of the High Density Residential (HDR) zoning district (MCC section 21.10.060). Minimum setbacks in HDR zoning are 20 feet front, five feet side and 10 feet rear. The project meets these minimum setbacks as designed, with approximately 140 feet from the front, 28 feet and 5 feet from the sides (north and south, respectively), and 28 feet from the rear. HDR zoning requires a ten-foot distance between main structures, but the two structures share one roof and are joined by second and third floor walkways and therefore the five feet between is reasonable. The proposed project height is 43 feet above average natural grade, which is above the 35-foot maximum but is allowable because the project meets Density Bonus requirements. The project is under the building site coverage maximum of 60% for HDR. The site is 1.315 acres in size (57,299 square feet) and at 60%, the maximum building site coverage would be 34,379 square feet. The project proposes to cover 16,802 square feet or approximately 29% of the lot area.

The project site is not in a visually sensitive area. Additionally, there are no scenic resources near the site, and it is not in a state scenic highway corridor. Public views from the streets of Gonda and Susan would be altered by the presence of the new buildings. However, due to the build out of the neighborhood with several other multi-story buildings, introduction of the new structures is not anticipated to significantly change the visual character of the area.

The project is also required to comply with the development standards for agricultural employee housing pursuant to MCC section 21.66.060. The criteria for a Use Permit for this type of housing project includes 1) a facility plan, 2) proof that adequate water and sewer are available to service the development, 3) the housing must not be located on prime agricultural land, 4) proper erosion and drainage controls are incorporated, 5) enclosed storage facilities shall be provided for each housing or dwelling unit, 6) laundry facilities are provided onsite, 7) if there are more than twelve dwelling units, recreation facilities and open space are provided, 8) the development is landscaped, and 9) recreational

areas and landscaping are installed prior to occupancy and the landscaping shall be maintained. All these development standards are met. Information has been provided that meets the intent of a facility plan (see evidence “f”). Adequate water and sewer shall be available to the project as conditioned and mitigated. The housing is on residentially zoned land. Erosion and drainage controls are incorporated and were found sufficient by reviewing departments and agencies. As to storage, the project will include storage lockers with each bed. Moreover, individual food storage lockers are provided in the kitchen/dining area, laundry facilities are provided onsite (six washers and dryers and three sinks). Recreation facilities and open space are provided, a draft landscaping plan utilizing native species was provided, and a low water usage drip system was provided in the application. Finally, the project has been conditioned to ensure the recreational areas and landscaping are installed prior to occupancy and the landscaping shall be maintained during the use phase of the project.

- f) Employee Housing Facility Plan. MCC section 21.66.060 establishes criteria for approval of Use Permits for agricultural employee housing projects. That section also requires that a facility plan be submitted with the application. While a formal Facility Plan was not provided, detail included as part of the application satisfies the intent and requirements of a facility plan. During project review discussions and in public meetings (LUAC and AAC), the applicant stated that the onsite manager will be responsible for housing maintenance and up-keep. The applicant further stated that the housing project would be occupied primarily during the Salinas Valley harvest season from March through November of each year. Originally, the facility was designed to accommodate 272 agricultural employees without dependents, with each of 34 units serving up to eight people. The description changed during a lengthy review of density bonus regulations, with State and County Housing Office input, and now the Facility Plan shall be based on a project description consisting of 31 agricultural employee eight-bed apartment units and one manager unit inclusive of an office, while three very low-income units are also proposed in the building.

Although it may be possible for the very-low-income units to be occupied by agricultural workers, they would need to meet the Inclusionary Housing requirements of year-round occupancy and open availability to the community. The 31 units would house up to 250 agricultural employees. This housing will be made available to domestic agricultural employees and to employees working in the United States with an H-2A Visa. The H-2A temporary agricultural program allows agricultural employers to bring non-immigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. Under Department of Labor requirements for employee housing, employers must provide housing at no cost to H-2A workers and may charge a “reasonable cost,” as determined by the Secretary of Labor, to an employer for furnishing any employee with board, lodging, or other

facilities, if such board, lodging, or other facilities are customarily furnished by the employer to his employees (Code of Federal Regulations, Title 29 Part 531). Also of note, H-2A Employers must provide daily transportation between the workers' living quarters and the employer's worksite at no cost to covered workers living in employer-provided housing (Dept. of Labor Wage and Hour Division Factsheet #26, Section H-2A of the Immigration and Nationality Act, February 2010).

The owner must maintain the property with ongoing availability of recreation pursuant to MCC section 21.66.060.C.3.g and Section 19.12.010(D) in the areas indicated in the Planning Permit Plans (sheet L-4.0). The owner must also show that the physical materials required for the recreation activities related to each area are both available to the tenants and in good working order. These supplies and timing of evidence submittal are listed in Condition No. 23. The supplies include basketball and soccer sports equipment, markings for the outdoor recreation areas, and ping pong and board games for the recreation room. In sum, the applicant has provided sufficient information required to satisfy the findings of the facility plan pursuant to Title 21, section 21.66.060. Chapter 21.65 describes the criteria for application of a Density Bonus to projects proposed for the inland area of the County. The project application met these application requirements pursuant to MCC section 21.65.040 and is eligible pursuant to MCC section 21.65.050. Title 21 Density Bonus requirements were considered together with State Density Bonus standards in the review of the application. The project qualifies for a Density Bonus, see Finding 10 for more information.

- g) North County Area Plan (NCAP) Consistency. The intent of the NCAP is to maintain and enhance the County's rural character, natural resources, and economic base by providing for adequate residential, agricultural, commercial, and industrial growth in areas best suited for the respective development. The project is consistent with the NCAP, as it will fulfill a typical use for the HDR zoned areas within the Pajaro Community Area. (2010 GP Policy NC-5.1.) New developments shall be designed to maximize prime groundwater recharge capabilities and to minimize runoff from the property. The applicant submitted a preliminary stormwater control plan, revised October 20, 2021, and supporting preliminary stormwater control report, prepared by Roper Engineering, Inc., dated October 15, 2021. These documents propose onsite bioswales and other measures to increase runoff retention, protect water quality, and enhance groundwater recharge. The plan shows that impervious stormwater runoff will be directed away from buildings and foundations, towards a series of on-site bioretention swales. The project plans include an 18-inch culvert underneath Gonda Street as part of HCD-Engineering and Public Works' recommended street and right-of-way improvements to ensure adequate drainage. The preliminary stormwater control plan shows that the 18-inch culvert would connect to a 12-inch PVC storm drain line near the site frontage. Based on this information, HCD-

Environmental Services concluded that the Project design appears capable of meeting the performance requirements of Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. Accordingly, the Project proposes treatment and retention of the 95<sup>th</sup>-percentile 24-hour storm event through implementation of Stormwater Control Measures and reduction of peak site discharge for storms to less than current (pre-development) condition levels. A construction-level stormwater control plan and report will be required for staff review prior to issuance of any grading or construction permits (Condition 15), as will curb, gutter, commercial driveway connection, sidewalk, and pavement rehabilitation, together with required drainage facilities, along the frontage of Gonda Road (Condition 10).

- h) Land Use and Housing Element Consistency. 2010 GP Policy LU-1.9 prioritizes infill of vacant non-agricultural lands in existing developed areas and new development within designated urban service areas. Furthermore, infill development shall be compatible with surrounding land use and development. The parcel is within a built-up area designated as 'Urban' in the State Census database. The purpose of the HDR zoning district is to accommodate high density residential uses, as adequate services and facilities are available to support the density. Although a single-family dwelling exists on the parcel, this project qualifies as infill and meets the highest and best use for the HDR zoning. Therefore, it is consistent.

Policy LU-1.19 sets Community Areas, Rural Centers, and Affordable Housing Overlay districts as the top priority for development in the unincorporated areas of the County. The Project is proposed within the Pajaro Community Area, so it is consistent with this Policy.

The Project is consistent with Policy LU-2.25, which allows interim development in Community Areas prior to the adoption of a community plan provided the project-related infrastructure improvements are constructed concurrent with the development and an adequate means of providing water and wastewater disposal exists or is provided. Pajaro-Sunny Mesa Community Services District (PSMCS) has provided a will-serve letter indicating they can and will provide water to serve the project. The project will be connected to the Pajaro County Sanitation District (PCSD), which contracts for sewage treatment service from the City of Watsonville. PCSD has provided a letter stating it has the capacity to serve the project. The project has been conditioned to provide any necessary improvements or upgrades to the wastewater system on Gonda Street (Condition No. 34). See also Finding 4, evidence c.

The project is consistent with current Housing Element (2015-2023) Policies. Policy H-2.1, encourages planning of new residential development to ensure a range of housing types, prices and sizes including farmworker projects (consistent). Policy H-2.9 encourages the development of housing that is affordable to the general workforce of Monterey County and employers and other organizations to assist with



the production of housing units needed for their employees. Policy H-2.11 states that County shall support private sector partnerships to increase the supply of farmworker housing. Policy H-5.3 states that County shall provide equal access to housing and supportive services to meet the special needs of seniors, people with disabilities (including developmental disabilities), single parents, large households, farmworkers, and the homeless. The project will house up to 250 agricultural employees (aka farmworkers) and is therefore consistent with Policies H-2.9, H-2.11, and H-5.3.

- i) Public Services Element Consistency. 2010 GP Policy PS-2.3 requires new development to connect to existing water service providers where feasible. The project shall connect to PSMCSD. Policy PS-2.8 requires that all projects be designed to maintain or increase the site's pre-development absorption of rainfall (minimize runoff), and to recharge groundwater where appropriate. As described in Evidence g, above, and the Hydrology and Water Quality Chapter of the Initial Study, the Project will implement bioswales and other measures to increase runoff retention, protect water quality, and enhance groundwater recharge. 2010 GP Policy PS-3.1 requires proof, based on specific findings, and supported by the evidence of a "long-term sustainable water supply." This finding is made below (see Finding 6).
- j) Safety Element consistency/Emergency Responsiveness. Consistent with 2010 General Plan Policies S-2.5 and S-2.6, the Project includes design features to reduce impacts from flooding. The site is adjacent to the Pajaro levee and within the 100-year floodplain of the Pajaro River, according to Federal Emergency Management Agency (FEMA) and Flood Insurance Rate Maps (FIRM). The subject property's current elevations range from 29 feet to 35 feet, and below the proposed buildings the elevation averages approximately 30 feet. The one-foot flooding depth expected for this location would be at 31 feet in elevation. MCC section 16.16.050.C.2 requires minimum finish floor elevations to be at least 1 foot above the specified FIRM flood depth, or 32 feet. As designed, the proposed finished floor elevation for the buildings is 36.5 feet. Although not required by the MCC, the applicant designed the finished floor elevations to exceed the estimated 100-year composite flood elevations provided by the Pajaro Regional Flood Management Agency (PRFMA), which accounts for a 100-year flood scenario as well as multiple levee-overtopping scenarios. PRFMA is a joint powers authority of the County of Santa Cruz, Santa Cruz County Flood Control and Water Conservation Zone No. 7, the County of Monterey, the Monterey County Water Resources Agency, and the City of Watsonville. Modeling provided by PRFMA is not reflected in the FIRM and is not required for compliance with Title 16, but it is recognized pursuant to the California Environmental Quality Act (CEQA) as the most current and conservative data source for flooding forecasting for the subject site.

In accordance with MCC section 16.16.050, the buildings are setback more than 200 feet from the top of the bank of the Pajaro River. Part of

the project fence and several parking spaces are within the 200-foot setback. The County Floodplain Administrator reviewed the project application and found it acceptable for construction. The fence and parking lot allow pass-through of floodwaters and do not classify as flood barriers.

2010 GP Policy S-3.8 discusses the importance of levee stability. The PRFMA have planned an improvement to the Pajaro River levee to reduce flood risk from the lower Pajaro River and its tributaries in Santa Cruz and Monterey Counties. The levee project is to be cost-shared by the U.S. Army Corps of Engineers (USACE) and the California Department of Water Resources (DWR). The project is currently in the engineering and design phase. An Environmental Impact Report/Environmental Impact Statement is pending. Construction is expected to begin in 2025 and to be managed by the USACE in partnership with PRFMA and the DWR. The Project was reviewed by representatives of PRFMA and the County of Monterey Water Resources Agency to ensure that the setbacks required by the USACE for levee maintenance will not be encroached. The setback of 15 feet from the foot of the levee is demonstrated in the Project plans.

In accordance with 2010 GP Policy S-3.1, post-development off-site peak flows are not expected to be greater than pre-development levels. As discussed in evidence g, the application includes a preliminary stormwater control plan, revised October 20, 2021, and supporting preliminary stormwater control report prepared by Roper Engineering, Inc., dated October 15, 2021. This report summarizes the project's proposed stormwater management strategy pursuant to the Post Construction Stormwater Management Central Coast Region, Central Coast Regional Water Quality Control Board Resolution No. R3-2013-0032, and the Monterey Regional Stormwater Management Program guidance for Tier 3. The drainage system will be constructed to meet current regulations and requirements, including the County of Monterey flood control requirements set forth in MCC section 16.16.050 (Condition No. 15).

Pursuant to 2010 GP Safety Policy S-1.7, a site-specific report addressing geologic hazard and geotechnical conditions was required as part of the application submittal. In the project's Geotechnical Report (HCD-Planning Library File No. LIB210076), amended on November 22, 2021 and September 26, 2022, geotechnical engineer Greg Bloom discussed the project site's high liquefaction potential. Mr. Bloom opined that the risk for damaging liquefaction and/or differential compaction and settlement during a major seismic event is low, provided the applicant implements the report's recommendations. These include compaction grouting, which involves the pumping of a low viscosity grout bulb into the potential liquefiable soil at high pressure. The injection sites are placed on a grid and the bulb displaces and compacts the surrounding

soil. The compaction grouting should extend a minimum of five feet beyond the building pad. The compaction grouting should be performed from a depth of five to 30 feet. These recommendations will be incorporated in the construction-level plans for development of the site, which are reviewed and approved by HCD staff.

2010 GP Policy S-5.17 requires Emergency Response Routes and Street Connectivity Plans for Community Areas and for any development producing traffic at an equivalent or greater level to five or more units. Although this Project will not generate significant new traffic, the three inclusionary housing units plus the agricultural employer-provided shuttle program may cause congestion and confusion during an emergency. The Initial Study analyzed this scenario and recommended a mitigation measure for an Emergency Action Plan (Plan) to be prepared for the Project to provide for on-site emergency response protocols to protect residents in an emergency. The Plan shall identify all pertinent emergency contact information, for before, during, and after evacuation procedures, state the specific duties of tenants, and designate locations for key information to be displayed for the tenants to access/view. The Plan shall align with the draft North County Evacuation Guide prepared by the Monterey County Office of Emergency Services. Additional support to the H-2A workers in the case of an emergency is provided by the project is serviced by the Monterey County Sheriff's Department in concert with the police from the City of Watsonville. The closest police station is approximately 0.8 miles away. The Monterey County Sheriff's Headquarters is approximately 23.9 miles away. Monterey County has reciprocal agreements for service with neighboring jurisdictions including the City of Watsonville and the County of Santa Cruz. As such, emergencies are responded to by the nearest available emergency responders. As mitigated, the project conforms with 2010 GP Policy S-5.17.

- k) Agricultural Element consistency. The project is consistent with 2010 GP Policy AG-1.6, which states that "farmworker housing projects shall be located to minimize the conversion of viable agricultural lands and shall be consistent with the nature of the surrounding land uses." The site is zoned High Density Residential and is not in agricultural production. The Project will not adversely affect the surrounding uses. The surrounding properties contain a variety of residential uses, including another H-2A agricultural employee housing project, multi-story apartment buildings, and single-family dwellings in a residential neighborhood.

The project is inconsistent with Agriculture Policy AG-1.2 and MCC section 21.66.030.F, which require well-defined buffer areas as partial mitigation for new non-agricultural development proposals that are located adjacent to agricultural land uses on farmlands designated as Prime, of Statewide Importance, Unique, or Local Importance. Farmland identified as Prime is east of the project site. The applicant met with Agricultural Commissioner Office staff in 2021, and was informed that

his plan to include a parking lot within a proposed reduced buffer area would not meet these requirements because there would be active uses in the easement. In the next application submittal, the applicant placed the buildings on the eastern portion of the parcel. The shape and size of the parcel is too limited to allow for a 200-foot buffer that does not include project-related uses. On December 13, 2022, the Board entitled an agricultural employee housing facility on the neighboring property that is zoned Farmland (Board Resolution 22-505). The project removes all active farming from the parcel. With that parcel developed, the nearest farming operation is 265 feet to the east of the subject property line. Farming activity is expressed in AG-1.2 as the basis for buffering requirements. Furthermore, on October 16, 2023, staff received photographic evidence that construction was underway on the adjacent parcel's entitled agricultural employee housing facility. There is still a formal inconsistency with the Zoning Code, so the applicant requested a variance. With a variance, the project does not need to conform with MCC section 21.66.030.F's requirement for an agricultural buffer of 200 feet. See Findings 7, 8, and 9.

1) Circulation Element consistency/Traffic Assessment.

The project is consistent with 2010 GP Circulation Policy C-1.1. During project review, the applicant caused a Traffic Study to be prepared. The traffic study, "Traffic Impacts Analysis" by Keith Higgins (March 25, 2021 and November, 2021, HCD-Planning Library Document No. LIB210077), concluded that the study intersections currently operate at, or better than, their respective level of service standards (LOS level D) on all identified intersections in the study network – Porter Street at Salinas Road, Porter Street at San Juan Road, Salinas Road at San Juan Road, and Gonda Street at San Juan Road.

Gonda Street is the access point to the site. Gonda Street is designated as a Tertiary Street under County Road standards because it is a dead-end street serving a small number of residential lots. Per County road standards, Tertiary Streets can accommodate up to 100 lots or units or up to 1,000 vehicles per day. Gonda Street provides access to approximately 16 single family dwellings and a 10 to 15 units of multi-family dwelling. The Project will add 34 units at the end of the street (16+15+35=66). With the Project, there are fewer than 100 units. The traffic report reports that traffic counts were not conducted at the intersection of San Juan Grade Road and Gonda Street and three other intersections due to the unrealistic traffic patterns that resulted from the COVID-19 pandemic shelter-in-place order. Traffic volumes at the four intersections were approximated from other sources, including a set of traffic peak hour volumes from a 2018 study and the County Public Works 2019 annual averages on Porter Drive and San Juan Road in Pajaro.

Qualitative analysis of Level of Service (LOS) for the Project was performed. The analysis was based on the "worst-case scenario" for 34 standard apartments and one manager unit. The Project was estimated to

generate a net 246 weekday daily trips, with 15 trips (4 in, 11 out) during the AM peak hour and 19 trips (12 in, 7 out) during the PM peak hour. This trip activity was then used to evaluate potential Project traffic impacts on the surrounding street system. The system was found to continue to function without lowering the LOS below the County threshold at any of the four key intersections nearby. As part of the Transportation Impact Analysis recently prepared by Keith Higgins Traffic Engineer, July 19, 2023 (HCD-Planning Library Document No. LIB230210, Planning Commission Resolution 24-002, Bengard Family Partnership et Al) the Traffic Engineer derived driveway traffic counts from two existing agricultural employee housing facilities in Monterey County (Casa Boronda Agricultural Employee Housing (600 beds) and Walnut and Third H-2A housing at 525 3<sup>rd</sup> Street in Greenfield (480 beds). Based on these driveway traffic counts, HCD traffic engineers estimate the weighted trip generation rate for the Project, PLN200203, to be approximately 0.267 daily trips per bed. Using this trip generation rate of 0.267 daily trips per bed, the Project will generate approximately 74 daily trips. On an annualized basis (units only occupied during the growing season), the Project will generate 55 daily trips.

Gonda Street is 26 feet wide from curb to curb and parking is prohibited on either side of the street. Gonda Street can accommodate two school buses, which are the largest shuttle used for the H-2A worker transport, having an exterior width of 9.5 feet when including the exterior side mirrors, to pass without issue. However, staff notes that illegal parking on Gonda Street is common. Where parked cars on both sides could take up to 14 feet of street width, it is possible that only one bus could pass at a time in the remaining 12-foot road width. Should two buses pass on Gonda Street when cars are illegally parked on both sides, one bus must pull over to allow the oncoming bus to pass. National Association of City Transportation official information asserts that 2-way yield streets are appropriate in residential environments where drivers are expected to travel at low speeds, such as Gonda Street. During Project application review, North County Fire Marshal and HCD-Engineering Services found that both fire engines and the proposed employer-provided shuttles will have adequate access via Gonda Street and that consequently, no additional roads or design features are required. HCD-Engineering Services required three conditions of approval. These include driveway improvements to the access point at Gonda Street (Condition Nos. 9 and 10) and for the applicant to cause the stop stencil and bar at the intersection of Gonda Street and San Juan Road to be refreshed for safety (Condition No. 11). The Project, as proposed and conditioned, would not conflict with any plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. The increased traffic along Gonda Street can be accommodated.

The Project is consistent with 2010 GP Circulation Policies C-1.3 and C-1.8. Direct Project impacts to traffic are mitigated by the Regional

Development Impact Fee, Condition No. 6. Similarly, the Project is consistent with 2010 GP Circulation Policy C-1.8. County-wide Project impacts to traffic are mitigated by the Countywide Traffic Impact Fee, Condition No. 7.

The Project is consistent with Public Transit Services Goal C-6 in the 2010 GP Circulation Element, intended to Promote Viable Transportation Alternatives. Transportation to and from work sites will be provided via employer-sponsored shuttles. Shuttles may also be used to transport the residents approximately as many as three times weekly into Pajaro and Watsonville for shopping, recreation, and religious services. The specific employer lessee(s) have not been identified yet, so specific hours and frequency of shuttle service are yet to be defined.

- m) Donation to Benefit Pajaro Community. The applicant volunteered to make a donation once a year for five years to the Pajaro/Sunny Mesa Community Services District to support funding for Pajaro Park located at 29 Bishop Street in Pajaro. As part of the motion for project approval, the Board adjusted the recipient of the donation to the Pajaro Valley School District and adjusted the timing of the first donation to upon building permit final (Condition No. 36).
- n) Tree Removal. A County-listed arborist, Kurt Fouts, prepared a tree assessment for the project to inventory and describe the seven trees proposed for removal, dated April 7, 2021 (HCD-Planning Library Document No. LIB210075). The arborist reported that none of the trees are native to the North County area and that they are, instead, ornamental trees. No tree removal permits are required.
- o) Archaeological Resources. The site is in a high archaeological sensitivity area. Pursuant to MCC section 21.66.050, staff required a preliminary archaeological assessment to determine whether archaeological resources were present. A Phase 1 Archaeological Resource Assessment (HCD-Planning Library Document No. LIB210074) was submitted that concluded it is unlikely that the resources would be uncovered during construction. However, because the Project will require excavation of the top five feet of soil for foundation preparation, and the entire parcel will be graded, resources could potentially be under the disturbed topsoil. The Project has been conditioned to include a note on the plans that states that if resources are discovered, work must immediately halt within 50 meters of such a resource until a qualified archaeologist or other qualified professional can evaluate the situation. Local tribal representatives were notified of the preparation of an Initial Study for the Project. During consultations, these representatives requested monitoring because they knew of pre-historic use of the area and asserted that any areas immediately adjacent to the Pajaro River may contain tribal cultural resources. Therefore, the Initial Study recommends Mitigation Measures CULT-1 and TRC-1. These measures require contractor training prior to construction and incorporating tribal monitoring during excavation. Potential impacts to tribal cultural resources would then be reduced to a

less-than-significant level, as discussed in Finding 12 and in the Initial Study and proposed Mitigated Negative Declaration.

- p) Agricultural Advisory Committee (AAC). The Project was reviewed at the May 27, 2021 Agricultural Advisory Committee meeting. Comments from the AAC included a recommendation for an 8-foot-tall perimeter fence and at least 50 feet of agricultural buffer from the agricultural operation on the adjacent parcel to the east. The AAC then adopted a recommendation of support by a 7-0 vote, with five absent and none abstaining. The applicant retained the proposed 7-foot-tall security fence around the perimeter, but requested a variance to MCC section 21.66.030.F, code which requires a 200-foot agricultural buffer.
- q) Land Use Advisory Committee (LUAC). Based on the LUAC procedure guidelines adopted by the Monterey County Board of Supervisors, the project was referred to the North County Land Use Advisory Committee (LUAC). In their publicly noticed June 1, 2022 meeting, the LUAC heard comments from three community members in English and Spanish (via a County translator) who raised concerns about the size and nature of the project and the condition of the sewer system and water quality in the neighborhood in general. A letter sent to the LUAC prior to the meeting was attached to the hearing Agenda packet, and the same individual spoke on multiple points. Committee members shared their concerns with the Project, including the potential for the Project to convert to a standard apartment complex after density bonuses have been granted, that traffic analysis needs to consider traffic on San Juan Road from the two projects together (Rio Vista Group – PLN210152, and Nicola) and it was suggested that the two share an access driveway loop. Staff reviewed these concerns with the applicant. The IS did review cumulative traffic. The applicant expressed that he was unable to combine driveway access with the Rio Vista Group project. If, in future, the owner wishes the Project use to change, he will have to apply for an amendment to the permit and the impacts of the new Project amendment would be analyzed at that time. Public concerns for safety influenced the subsequent IS analysis and precipitated, in part, the recommendation of Mitigation Measure PUBLIC-1, which mandates an Emergency Action Plan for the site. The LUAC voted not to support the Project as proposed 4-1, with one member absent.
- r) Staking and Flagging. The applicant submitted photographs of the staking and flagging installed on or before November 22, 2021. Based on County staff site inspections on February 21, 2022, the staking and flagging was falling over. As the project height changed due to feedback from PRFMA on County's need to use their data for flood level modeling, the applicant's resulting plan set included a 3D rendering, rather than staking and flagging at the site. The County did not require staking and flagging for the following reasons: 1) distance, existing topography, and structures screen the project site from Highway 1, public lands and scenic vistas in North County; 2) the project does not involve ridgeline development. Therefore, the Board reviewed the 3D rendering and elevations that were attached to the Plans with this resolution as part of the decision.

- s) Private Views and Privacy. Concerns were expressed by interested members of the public regarding the proposed structure height and the impact on private views and privacy of surrounding residences. Private views and privacy are not protected under the North County Area Plan or applicable MCC.
- t) The Project planner conducted a site inspection on February 21, 2022, to verify that the subject parcel and vicinity conform to the reports and site sketches included in the plans listed above.
- u) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN200203.

**3. 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: HCD-Planning, North County Fire Protection District, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and Public Works Facilities & Parks. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions and mitigation measures recommended have been incorporated.
  - b) As reviewed in detail in the Initial Study and proposed Mitigated Negative Declaration, the site is suitable for the development proposed in that geologic and erosion hazards are low, no protected trees are proposed for removal, and the property is not considered Environmentally Sensitive Habitat. Mitigation measures have been proposed to mitigate to less than significant levels, potential impacts to Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Transportation and Traffic, Tribal Cultural Resources, and Utilities and Public Services and Wildfire. These mitigation measures are listed in Finding 12. Evidence supports the conclusion that impacts would be less than significant with mitigation incorporated for these resource subjects, and that the site is suitable for the uses proposed. Such evidence includes the following reports, prepared and utilized in the environmental assessment of the Project:
    - “Tree Survey of Project Site” by Kurt Fouts Capitola, California, dated April 7, 2021 (LIB210175);
    - “Biological Resources Memorandum for the Susan Street Agricultural Housing Project” (LIB210240) prepared by Denise Duffy & Associates, Monterey, CA, October 4, 2021 and a supplemental spring survey dated July 1, 2022
    - “Air Quality & Greenhouse Gas Impact Assessment for the Susan Street Agricultural Housing Project” (LIB220260), prepared by Kurt Legleiter of AMBIENT Air Quality & Noise Consulting, San Luis Obispo, California, November 2021, and supplemental “Air Quality Modeling Assumptions for the Susan Street Project”, dated July 6, 2022



- “Phase I Inventory of Resources for 124 Gonda Street, Royal Oaks CA 95076” (LIB210074) prepared by Ruben Mendoza of Archives and Archaeology, Salinas California, dated December 29, 2020;
- “Geotechnical Investigation Design Phase” (LIB210076) prepared by Greg Bloom of Butano Geotechnical Engineering, Inc., Freedom, California, initially written on August 21, 2022, revised May 25, 2021, and amended via letter on November 22, 2021;
- “Phase I & II Environmental Site Assessment” (LIB210242) prepared by Caprock Geology Inc, Spreckels, California, dated September 7, 2021 and updated October 15, 2021;
- “Preliminary Stormwater Control Plan for New Farm Labor Apartments for Anthony Nicola Inc., 124 Gonda Street, Pajaro, CA” by Jeff Roper of Roper Engineering, Corralitos, California, dated October 15, 2021,
- “45 dB Acoustics Acoustical Analysis: Susan St. Agricultural Housing” (LIB220025) prepared by 45 dB Acoustics, dated August 17, 2021;
- “Pajaro Apartments Traffic Impact Analysis” (LIB210077) prepared by Keith Higgins, Gilroy, California, dated March 25, 2021 and updated November 17, 2021;
- “124 Gonda Street Apartments Water Demand and Sewer Capacity Estimates” prepared by Andrew Sterbenz of Schaaf & Wheeler, Consulting Civil Engineers, Salinas California, dated January 18, 2022; and
- “Pajaro Valley Groundwater Subbasin & Long-Term Water Supply PLN200203 / APN: 117-361-017-000 / 124 Gonda Street, Pajaro, Ca” (LIB230081) prepared by Aaron Bierman of Bierman Hydrogeologic, Aptos California, dated March 6, 2023;
- “Export Fill Soil Sampling of APN: 117-381-031” (LIB220195) prepared by CapRock Geology Inc, Spreckels, California, dated June 30, 2022.

The above-mentioned technical reports by outside consultants found no physical or environmental constraints that would indicate that the site is not suitable for the proposed use, as mitigated. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Proximity to the Pajaro River. The project is in the 100-year FEMA floodplain of the Pajaro river and is offered some protection from floods by the existing levee on the southern side of the river (north end of project site). In 1995, flood waters from the river impacted this site and the surroundings. The County owns a stormwater detention pond approximately 270 feet east of the subject property, which was designed and installed after, and in response to, the 1995 flood, to provide additional runoff storage and other protections. The project has been reviewed by HCD-Environmental Services, HCD-Engineering Services, and the County Floodplain Administrator to ensure that the project will not substantially alter the flood plain flows or elevations. The project site is within Zone AO (1 foot flooding depth) on FEMA FIRM maps and the existing grades are not the natural grades. Existing site elevation in the

location of the proposed buildings averages 30.0 feet in elevation. Therefore, one-foot flooding depth would be 31.0 feet. The minimum finish floor elevation pursuant to FEMA regulations would be 32.0 feet. However, since flood modeling data was provided by (PMFRA), which is considered the current and conservative data source for flooding prediction in the subject site, the proposed finish floor elevations are 36.5, well above the minimum FEMA level. The County Floodplain Administrator concluded that the Project will not have a significant impact on the floodplain. The Project will not adversely block overland flow paths due to existing flow orientation. Additionally, in accordance with MCC Chapter 16.16, the Project shall not increase the base flood elevation by more than 1 foot, due to the size of the floodplain and the minimal loss of floodplain storage.

The Project incorporates a 15-foot setback from the toe of the Pajaro Levee to allow for potential future improvements to the levee that are currently being studied and designed by the U.S. Army Corps of Engineers. The potential improvements include increasing the height of the levee to provide additional flood protection. See also Finding 1, evidence j.

- d) Approximately 1,000 cubic yards of grading is anticipated (500 cubic yards excavated, 200 cubic yard fill, and 300 cubic yards imported). The grading is the minimum required for the development. Best Management Practices will be in place through regulations required for Grading Permits to minimize erosion. Also, the lot is generally flat.
- e) Staff conducted a site inspection on February 21, 2022, to verify that the site is suitable for this use.
- f) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD-Planning for the proposed development found in Project File PLN200203.

**4. FINDING:**

**HEALTH AND SAFETY** – The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the 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) The Project was reviewed by HCD-Planning, HCD-Housing, North County Fire Protection District, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and Public Works Facilities & Parks. Where appropriate, the respective agencies have recommended conditions to ensure the Project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Adequate sewer service will be available for the project. The application submittal included a letter from Pajaro County Sanitation District (PCSD) dated June 11, 2021, which verified sewer service connection is available.

More documentation on water and wastewater was submitted after the “Can-and-Will-Serve” letter. PCSD reviewed the documents provided in later application submittals, including a memorandum entitled 124 Gonda Street Apartments Water Demand and Sewer Capacity Estimates, prepared by Schaaf & Wheeler, dated January 18, 2022, and the civil drawings (sheets C1 through C4 of the attached Plans) prepared by Roper Engineering, dated April 5, 2021, and revised February 22, 2022. PCSD concluded that there is sufficient treatment capacity available under the agreement between the City of Watsonville Wastewater Treatment Plant and the PCSD, and sufficient conveyance capacity to accommodate new flows anticipated to be generated by the Project. PCSD previously concurred with the recommendation made by Schaaf & Wheeler which assumed the sewer lines between the project site and primary pumping stations will require a video inspection of the collection system. PCSD recommended video inspection (and mitigation of any damaged pipes, root intrusions, displaced joints, etc.) should be required with project approval. The IS applied Mitigation Measure UTIL-1, Sewer System Assessment. The applicant’s comment letter on the public draft shared a concern that more than the applicant’s fair share of system inspection and upgrades might be required during condition compliance on the potential permit. Furthermore, in the January 18, 2024 Planning Commission hearing on the Project, the applicant submitted a comment letter that referred to communications from Public Works staff that a video assessment and evaluation of the Pajaro CSD system had recently been done. Staff re-circulated the UTIL-1 language to Public Works after the hearing, which confirmed that an evaluation of the sewer system from San Juan Road to the treatment facility had been performed in 2022. Subsequently, Public Works staff refined the measure. The only segment of the sewer system still requiring evaluation is Gonda Street. With the refinements to the Mitigation Measure, the IS/MND addresses the potential impacts of the Project on wastewater. The project specific impacts are less than significant. Cumulative impacts will also be less-than-considerable.

The Health Department also reviewed the applicant’s Initial Water Use/Nitrate Impact questionnaire dated April 8, 2021 for consistency with site suitability standards.

- c) The project will connect to the PSMCSD, a regulated public water district that has water treatment systems in place to provide potable water meeting state drinking water standards. The IS analyzed the potential for water use by the Project to create a substantial increase in demand on the existing wells in the currently overdrafted groundwater basin. This is discussed in Finding 6.
- d) The project includes grading of approximately 1,000 cubic yards (500 cubic yards excavated, 200 cubic yard fill, and 300 cubic yards imported). Attached to the Planning Plan set are preliminary civil plans. As a part of the construction permit, the applicant will be required to comply with erosion control regulations as outline in MCC Chapter 16.12. HCD-Engineering and HCD-Planning reviewed the project and

recommended a final Construction Management Plan as Condition No. 8. Implementation of the Plan will minimize construction traffic on public roads for the duration of construction.

- e) The North County Fire Protection District has reviewed the proposed project and all applicable materials and found that the Project will provide adequate emergency access.
- f) A memo from the waste management provider for the area dated June 23, 2021 was submitted that confirms it will be able to provide weekly collection services of trash, recyclables, and organic waste, and recommended receptacle sizes for the Project.
- g) Staff conducted a site inspection on February 21, 2022 to verify that the site is suitable for this use.
- h) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD – Planning for the proposed development found in Project File PLN200203.

**5. FINDING: NO VIOLATIONS** – The subject property complies 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 County HCD-Planning and Building Services Department records and did not find any violations on the subject property.
  - b) Staff conducted a site inspection on February 21, 2022 and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject parcel.
  - d) The application, plans and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN200203.

**6. FINDING: LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM** – The Project has a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development and therefore is consistent with 2010 GP Policies PS-3.1 and PS-3.2, respectively.

- EVIDENCE:**
- a) The applicant caused a Water Demand and Sewer Capacity Estimate to be prepared by Schaaf & Wheeler for the proposed project (January 18, 2022). The current single family home residential water use within PSMCSD is estimated to be 0.27-acre-feet per year (AFY). The proposed use evaluated in the Schaaf & Wheeler report was full occupancy for eight months of the year, totaling 10 AFY on average. A supplemental usage evaluation was prepared by Bierman Hydrogeologic (HCD-Planning Library Document No. LIB230081) referred to a lower, opinion-based annual water usage estimate in its evaluation. The County’s independent analysis in the IS of hydrologic impacts associated with the proposed project’s capacity to interfere with groundwater recharge and potential to obstruct the implementation of a sustainable

groundwater management plan referred to both memoranda where appropriate. The DWR and the State Water Resources Control Board (State Water Board) submitted a report to the State Legislature in 2018 that recommended that urban water suppliers achieve an indoor water use efficiency standard of 55 gallons per capita per day by 2023. The Schaaf & Wheeler report for this project estimated the per capita use of water to be 55 gpd (gallons per day). Very low-income qualification requires year-round occupancy. Year-round occupancy of three of the two-bedroom apartments can be estimated at just under 1 AFY, while the more densely occupied agricultural employee units, when occupied for 9 months, would use 10.8 AFY, for a total estimated 11.8 AFY by the Project.

- b) According to the State Water Board, the Project is in the critically overdrafted Pajaro Valley Groundwater Basin. The 2010 General Plan Environmental Impact Report concluded that the community of Pajaro is in an overdrafted groundwater basin and that the designation of this area as a “community plan” area would have significant and unavoidable impacts to area groundwater. However, absent a community plan, HCD does not have a specific local remedy for groundwater overdraft for the Community Area’s sustainability planning. The state-recognized Groundwater Sustainability Agency, Pajaro Valley Water Management Agency (PVWMA), has developed a “Pajaro Valley Groundwater Sustainability Plan Alternative” for the Pajaro Valley Groundwater Basin, which the State found an acceptable Groundwater Sustainability Plan Alternative that shows significant promise to stop seawater intrusion and provide a long-term sustainable water supply. Based on evidence in reports from Schaaf & Wheeler (January 18, 2022 and October 27, 2023) and Bierman Hydrogeologic (March 6, 2023, HCD-Planning Library Document No. LIB230081) as well as staff-level discussions with the PVWMA, the Initial Study concluded that the Project will be consistent with 2010 GP Policy PS-3.1.
- c) The proposed water supply was reviewed using the criteria in County General Plan Policy PS-3.2 (Policy criteria in italics):
- *Water Quality*: Water is the same quality as current local PSMCSD wells and is thus of acceptable water quality.
  - *Authorized production capacity of a facility operating pursuant to a permit from a regulatory agency, production capability, and any adverse effect on the economic extraction of water or other effect on wells in the immediate vicinity, including recovery rates*: The State Water Control Board for the Central Coast affirmed during the preparation of the IS that the Project would not require an amendment to the permit.
  - *Technical, managerial and financial capability of the water purveyor or water system operator*: The Project would be served by PSMCSD, and as a result has proven capabilities to deliver water.
  - *The source of the water supply and the nature of the right(s) to water from the source*: PSMCSD has water rights for the wells that serve the Pajaro community and prioritizes service to the infill area. PSMCSD

has provided a can and will serve letter dated September 3, 2020 for this project, which indicates that it has the capacity and ability to serve the project from their existing facilities. The Pajaro service area operated by PSMCSD draws water from wells in the Pajaro Valley Groundwater Basin. PSMCSD has adequate groundwater supplies and water rights to serve existing development and the proposed development. No new wells will result from this project.

- *Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply:* Cumulative conditions were considered when establishing significance criteria for the water supply analysis in the Initial Study, i.e. no net increase in consumptive water use, no net reduction in groundwater recharge and no substantial adverse change in instream flows in the Pajaro River. The Project's water supply impact, when combined with the entitled Rio Vista Group project (PLN210152), will not exceed any of these criteria. This is due in part to the Hydrology mitigation measure that ensures water balance for the Rio Vista project, and for the larger part, the project can rely on PVWMA projects, both underway and planned, that are intended to balance the groundwater basin to provide long-term, sustainable water supply, both in quality and quantity to serve the development. PVWMA has been consulted and has verified that the project will not impact PVWMA Basin Management Plan projects and objectives. In addition, the PVWMA staff stated in a letter to the applicant that approximately half of the Project's wastewater flow will be captured and recycled at the Watsonville Wastewater Treatment Plant. Roughly 50% of the wastewater will be recycled for agricultural use. The letter also stated that the recycled fraction is higher during the growing season when Project occupancy will be highest.

- *Effects of additional extraction or diversion of water on the environment including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species:* In accordance with 2010 GP Policy S-3.1, off-site peak flows are not expected to be greater than pre-development levels. As discussed in Finding 1, evidence "g," the application includes a preliminary stormwater control plan, revised October 20, 2021, and supporting preliminary stormwater control report prepared by Roper Engineering, Inc., dated October 15, 2021. This report summarizes the project's proposed stormwater management strategy pursuant to the Post Construction Stormwater Management Central Coast Region, Central Coast Regional Water Quality Control Board Resolution No. R3-2013-0032, and the Monterey Regional Stormwater Management Program guidance for Tier 3. The drainage system will be constructed to meet current regulations and requirements, including the Monterey County flood control requirements pursuant to MCC section 16.16.050. Accordingly, the project proposes treatment and retention of the 95<sup>th</sup>-

percentile 24-hour storm event through implementation of Stormwater Control Measures and reduction of peak site discharge for storms to less than current (pre-development) condition levels. Thus, it will not result in impacts to riparian vegetation, wetlands, fish, or other aquatic life.

- *Completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions:* The Project will not adversely affect aquifer or basin functions or hinder other efforts to renew aquifer or basin functions, such as the construction and implementation of PVWMA projects and programs described in the “Pajaro Valley Groundwater Sustainability Plan Alternative”. Several projects are underway or planned that are intended to balance the groundwater basin. The Project can rely on these to provide long-term, sustainable water supply, both in quality and quantity, to serve the development. The landholder pays for the PVWMA services. PVWMA has been consulted and has verified that the Project will not negatively impact PVWMA Basin Management Plan projects and objectives.

- *The hauling of water shall not be a fact or nor a criterion for the proof of a long term sustainable water supply:* Hauling of water is not proposed.

**7. FINDING: VARIANCE (SPECIAL CIRCUMSTANCES)** – Special circumstances apply to the subject property, including the size, shape, topography, location or surroundings. Therefore, the strict application of development standards in the Monterey County Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

**EVIDENCE:** a) The project structures and use are allowed in the High Density Residential zoning districts (MCC Chapter 21.10) in combination with the applicable density bonus (see Finding 10). The subject parcel is only 220 feet wide at the widest portion. Due to the shape of the lot, the average width is much less. The property adjacent and to the east (117-361-016-000) is zoned Farmland and governed by MCC Chapter 21.66. MCC section 21.66.030.F provided that new development adjacent to agricultural areas shall be required to establish a well-defined buffer zone within the area to be development and that the buffer shall be a minimum of 200 feet wide. Land within the easement may not be used for recreational areas as part of housing projects or public facilities. While the Code provides that “minor storage structures or sheds associated with the residential uses may be permitted within the easement area,” the Agricultural Commissioner’s Office clarified that a parking lot used by the project is not consistent with the Policy and could not be built and used within the agricultural buffer easement. Therefore, it is impossible to build the project without a variance from these agricultural buffer requirements.

b) The site is in the Pajaro Community Area (2010 General Plan Figure CA5), an area that is a priority for development in the unincorporated areas of Monterey County. The property is zoned for High Density

Residential use and the proposed high density residential use is therefore a better fit for the zoning district than the existing single-family dwelling. It is not possible to design a high-density project at this site that could meet the agricultural buffer requirements. Consequently, disallowing the project due to a strict application of the agricultural buffer zoning requirement would deprive the property of privileges enjoyed by properties in the vicinity and classified as High Density Residential.

- c) The neighboring property is zoned Farmland, and the State Department of Conservation categorized it as “Prime.” MCC section 21.66.030.F requires a well-defined buffer area in the form of an agricultural easement as partial mitigation for new non-agricultural development adjacent to agricultural land uses on farmlands designated as Prime, of Statewide Importance, Unique, or Local Importance. However, Farmland zoning allows agricultural employee housing consisting of more than 12 units or 37 beds in group quarters with a Use Permit in each case (MCC section 21.30.050.AA). The neighboring property has been granted such a permit entitlement for an agricultural employee facility consisting of 60 agriculture employee housing units, 1 manager unit and repurposing the remaining lot to parking and recreational open space (Rio Vista Group project – PLN210152, Board Resolution No. 22-505). Construction is underway for the Rio Vista Group project, eliminating agricultural operations adjacent to the project site. The purpose of the width of an agricultural buffer easement is to “protect agriculture from impacts of new residential or other incompatible development and to mitigate against the effects of agricultural operations on the proposed uses” (MCC section 21.66.030.F.2.a). Strict application of the agricultural buffer easement development standards would deprive the subject property of the privilege to develop without a common-sense purpose.
- d) The next closest farming operation in the area is on Assessor’s Parcel Number 117-381-004-000, which is located two parcels to the east of the proposed project. The parcel is 265 feet from the edge of the subject property line.
- e) Staff conducted a site inspection on February 21, 2022, to verify circumstances related to this property.
- f) The application, plans, and supporting materials submitted by the applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN200203.

**8. FINDING: VARIANCE (SPECIAL PRIVILEGES)** – Granting of this variance does not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- EVIDENCE:**
- a) The other properties adjacent to the Farmland zoned neighboring parcel, including APN 117-372-002-000, 117-372-026-000 and 117-372-027-000 are built to the setbacks and do not have an agricultural buffer easement.
  - b) As demonstrated in Finding 1, the proposed use supports the viable agricultural uses in Monterey County. Establishment of supportive



housing for agricultural employees would not constitute a special circumstance in this case.

- c) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN200203.

**9. FINDING: VARIANCE (AUTHORIZED USE) –** The variance does not grant a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:**
- a) Regulations for High Density Residential zoning districts (MCC Chapter 21.10) do not expressly authorize agricultural buffer easements.
  - b) The project use is allowed in High Density Residential zoning districts with the granting of a Use Permit.
  - c) The application, plans, and supporting materials submitted by the applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN200203.

**10. FINDING: DENSITY BONUS –** MCC Chapter 21.65 implements Government Code sections 65915 through 65917 and requirements for allowance of density bonuses in the County. Density Bonus regulations work in conjunction with the County’s Inclusionary Housing Ordinance (MCC Chapter 18.40). The application was found to satisfy density bonus requirements.

- EVIDENCE:**
- a) Pursuant to MCC section 21.65.040, the applicant submitted evidence and met with County HCD staff on several occasions to work out a Density Bonus with two incentives. Through this process, it was determined that the number of base units permitted under the General Plan and zoning for 1.3 acres with a 20 unit per acre maximum is 26, so a density bonus would allow the Project to increase the density allowed in the underlying zoning district by 9 units, for a total of 35 units. By restricting ten percent of the base units (26) to very low-income restricted rental housing (3 units), the Project qualifies for a 35% density bonus and two incentives. The requested incentives are an increased maximum building height and reduced on-site parking requirements. The Project, as H-2A employee housing, is exempt from the County’s Inclusionary Housing Ordinance (MCC Chapter 18.40). For purposes of the Regional Housing Needs Assessment and for the Density Bonus, agricultural employee housing needs to be used for 9 months per year.
  - b) MCC Title 21 parking standards require a development of this size to include 78 parking spaces. The site plan has 56 parking spaces, 22 fewer than required. The reason for the smaller parking lot is the site constraint of the shape and size of the lot and the H-2A program includes employer shuttling of workers to and from worksites as a main component.
  - c) In inland areas of unincorporated Monterey County, the High Density Residential zoning district has a building height maximum of 35 feet. The project structures are designed to be 43 feet tall. The reason for the taller buildings is the need to construct three stories, which is required for

economic viability, and to raise the buildings above the Pajaro River worst-case 100-year floodplain elevation.

- d) The HCD Director evaluated the request for incentives and found that none of the grounds set forth in the Code that would justify denial of the bonuses apply. (MCC section 21.65.070.B).
- e) The HCD Director found that this agricultural employee housing project qualifies for the two incentives pursuant to MCC Chapter 21.65 and recommended the incentives be granted.

**11. FINDING:** **INCLUSIONARY HOUSING (NOT APPLICABLE):** The Project is not required to comply with the Inclusionary Housing Ordinance requirement to provide a minimum of 20% affordable housing units, (MCC Chapter 18.40) based on substantial evidence in the record, including, but not limited to, the following:

- EVIDENCE:**
- a) The Project is designed to be operated under an Employer Sponsored Housing Permit issued by the County Environmental Health Bureau, or a successor agency, therefore the project is exempt from the Inclusionary Housing Ordinance per MCC section 18.40.050.B.3.
  - b) The applicant proposed the Project construct three very-low-income units on site as part of the density bonus. These three units of affordable housing meet density bonus requirements (Finding 10). (See Condition No. 21).
  - c) Due to the potential for H-2A housing VISA requests to be denied or for employee sponsored housing to cease on the property, an Affordable Housing Agreement shall be signed prior to the first Employer Sponsored Housing Permit (from Environmental Health Bureau). The applicant shall provide a copy of the Employer Sponsored Housing Permit to County of Monterey HCD – Housing annually by August 15<sup>th</sup>, or, for a new permit, the applicant shall provide it within 45 days of receipt. If the applicant cannot supply the annual permit within an additional 45 days, a special Affordable Housing Agreement will be triggered, and the applicant/owner shall be required to amend this Planning permit (Condition No. 22).

**12. FINDING:** **CEQA (Mitigated Negative Declaration)** – Based on the whole record before the Monterey County Board of Supervisors, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code section 21080.d and California Environmental Quality Act (CEQA) Guidelines section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) County of Monterey HCD-Planning prepared an Initial Study (IS) pursuant to CEQA. The IS is on file in the offices of HCD-Planning and is hereby incorporated by reference (PLN200203).

- c) The IS identified several potentially significant effects, but revisions have been made to the project and/or the applicant has agreed to proposed mitigation measures and standard HCD conditions of approval that would avoid or mitigate the effects to a point where the project would not cause significant environmental effects.
- d) All project changes required to avoid significant effects on the environment have been incorporated into the Project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and Reporting Plan has been prepared in accordance with County regulations. Pursuant to the Condition of Approval Mitigation Monitoring and Reporting Program (Board Resolution 22-311), the applicant must enter an “Agreement to Implement a Mitigation Monitoring and/or Reporting Program” as a condition of project approval.
- e) The Draft Mitigated Negative Declaration (MND) for PLN200203 was prepared in accordance with CEQA and circulated for public review from September 5, 2023 through October 5, 2023 (SCH#2023090035).
- f) Potential Impacts analyzed in the Mitigated Negative Declaration include impacts on aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, noise, population/housing, public services, recreation, transportation/traffic, tribal cultural resources, utility/service systems, and wildfires.
- g) Impacts and Measures in the IS. Potential impacts to biological resources, public services, cultural and tribal cultural resources, utilities/service systems, transportation/traffic, wildfire, and mandatory findings of significance were identified as requiring mitigations incorporated to reduce project impacts to a less-than-significant-level. Other potential impacts were identified but were able to be reduced to a less-than-significant level through the implementation of County and State regulations.

*Biological Resources:* The Project includes demolition of an existing dwelling and the subject site is disturbed by the associated residential activities and landscaping. The IS for the neighboring project, SCH #2021120560, found that the Project will be in an area that supports sensitive biological resources. Because there were undeveloped areas that could serve as habitat for Monterey spineflower (*Chorizanthe pungens var. pungens*), a biological assessment and follow-up Spring survey of the neighboring site was prepared to determine potential impacts. No special-status plant or wildlife species were found; however, based on the presence of suitable habitat and known occurrences in the vicinity, Monterey spineflower (*Chorizanthe pungens var. pungens*) and California red-legged frog (*Rana draytonii*, CRLF) were found to have the potential to occur within the site. Also, raptors and other nesting birds were determined to have the potential to nest within large trees near the site. To mitigate potential impacts to these species, the Rio Vista Group

IS recommended mitigation measures, which included an employee education program, a pre-construction survey for raptors, a pre-construction biologist survey for the California red-legged frog (CRLF), a ground disturbance and vegetation removal survey for the CRLF, a construction monitor for the CRLF, a site inspection daily log, hole covering, erosion control materials, restricted construction hours, and biological monitoring during construction. A spring survey to look for Monterey spineflower during the blooming season was suggested and performed, with negative results. Because the Nicola parcel is developed and has a low probability of suitable habitat for these or other listed species, a Biological Report was not required. However, once the neighboring project's CEQA analysis recommended mitigation measures for impacts to Biological Resources, staff and the applicant found it prudent to rely on the underlying Biological Report for mitigation purposes in this Project's IS for Biological Resource protections. As mitigated, potential impacts to these resources will be avoided. Mitigation Measures BIO-1 through BIO-6 have been incorporated to reduce potential biological impacts to a less-than-significant level.

*Hazards:* No hazards within the existing development required an environmental site assessment. A Phase I and Phase II Environmental Site Assessment and Export Soil Sampling Report done on the neighboring parcel concluded that the metals and pesticides detected on that parcel were within the normal range and that no further investigation was required. However, the IS found that the Project has the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. While Gonda Street is not a designated evacuation route, San Juan Road, which abuts Gonda Street, is listed as an evacuation route in the County's General Plan. Mitigation Measure PUBLIC-1 is recommended for a project-specific Emergency Action Plan (EAP) to be prepared and implemented to reduce the potential hazard to a less-than-significant level. This mitigation measure also serves to reduce potential impacts of the Project on public services, transportation/traffic, and wildfire. A draft EAP was prepared and submitted prior to the second Planning Commission hearing (April 10, 2024). The draft was briefly reviewed by HCD staff prior to the hearing. The EAP will be fully reviewed by HCD staff and a representative of the Office of Emergency Services for acceptance during condition compliance for PLN200203 entitlements.

*Tribal Cultural Resources:* Tribal consultation has occurred with the Ohlone Costanoan Esselen Nation and Esselen Tribe of Monterey County. Mitigation Measures CULT-1 and TCR-1 will reduce impacts to a less-than-significant level by requiring contractor training prior to construction and incorporating tribal monitoring during excavation activities.

*Utilities:* Standard conditions of approval and one mitigation measure were applied to the Project to lower potential impacts to utilities and service systems to a less-than-significant level. These include Mitigation Measure UTIL-1: Sewer System Assessment (Condition No. 34) which requires an evaluation of the Gonda Street sewer system and improvements to pipes and manholes as needed to allow the system to support the Project. Condition No. 13 requires the applicant to submit utility improvement plans and construct sewer connection(s) for construction and to obtain sewer connection permits. This mitigation measure will also reduce potential impacts of the Project on drainage/discharge that were analyzed in the hydrology and water quality chapter.

- h) All other categories analyzed were found to have no impacts or less than significant impacts from the project as proposed and regulated by County and State law, expressed as standard conditions of approval. Potential impacts from the project, as detailed in the preceding evidence, will be less than significant with mitigation and conditions of approval incorporated.
- i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 3), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in HCD-Planning (PLN200203) and are hereby incorporated herein by reference.
- j) Staff analysis in the IS and the record determined that the project could result in changes to the resources listed in section 753.5(d) of the California Department of Fish and Game regulations. All land development projects that require environmental review are subject to a state filing fee plus the County recording fee, unless the California Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources. For purposes of the Fish and Game Code, the Project may impact the fish and wildlife resources upon which the wildlife depends. The IS was sent to the California Department of Fish and Wildlife for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the County of Monterey Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- k) During the public comment period, comments were received on the IS/MND. The County has considered the comments but has not found that they require revisions to the project.
- l) Revisions to the IS/MND to clarify and amplify the analysis have been made in response to comment letters from the public and the applicant. No additional mitigation measures were proposed because of the IS/MND revisions. Pursuant to CEQA Guidelines section 15073.5, recirculation of the IS/MND is not required because the project revisions 1) did not identify a new, avoidable significant effect requiring additional measures to reduce the effect to insignificance; and 2) the new revisions added did not identify new, avoidable significant effects. The revisions are

presented in a redline version of the IS with strike-out and underline for information on pages 3, 7, 29, 38, 50, 52, 61-64, 74, 78, 80-82, and 97-98. The redline version was reviewed by the Board of Supervisors as part of the decision without recirculation pursuant to CEQA Guidelines section 15164. The redline version is the adopted IS/MND.

- m) County of Monterey HCD-Planning, located at 1441 Shilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the MND is based.

- 13. FINDING:** **APPEAL** - Upon consideration of the documentary evidence, the staff report, the oral and written testimony, and all other evidence in the record, the Board finds that there is substantial evidence to support the appeal, on the whole, by Anthony Lombardo and Associates, on behalf of Anthony Nicola, Inc., and in some instances finds the concerns of the Planning Commissioners are upheld but do not rise to the level that would require denial, making the following specific responses in regard to the Appellant's contentions in evidences "b" through "l".
- EVIDENCE:**
- a) Appellant, pursuant to MCC Section 21.80.040, timely appealed the Monterey County Planning Commission's April 10, 2024 decision. The summarized text of the Appellant's contentions and the County's responses to those contentions are set forth in Evidence "b" through "n" below. The Appeal, including the complete text of the Appellant's contentions, is included in the March 16, 2021, staff report to the Board of Supervisors as Attachment D, and is incorporated herein by reference.
  - b) Appellant's Specific Contention No. 1. "Commissioner Roberts opined that it is not the right location for the Project due to the proximity to the levee and the dead-end street, and that after the agricultural employee housing facility went in on Susan Street there is the sense that HCD-Planning has 'worn the community out.' There is no evidence in the record to support a conclusion that this is not a proper location for the proposed use.  
A traffic study was prepared by Keith Higgins. Mr. Higgins is a traffic engineer with substantial experience in Monterey County. The report found there were no significant traffic issues with the use of Gonda Street or the Gonda Street/San Juan Road intersection. HCD-Public Works reviewed and accepted the report.  
The project was subject to an extensive and detailed initial study which was publicly circulated. That initial study addressed hazards, including, flood, fire and earthquake. The initial study concluded that with implementation of the recommended mitigations the site was suitable for the project. Mitigations included but are not limited to elevation of the site above the flood plain, preparation of an emergency operations plan, meeting all local and state fire codes and construction codes and an agricultural buffer of about 260 feet, 60 feet greater than required by the County Code. There will also be an H2-A project (under construction) between the project and the nearest farmed land."

*Response to Appeal Contention No. 1:* A decision maker may take into consideration all the evidence of the CEQA document and reports prepared by the applicant to support the decision and still find that “not the right location for the Project due to the proximity to the levee and the dead-end street.” Public communications during meetings and in the record shared this perception, which may have swayed the discretionary decision. Evidence is supplied by the meeting minutes from the LUAC review of the project, which attested that “several community members were present but did not speak (17), and that testimony was heard by three concerned neighbors who perceived the project as unsafe for both the project’s occupants and the neighborhood residents. Three LUAC members, in not recommending support of the project, stated that the project should be re-located. Consideration of public opinion is part of the discretion of the decision maker.

- c) Appellant’s Specific Contention No. 2. “After reviewing the portion of the video of the April 10, 2024 hearing wherein each of the Commissioners stated their reason for their vote the statement attributed to Commissioner Roberts “that HCD-Planning has ‘worn the community out’ could not be found.”

*Response to Appeal Contention No. 2:* The reference to the County having “worn the community out” was a reference to recent hearings on a separate project within the same neighborhood. Many community members attended public meetings and wrote letters on the Rio Vista project, and the Planning Commission denied the project. Commissioner Roberts was present during multiple Planning Commission hearings at which neighbors were present to testify against the Rio Vista project. But their efforts did not stop the eventual entitlement of that development by the Board.

- d) Appellant’s Specific Contention No. 3. “Commissioner Monsalve explained her concerns for traffic safety and negative impacts to quality of life for the Gonda Street residents. There is no evidence in the record to support a conclusion that that there are adverse traffic impacts. A detailed traffic study was prepared for the project and further analyzed in the initial study. Both concluded the project presents not safety or other traffic impacts. The project has highly controlled and limited traffic. The majority of the residents will not have cars. Their transportation to and from work is provided by there [their] employers and does not create a high level of in and out traffic or increase on-street parking demand throughout the day.”

*Response to Appeal Contention No. 3:* Concern for traffic safety is not supported by the Traffic Report, staff report, or the MND. It is understandable that Commissioner Monsalve saw the following written comment on the MND and felt that experience was worth acknowledging with her discretionary vote “I am concerned about the congestion of traffic. As it is right now there is a lot of it coming out of

Gonda Street. I live in the corner of Gonda St. and San Juan Road. . . also bus stops to pick up drop off children from school. Just this afternoon there was a accident right in from corner of San Juan and Susan St, Gonda St., San Juan Road.” (comment by Maria Bravo, exhibit E to the June 9, 2024 and September 10, 2024 Board of Supervisors staff reports.)

- e) Appellant’s Specific Contention No. 4. ““Negative impacts to quality of life for the Gonda Street residents’ is a not a quantifiable, objective public health and safety finding which is necessary to deny a project. The initial study concludes that with the mitigation recommended and agreed to by the applicant there will be no significant adverse impacts for this project.”

*Response to Appeal Contention No. 4:* The Board of Supervisors received a letter of support for the Project from State Housing and Community Development Division of Housing Policy Development dated June 10, 2024 which is attached to the staff report for Board of Supervisors July 9, 2024. In the letter, the State asserted that the Project meets the definition of a “housing development project” under the Housing Accountability Act and that the County’s ability to disapprove or reduce the density of development projects that are consistent with objective local development standards except those lawfully modified by an SDBL concession and/or waiver. “Negative impacts to quality of life,” the letter states, cannot be the basis for disapproving or reducing the density of the Project. The Project complies with objective local development standards. The Board does not uphold this Commissioner opinion. See also the response to contention no. 1.

- f) Appellant’s Specific Contention No. 5. "Commissioner Diehl expressed reservations given that the levee is not fully repaired and the subject site is at the end of a dead-end street to the levee." “This is essentially the same comment as Commissioner Roberts. Again, this project was subject to an extensive and detailed initial study concluded that with implementation of the recommended mitigations the site was suitable for the project. Mitigations included but are not limited to elevation of the site above the flood plain, preparation of an emergency operations plan, meeting all local and state fire codes and construction codes and an agricultural buffer of 60 feet greater than required by the County Code. There will also be an H2-A project (under construction) between the project and the nearest farmed land. There is no substantial evidence in the record to support a conclusion this is not an appropriate site.”

*Response to Appeal Contention No. 5:* This is very similar to the reasoning for disapproval that Commissioner Roberts expressed. The location was perceived by some of the decision makers as inappropriate for large housing projects. She did opine as stated. Mitigations by design include construction out of the flood plain. Mitigations



recommended by the MND prepared for the project include the requirement for an emergency operations plan.

As to the agricultural buffer, Title 21 requires a buffer of 200 feet from “prime farmland” in Farmland zoned parcels regardless of whether there is active agriculture at the time of entitlement. Therefore, the project does not offer a buffer because the adjacent parcel to the east is identified as “prime farmland” and is zoned Farmland. The Planning Commission did not voice concern with the granting of a variance, in this case.

- g) Appellant’s Specific Contention No. 6. “She opined that if this Project were proposed in other areas of the County there would be greater concern with its impact on the relevant community.” “There is also no evidence to support Commissioner Diehl’s statement that ‘if this Project were proposed in other areas of the County there would be greater concern with its impact on the relevant community.’ To the contrary, the County has considered and approved every H2-A project it has considered regardless of location. Approvals of similar projects include Tanimura and Antle in Spreckles, at Davis Road and Rossi Street abutting the City of Salinas, Madison Lane in the Boronda area, Hitchcock Road and the end of Susan Street in Pajaro adjoining this site.”

*Response to Appeal Contention No. 6:* The Commissioner who made this statement did not clarify to what areas of the County she was referring. Consequently, the fact that similar projects were approved in certain areas is not necessarily responsive, as there is no indication in the record that the areas listed were among those to which the Commissioner was referring. Additionally, the statement does not concern existing projects, but rather, a hypothetical proposed project, so the approvals cited are immaterial.

- h) Appellant’s Specific Contention No. 7. “Finally, she expressed the need for a Community Planning Process prior to intensification of uses such as the proposed Project.” “Commissioner Diehl’s statement for the ‘need for a Community Planning Process prior to intensification of uses such as the proposed Project’ is a statement of planning policy, not evidence this is an inappropriate site for this project. Community Areas are a product of the 2010 General Plan. Despite Policy LU-2.23 statement that ‘Completion of Community Plans for all Community Areas designated in this Plan shall be actively supported as the County’s primary planning priority with Pajaro and Chualar being the highest priorities,’ the Community Plans have not yet been adopted. Policy LU-2.25 is clear that affordable housing projects can proceed in Community Areas prior to adoption of a Community Plan.”

*Response to Appeal Contention No. 7:* Commissioner Diehl’s statement expressed one of her concerns with the proposed project, namely, the

lack of public participation in the planning process prior to the project's inception. Commissioner Diehl's concern was based on the evidence before the Planning Commission that 1) no community planning process predated this project; and 2) public testimony evinced numerous concerns as to the project's effect on the surrounding community.

Commissioner Diehl could reasonably infer from such evidence that such a process may have assuaged public concerns with the project as expressed in public comment on this matter.

- i) Appellant's Specific Contention No. 8: "The County's denial of this housing development project was not consistent with State Law, particularly the Housing Accountability Act. The California Housing Element Law, establishes that "the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order" (Gov. Code, Section 65580).

The County ostensibly seeks to comply with this directive from the State Legislature through policies adopted as part of the County's Housing Element. The County's 2015-2023 Housing Element commit to facilitate the development of housing for farmworkers through the implementation of a number of policies, including:

Policy H-2.1 Plan new residential development to ensure a range of housing types, prices, and sizes are available to meet the varied needs of Monterey County households, including housing for seniors, people with disabilities, homeless, large households, and farmworkers.

Policy H-2.11 Support private sector partnerships to increase the supply of farmworker housing.

Policy H-5.3 Provide equal access to housing and supportive services to meet the special needs of seniors, people with disabilities (including developmental disabilities), single parents, large households, farmworkers, and the homeless."

*Response to Appeal Contention No. 8*: The Project is consistent with Housing Element Policies H-2.1, H-2.11, and H-5.3. However, the decision-maker may consider other factors in a discretionary decision as to a particular project. For example, at the first hearing, some Commissioners opined that H-2A housing of individual workers is less appealing than farmworker housing for families. State priorities are followed by County of Monterey in the discretionary review of development proposals within the context of the specific location, intensity of use, timing, and other specificities.

- j) Appellant's Specific Contention No. 9. "Farmworker Housing remains a critical need in Monterey County. The County's Housing Element provides at Page 21 that:

‘Assuming that all farm laborers who work over 150 days on one farm have adequate housing, and that all seasonal and migrant workers do not have housing, an estimated 16,713 workers would need housing during the peak farming season each year. There remains a serious need to provide housing for farmworkers, and oftentimes their families as well, during peak harvest seasons.’

The Planning Commission's decision was inconsistent both with the State's directive to provide more farmworker housing through state housing element law, and with the County's own general plan policies to implement the State's directive. As demonstrated above, there is no evidence in the record to support a finding of consistency with any of the Housing Element policies listed above or with state law.”

*Response to Appeal Contention No. 9:* County generally responds that farmworker housing is a critical need in this County. The Farmworker Housing Study and Action Plan for Salinas Valley and Pajaro Valley by California Institute for Rural Studies dated 2018, aka the “MBEP report” includes this conclusion based on regional data mining. However, the decision of a split vote is not contrary to law. The decision was a stalemate because the first motion (approval) was split and additional motions (e.g., denial) were not proposed. The Commissioners followed their own bylaws in causing staff to prepare a split-vote resolution (Resolution No. 24-011). See also response to contention no. 2.

- k) Appellant’s Specific Contention No. 10. “Additionally, the Housing Accountability Act requires that decisionmakers make specific findings when denying a density bonus or incentives under Govt. Code Section 65915. Under the current zoning and general plan designations, (20 units per acre), this site is entitled to 26 base units. Per State housing law (CA Govt. Code Sections 65915-65918), and County Code (MCC Section 21.65.060), the inclusion of 3 permanent very low-income units (11% of the base units), entitle the Project to a 35% density bonus.

1[Footnote to Govt Code 65915(f)(2)]

Additionally, the provision of three very low-income units, qualifies the Project for two incentives.<sup>2</sup> [Footnote to Govt Code 65915(d)(2)(F) two incentives or concessions for projects that include at least 11 percent of the units for very low income households.] The incentives for this Project include an increase in maximum building height from 35 feet to 43 feet above average natural grade, and a reduction in parking from 78 to 56 parking spaces.

These incentives and the density bonus may not be disapproved unless the County makes specific written findings based on a preponderance of evidence in the record that the project will have a specific, adverse impact upon the public health and safety. A ‘specific adverse impact’ is in turn defined in Govt Code Section 65589.5 as a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or

conditions as they existed on the date the application was deemed complete.”

*Response to Appeal Contention No. 10:* The Planning Commission did not disapprove the housing project or the density bonus. The “de facto” denial is the nature of a split vote decision per Planning Commission bylaws. The resolution merely memorialized that an unbreakable tie vote occurred and that there was no substitute motion. Should the appeal hearing result in a denial of the housing project or the density bonus in particular, these findings would be made.

- 1) Appellant’s Specific Contention No. 11. “As the MND clearly demonstrates, there are no significant, unavoidable impacts caused by this project. Moreover, the Planning Commission’s findings for denial of the project lacked any references to ‘objective, identified written public health or safety standards, policies, or conditions’, and were instead based on vague statements and generalities as described above.”

*Response to Appeal Contention No. 11:* The Planning Commission neither made “findings of denial” nor did it deny the project. The “de facto” denial is the nature of a split vote decision per Planning Commission bylaws. Accordingly, the resolution was neither intended as nor could it serve as a decision to either approve or deny supported by specific findings. Instead, the resolution merely memorialized that the Planning Commission’s hearing resulted in an unbreakable tie vote, that there was no substitute motion, and the reasons the voting Commissioners expressed as to their respective votes.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence and the administrative record, that the Board of Supervisors does hereby:

1. Grant the appeal of Lombardo and Associates, on behalf of Anthony Nicola, Inc., from the Planning Commission’s April 10, 2024, statement and issuance of a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the subject application;
2. Adopt a Mitigated Negative Declaration pursuant to section 15074 of the CEQA Guidelines;
3. Approve a Combined Development Permit consisting of:
  - a. Administrative Permit to demolish an existing 850 square foot single family dwelling, 400 square foot shed, and septic system;
  - b. Use Permit to construct two three-story buildings for 34 two-bedroom units and one one-bedroom unit with office totaling 36,200 square feet for use as agricultural employee housing of up to 250 workers, a manager’s suite, and three very low-income level inclusionary housing units; and
  - c. Variance for less than 200-foot agricultural buffer.
4. Adopt the attached Condition of Compliance Mitigation Monitoring and Reporting Plan with changes made as part of the Board of Supervisors’ motion of approval of the project to

draft Conditions of Approval Nos. 11 and 36 and the addition of Condition of Approval No. 37.

All of which is in general conformance with the attached plan set and subject to the attached conditions and mitigation measures attached hereto.

PASSED AND ADOPTED on this 10<sup>th</sup> day of September 2024, by roll call vote:

AYES: Supervisors Alejo, Lopez, and Askew

NOES: Supervisor Church and Adams

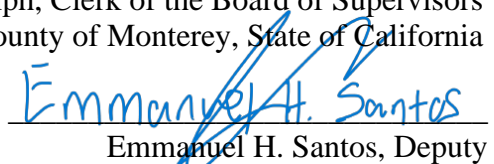
ABSENT: None

Motion Passed 3 to 2

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting on September 10, 2024.

Dated: October 8, 2024  
File ID: RES 24-164  
Agenda Item No. 15

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

  
Emmanuel H. Santos, Deputy

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 County of Monterey HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

# County of Monterey HCD Planning

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

PLN200203

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit consists of: 1) Administrative Permit to demolish an existing single family dwelling and septic system, 2) Use Permit to construct two (2) three-story buildings totaling 36,200 square feet for use as 31 agricultural employee housing units of up to 250 workers, one (1) manager's suite/office, and three (3) very low income level inclusionary housing units; 3) Variance for less than 200 feet agricultural buffer. The property is located at 124 Gonda Street, Royal Oaks (Assessor's Parcel Number 117-361-017-000), North County Area Plan. 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 HCD Chief of 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. (HCD - 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:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Combined Development Permit (Resolution Number 24-339 was approved by the Board of Supervisors for Assessor's Parcel Number 117-361-017-000 on September 10, 2024. The permit was granted subject to 37 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD-Planning."

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

## 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.  
(HCD - Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis.  
Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.



#### 4. PD005 - FISH & GAME FEE NEG DEC/EIR

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

#### 5. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (HCD- Planning)

**Compliance or Monitoring Action to be Performed:** Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to HCD-Planning.

#### 6. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the HCD-Engineering Services.

## 7. PW0045 – COUNTYWIDE TRAFFIC FEE

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County HCD-Building Services the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to HCD-Engineering Services.

## 8. PW0044 - CONSTRUCTION MANAGEMENT PLAN

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Construction Management Plan (CMP) to HCD-Planning and HCD-Engineering Services for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project.

CMP shall include, at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project.

**Compliance or Monitoring Action to be Performed:** 1. Prior to issuance of the Grading Permit or Building Permit, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the HCD-Planning and HCD- Engineering Services for review and approval.

2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

## 9. PW0005 – DRIVEWAY IMPROVEMENTS

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** Construct commercial driveway connection(s) to Gonda Street. The design and construction is subject to the approval of the HCD. Encroachment Permits are required for all work within the public right-of-way.

**Compliance or Monitoring Action to be Performed:** Owner/Applicant shall submit the design for review and approval of the HCD-Engineering, obtain an encroachment permit from the HCD prior to issuance of building or grading permits, and construct and complete improvements prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

**10. PW0001 – FRONTAGE IMPROVEMENTS**

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** Owner/Applicant shall construct curb, gutter, commercial driveway connection, sidewalk, and pavement rehabilitation, together with required drainage facilities, along the frontage of Gonda Road. The newly constructed curb fronting the project shall be painted red. The design and construction is subject to the approval of the HCD-Engineering Services. Encroachment Permits are required for all work within the public right-of-way.

**Compliance or Monitoring Action to be Performed:** Owner/Applicant shall submit the design for review and approval of the PWFP, obtain an encroachment permit from the HCD prior to issuance of building or grading permits, and construct and complete improvements prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

**11. PWSP001 – GONDA STREET**

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant shall chip seal and improve Gonda Street surface along with refreshing the stop stencil and stop bars at the intersection of Gonda Street/San Juan Road, and refresh the red zone on the northside of San Juan Road, east of Gonda Street for approximately 50 feet. Encroachment Permits are required for all work within the public right-of-way.

**Compliance or Monitoring Action to be Performed:** Owner/Applicant shall submit the design for review and approval of the HCD-Engineering Services, obtain an encroachment permit from the HCD prior to issuance of building or grading permits. All improvements shall be completed prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

**12. PW0007 - PARKING STANDARD**

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** The parking stalls and circulation shall meet County standards, and shall be subject to the approval of the HCD-Engineering Services.

**Compliance or Monitoring Action to be Performed:** Prior to Building/Grading Permits Issuance, the Owner's/Applicant's engineer/architect shall prepare a parking plan and submit plans for review and approval.

**13. PW0010 - SEWER CONNECTION**

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** Submit utility improvement plans and construct sewer connection(s). The design and construction is subject to the approval of the PWFP/HCD-Encroachment Inspection. Owner/Applicant shall pay all applicable connection fees. Sewer connection permits are required, and Encroachment Permits are required for all work within the public right-of-way.

**Compliance or Monitoring Action to be Performed:** Owner/Applicant shall submit the design for review and approval of the PWFP/HCD-Encroachment Inspection; obtain a connection permit and encroachment permit, if applicable, from the HCD prior to issuance of building or grading permits; and construct and complete improvements prior to occupancy or commencement of use. Sewer improvements to be constructed in compliance with approved plans. Applicant is responsible to obtain all permits and environmental clearances, any to pay all applicable fees.

**14. EHSP01 - SEPARATE RECYCLABLES (Non-Standard)**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** All persons shall separate recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to facilitate segregation at a solid waste facility pursuant to California Assembly Bill AB 341 and Monterey County Code, Chapter 10.41.?

**Compliance or Monitoring Action to be Performed:** Prior to issuance of construction permits, the applicant shall submit to the Environmental Health Bureau for review and approval a descriptive plan on how recyclables will be collected and stored throughout the site. Solid waste and recycling container enclosures shall be sized appropriately and located on the site plan.

**15. STORMWATER CONTROL PLAN**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Stormwater Control Report and a Stormwater Control Plan, prepared by a registered professional engineer, to HCD-Environmental Services for review and approval. The report and plan shall address the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. The plan shall include detention facilities designed to limit post-development runoff rates to pre-development rates for the 2, 5, 10, 25, 50, and 100-year 24-hour design storms. The plan shall include the location of the drainage facilities and construction details. The Stormwater Plan shall include the construction inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed and approved the Stormwater Control Plan for conformance with their geotechnical recommendations. (HCD-Environmental Services)

Prior to issuance of any grading or construction permits, the applicant shall submit a Stormwater Control Report and a Stormwater Control Plan to HCD-Environmental Services for review and approval.

## 16. GEOTECHNICAL PLAN REVIEW

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from the licensed practitioner that their geotechnical recommendations have been incorporated into the approved grading plan and stormwater control plan. (HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or construction permits, the applicant shall provide certification from the licensed practitioner(s) to HCD-Environmental Services for review and approval.

## 17. OPERATION AND MAINTENANCE PLAN (PR 2-4)

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an Operation and Maintenance Plan prepared by a registered Professional Engineer that includes, at a minimum, the following:

- A site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed.
- O&M procedures for each structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietary devices.

The O&M Plan shall include short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance. (HCD – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall submit the O&M Plan to HCD-Environmental Services for review and approval.

## 18. MAINTENANCE AGREEMENT (PR 2-4)

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into a Maintenance Agreement (Agreement) that clearly identifies the responsible party for ongoing maintenance of structural Stormwater Control Measures. The Agreement shall contain provisions for an annual drainage system report, prepared by a registered Professional Engineer, that includes the status of all structural stormwater control measures and maintenance recommendations. The annual report shall be submitted to HCD-Environmental Services, for review and approval, no later than August 15th. All recommended maintenance shall be completed by October 15th of the same year. If maintenance is required, certification shall be provided that all recommended maintenance has been completed before the start of the rainy season. (HCD – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall submit the signed and notarized Agreement to HCD-Environmental Services for review and approval. The approved Agreement shall be recorded, and a copy of the recorded document shall be provided to HCD-Environmental Services.

**19. FIELD VERIFICATION OF POST-CONSTRUCTION STORMWATER CONTROL MEASURES (PR 2-4)**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from a registered Professional Engineer that the stormwater control facilities have been constructed in accordance with the approved Stormwater Control Plan. (HCD – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall submit a letter to HCD-Environmental Services for review and approval.

**20. CALIFORNIA CONSTRUCTION GENERAL PERMIT**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) including the Waste Discharger Identification (WDID) number, to HCD-Environmental Services. In lieu of a SWPPP, a letter of exemption or erosivity waiver from the Central Coast Regional Water Quality Control Board may be provided. (HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or construction permits, the applicant shall submit a SWPPP including the WDID number certifying the project is covered under the California Construction General Permit or a letter of exemption from the Central Coast Regional Water Quality Control Board.

## 21. H02 - Housing, Density Bonus

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Provided the project is developed and operated under an Employer Sponsored Housing Permit issued by the County Environmental Health Bureau, or a successor agency, the project is exempt from the requirements of the Inclusionary Housing Ordinance per 18.40.050.B.3 of the County Code.

The applicant has requested a 35 percent density bonus and two incentives (i.e., exceedance of zoning district maximum height and parking reduction) from the County, which requires the project comply with California Government Code Section 65915 and Chapter 21.65 of the Monterey County Code. A density bonus of 35 percent of the base units (26 units) requires that 11 percent of the base units, or three units, be rent restricted for very low-income households. A housing development that restricts 10 percent of the base units for very low-income households qualifies for two incentives. Restricting three units for very low-income households makes the project eligible for the two incentives.

The applicant shall provide a copy of the Employer Sponsored Housing permit to Monterey County HCD – Housing annually by August 15th, or, when it is a new permit, within 45 days of receipt. Should the applicant fail to comply with the Use Permit granted for this project or fail to provide the required Employer Sponsored Housing permit, the applicant will be subject to the Affordable or Inclusionary Housing requirements in effect at that time. The applicant will receive credit against the Affordable or Inclusionary Housing requirements for the 3 very low-income units already restricted by this condition of approval.

Prior to issuance of the first permit, the project applicant shall execute an Affordable Housing Agreement with the County, in a form acceptable to the County, which specifies that three (3) very low-income Affordable Housing Units shall be provided on the project site. The Agreement shall address, but not be limited to, the type and size of the units, the location of the units, pricing, selection of tenants, and phasing of the affordable unit construction related to the construction and occupancy of the project.

**Compliance or Monitoring Action to be Performed:** Provided the project is developed and operated under an Employer Sponsored Housing Permit issued by the County Environmental Health Bureau, or a successor agency, the project is exempt from the requirements of the Inclusionary Housing Ordinance per 18.40.050.B.3 of the County Code.

The applicant has requested a 35 percent density bonus and two incentives (i.e., exceedance of zoning district maximum height and parking reduction) from the County, which requires the project comply with California Government Code Section 65915 and Chapter 21.65 of the Monterey County Code. A density bonus of 35 percent of the base units (26 units) requires that 11 percent of the base units, or three units, be rent restricted for very low-income households. A housing development that restricts 10 percent of the base units for very low-income households qualifies for two incentives. Restricting three units for very low-income households makes the project eligible for the two incentives.

The applicant shall provide a copy of the Employer Sponsored Housing permit to Monterey County HCD – Housing annually by August 15th, or, when it is a new permit, within 45 days of receipt. Should the applicant fail to comply with the Use Permit granted for this project or fail to provide the required Employer Sponsored Housing permit, the applicant will be subject to the Affordable or Inclusionary Housing requirements in effect at that time. The applicant will receive credit against the Affordable or Inclusionary Housing requirements for the 3 very low-income units already restricted by this condition of approval.

Prior to issuance of the first permit, the project applicant shall execute an Affordable Housing Agreement with the County, in a form acceptable to the County, which specifies that three (3) very low-income Affordable Housing Units shall be provided on the project site. The Agreement shall address, but not be limited to, the type and size of the units, the location of the units, pricing, selection of tenants, and phasing of the affordable unit construction related to the construction and occupancy of the project.



## 22. H01 - Housing, Inclusionary Housing

**Responsible Department:** Economic Development

**Condition/Mitigation Monitoring Measure:** Provided the project is developed and operated under an Employer Sponsored Housing Permit issued by the County Environmental Health Bureau, or a successor agency, the project is exempt from the requirements of the Inclusionary Housing Ordinance per 18.40.050.B.3 of the County Code. If, at some time in the future, the development is operate as a market rate rental project, the project will be subject to the County's Inclusionary Housing Ordinance, No. 5175 and 2010 General Plan Land Use Policy LU-2.13, which requires five percent of the total units be set aside for workforce I households, eight percent of the total units shall be set aside for moderate income households, six percent of the total units in the development shall be set aside for low income households and an additional six percent of the total units in the development shall be set aside for very low income households. As such, the project shall contribute 6.25 Affordable Housing Units. This requirement will be triggered at any time the required Employer Sponsored Housing permit is not issued by the Monterey County Department of Health's Environmental Health Bureau. The applicant shall provide a copy of the Employer Sponsored Housing permit to Monterey County HCD – Housing annually by August 15th, or, when it is a new permit, within 45 days of receipt.

Prior to issuance of the first permit, the project applicant shall execute an Affordable Housing Agreement with the County, in a form acceptable to the County, which specifies upon conversion to a market rate project at least 6.25 Affordable Housing Units shall be provided on the project site with four at a very low-income level (includes the three units restricted under the density bonus provisions), two at a low-income level, two at a moderate-income level, and one at a Workforce I level. The fractional 0.25-unit may be paid as an in-lieu fee, based on the adopted Inclusionary In-Lieu Fee Schedule in place at the time the project is converted to a market rate project. That Agreement shall address, but not be limited to, the type and size of the units, the location of the units, pricing, selection of tenants, and phasing of the affordable unit construction related to the construction and occupancy of the project.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of the first permit, the project applicant shall execute an Affordable Housing Agreement with the County, in a form acceptable to the County, which specifies upon conversion to a market rate project at least 6.25 Affordable Housing Units shall be provided on the project site with four at a very low-income level (includes the three units restricted under the density bonus provisions), two at a low-income level, two at a moderate-income level, and one at a Workforce I level. The fractional 0.25-unit may be paid as an in-lieu fee, based on the adopted Inclusionary In-Lieu Fee Schedule in place at the time the project is converted to a market rate project. That Agreement shall address, but not be limited to, the type and size of the units, the location of the units, pricing, selection of tenants, and phasing of the affordable unit construction related to the construction and occupancy of the project.

The applicant shall provide a copy of the Employer Sponsored Housing permit to Monterey County HCD – Housing annually by August 15th, or, when it is a new permit, within 45 days of receipt.

If the applicant cannot supply the annual permit, within an additional 45 days, the Affordable Housing Agreement will be triggered.

**23. SPP001 - OUTDOOR RECREATION AREA MAINTANENCE/SUPPLIES**

**Responsible Department:** Parks Enforcement

**Condition/Mitigation** RECREATION AREA MAINTANENCE/SUPPLIES:

**Monitoring Measure:**

The owner must provide evidence on an on-going basis that the property has met Monterey County Code section 21.66.060.C.3.g and section 19.12.010(D) in the form of on-going availability of recreation areas shown in the Planning Permit Plans (sheet L-4.0) and that the physical materials required for the recreation activities related to each area are available to the tenants and in good working order. These supplies are as follows:

- basketball hoop and net, backboard and pole
- clearly visible marking on the asphalt following half-court marking California high school courtside regulations
- clean, level turf for soccer or football to be safely played on the turn area in the northern point of the parcel
- at least two soccer goal nets on movable frames
- materials for marking soccer field such as chalk line roller
- plastic cones for corner markings
- two chess sets
- two sets of dominos
- two sets of checkers
- a ping pong table and supplies
- an assortment of other backyard sport supplies such as frisbees, cornhole game sets, etc.

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

Prior to occupation, provide evidence of all the itemized sports materials and supplies for inspection.

On an on-going basis, provide evidence of all the itemized sports materials and supplies in photographic form as part of annual report to HCD. If the annual report is found lacking in evidence or is not provided, HCD reserves the right to make an onsite inspection and require the owner to provide the materials in a reasonable period of time (under one month).

**24. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed or shielded lighting elements. The applicant shall submit an exterior lighting plan as part of the construction plan set. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall indicate the location, type, and wattage of all light fixtures and show a photograph or sketch of the proposed lighting fixtures. The exterior lighting plan shall be subject to approval by the HCD-Chief of Planning, prior to the issuance of building permits.  
(HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits, the Owner/Applicant shall submit exterior lighting plans as part of the construction permit plan set for review and approval by HCD-Planning.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

**25. PDSP001: MITIGATION MEASURE BIO-1**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure BIO-1: Employee Education on Biological Resources. A qualified biologist shall conduct an Employee Education Program for the construction crew prior to any construction activities. The qualified biologist shall meet with the construction crew at the onset of construction at the project site to educate the construction crew on the following:

1. the appropriate access route(s) in and out of the construction area and review project boundaries;
2. how a biological monitor will examine the area and agree upon a method which will ensure the safety of the monitor during such activities,
3. the identification of special-status species that may be present; and the California Red-Legged Frog (CRLF) training shall include:
  - a) Identifying photographs of CRLF at typical age demographic and phenotypes for the dispersal habitat area and Information about distribution and habitat needs of CRLF and their sensitivity to human activities;
  - b) The special status of CRLF including legal protection, recover efforts and penalties for violation.
  - c) Distribution of wallet-sized cards and/or a fact sheet handout containing the information identified in a - c for the construction monitor to carry when on the project site. The Applicant/Owner shall make at least three copies of a version of the card/fact sheet in English and Spanish available to the construction monitor to provide to employees upon request. Each card or handout shall also direct personnel to contact the construction monitor if any tentative identification is made.

**Compliance or Monitoring Action to be Performed:** Mitigation Monitoring Action BIO-1.1  
Prior to construction permits from HCD - Building Services, the owner/applicant shall submit to HCD - Planning for review and approval a contract with a qualified biologist on the County's list of approved biological consultants for the required employee education program, wildlife survey, and focused botanical surveys. When the contract is reviewed and approved, and other mitigation actions and steps in conditions of approval required prior to construction permit issuance are met, HCD-Planning staff will remove hold on the issuance of construction permits from HCD - Building Services.

Mitigation Monitoring Action BIO-1.2  
Within one week of the commencement of construction activities including grading, the owner/applicant shall submit evidence to HCD - Planning for review and approval that the education program took place. This evidence shall be in the form of minutes and/or a list of attendees. The list will be updated as required when new personnel start work; no staff member may work in the field without participating in the Employee Education Program.

Mitigation Monitoring Action BIO-1.3  
Prior to the building final, the owner/applicant shall submit to HCD - Planning a letter from the qualified biologist demonstrating how the education program was implemented, and how it was successful. The letter shall include the full and final list of all construction staff who participated in the Employee Education Program.

## 26. PDSP002: MITIGATION MEASURE BIO-2

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure BIO-2: Botanical Survey. Prior to construction, a focused botanical survey shall be conducted within the project site during the appropriate blooming period (approximately May or June) to determine the presence or absence of Monterey spineflower within the site. If this species is not identified within the project site, no additional mitigation is required. If Monterey spineflower is identified within the project site, individuals that are not in the construction footprint shall be fenced or flagged for avoidance. A biological monitor shall supervise the installation of protective fencing and shall train a construction worker to be the onsite monitor. The site monitor shall verify in a log that protective fencing remains intact for the duration of construction. If avoidance of all Monterey spineflower is not possible, a Revegetation Plan shall be prepared by a qualified biologist prior to construction. The plan shall include a detailed description of revegetation areas, plant source material, planting specifications, and a monitoring program that describes annual monitoring efforts which incorporate success criteria and contingency plans if success criteria are not met.

**Compliance or Monitoring Action to be Performed:** Mitigation Monitoring Action BIO-2.1  
Prior to construction permits from HCD - Building Services, the owner/applicant shall submit to HCD - Planning for review and approval a contract with a qualified biologist on the County's list of approved biological consultants for the required focused botanical surveys. When the contract is reviewed and approved, and other mitigation actions and steps in conditions of approval required prior to construction permit issuance are met, HCD-Planning staff will remove hold on the issuance of construction permits from HCD - Building Services.

Mitigation Monitoring Action BIO-2.2  
Prior to construction permits from HCD - Building Services, the owner/applicant shall submit evidence to HCD - Planning for review and approval evidence that the botanical surveys took place during the appropriate blooming periods and submit the results of the presence/absence surveys. HCD-Planning will hold construction permits, including grading permits, until the botanical survey results are submitted and reviewed.

Mitigation Monitoring Action BIO-2.3  
If special-status plants are found on the site, prior to construction permits from HCD - Building Services, the owner/applicant shall submit to HCD - Planning for review and approval evidence that these species were avoided. If avoidance is not feasible, the owner/applicant or the qualified biologist shall submit to HCD - Planning for review and approval a Restoration Plan prepared by a qualified biologist. The restoration plan shall include the species and number of individual special-status plants that are expected to be impacted by development and detailed description of restoration areas, plant source material, planting specifications, and a monitoring program with annual monitoring efforts which incorporate success criteria and contingency plans if success criteria are not met. If the Restoration Plan discloses take of plants that are rare, threatened or endangered within the State of California, the Restoration Plan will be shared with CDFW for review. The killing or possession of California rare, threatened or endangered plant species is prohibited by California law. Other actions may be taken by CDFW at that time; the owner/applicant shall follow those required steps and inform HCD-Planning staff of the procedures and the timing of completion.

## 27. PDSP003: MITIGATION MEASURE BIO-3

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure BIO-3: Raptor and Nesting Bird Surveys. To avoid impacts to nesting birds, construction shall commence prior to the nesting season (February 1 through September 15). If this is not possible, a pre-construction survey for nesting birds shall be conducted by a qualified biologist within 14 days prior to the commencement of construction activities in all areas that may provide suitable nesting habitat within 300 feet of the project boundary. If nesting birds are identified during the pre-construction survey, an appropriate buffer shall be imposed within which no construction activities or disturbance will take place (generally 300 feet in all directions). In the case that active nests are found and buffered zones marked, a qualified biologist shall be contracted to be on-site for initiation or re-initiation of work in the vicinity of the nest (up to 500 feet) to ensure that the buffer is adequate and that the nest is not stressed and/or abandoned. No work shall proceed in the vicinity of an active nest until such time as all young are fledged, or until after September 15 (when young are assumed fledged). Because some bird species nest early in spring and others nest later in summer, some breed multiple times in a season, surveys for nesting birds may be required to continue during construction to address new arrivals. The necessity and timing of these continued surveys will be determined by the qualified biologist based on review of the final construction plans.

**Compliance or Monitoring Action to be Performed:** Mitigation Monitoring Action BIO-3.1:  
During construction permit application through HCD - Building Services, the owner/applicant shall submit a construction schedule detailing project activities, including when vegetation removal will be scheduled, to HCD – Planning and HCD – Building Services for review. If this action is not completed, HCD – Planning staff will place a hold on construction permits.

Mitigation Monitoring Action BIO-3.2:

If, in the determination of HCD – Planning and pursuant to the nesting periods described in this condition, the schedule indicates that vegetation removal is likely to occur during the raptor and other nesting avian species avoidance period, the applicant shall submit a contract with a qualified biologist from the County’s list of approved consultants for the required surveying to HCD - Planning. The contract shall be submitted to HCD-Planning prior to construction permit issuance. If this action is not completed, HCD – Planning staff will place a hold on construction permits.

Mitigation Monitoring Action BIO-3.3:

The owner/applicant or the qualified biologist shall promptly send the results of the qualified biologist’s surveys in text and graphical form to HCD – Planning. If the qualified biologist deems a no-disturbance buffer is warranted, the owner/applicant shall establish the buffer in accordance with the qualified biologist’s recommendations and update the grading plan with notes and graphical indications of the buffer areas. Alert HCD – Planning of the update to the grading permit for prompt review. HCD – Planning staff will place a hold on construction permits until this action is completed or written documentation is received from the biologist that buffers are not necessary .

Mitigation Monitoring Action BIO-3.4:

If no-disturbance buffers are found to be necessary by the qualified biologist, the owner/applicant or the qualified biologist shall submit evidence to HCD - Planning for review and approval that the no-disturbance buffers have remained in place until the young of the year have fledged at the mapped locations in the form of photographic evidence and a brief report by the qualified biologist. This documentation shall be received by HCD – Planning within four months of the survey dates.

## 28. PDSP004: MITIGATION MEASURE BIO-4

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure BIO-4: California Red-legged Frog (CRLF) Survey. A qualified biologist shall survey the project site and immediately adjacent areas 48 hours before and the morning of the onset of work activities for the presence of CRLF. If any life stage of CRLF is observed, construction activities shall not commence until the Service is consulted and appropriate actions are taken to allow project activities to begin. The biologist shall fully train construction workers who shall serve as the onsite monitor. The training group size shall ensure that at least one trained monitor is at the construction site at all times during the pre-construction and construction phases. If any life stage of CRLF is found and these individuals are likely to be killed or injured by work activities, work shall stop and the Service shall be contacted. Construction activities will not resume until the Service is consulted and appropriate actions are taken to allow project activities to continue.

**Compliance or Monitoring Action to be Performed:** Mitigation Monitoring Action BIO-4.1:  
During construction operations, the owner/applicant or the qualified biologist shall send the results of the qualified biologist's CRLF surveys to HCD - Planning. If the qualified biologist discovers any life stage of CRLF, construction activities will not commence and the owner/applicant or biologist will notify HCD - Planning that USFWS has been consulted. Next actions taken will be in accordance with the recommendations of USFWS. Pre-construction and morning-of-onset survey results and evidence must be submitted to HCD - Planning in a timely manner which is contingent on the rate of construction activity as determined by the construction timeline; results are expected either at the end of every two weeks or at the end of every month of ground disturbing and vegetation removal activities. Full documentation shall be submitted to HCD - Planning prior to building final or commencement of use, whichever comes first.

Mitigation Monitoring Action BIO-4.2:  
During ground disturbing and vegetation removal activities, a qualified biologist or biologist-trained construction monitor shall survey appropriate areas of the construction site daily before the onset of work activities for the presence of CRLF. The construction monitor shall remain onsite during all ground disturbing and vegetation removal activities. The CRLF training and supporting documents are listed in MM BIO-1, item 3.



## 29. PDSP005: MITIGATION MEASURE BIO-5

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure BIO-5: California Red-legged Frog (CRLF) Construction Monitoring and Reporting. After ground disturbing and vegetation removal activities are complete, or earlier if determined appropriate by the qualified biologist, the qualified biologist will designate a Construction Monitor to oversee on-site compliance with all avoidance and minimization measures. The qualified biologist shall ensure that this construction monitor receives the sufficient training in the identification of CRLF. The Construction Monitor or the qualified biologist shall be authorized to stop work if the avoidance and/or minimization measures are not being followed. If work is stopped due to the presence of CRLF, the U.S. Fish and Wildlife Service (USFWS) shall be notified and construction activities will not resume until the Service is consulted and appropriate actions are taken to allow project activities to continue. As part of the Construction Monitor's daily tasks at the worksite, they will prevent inadvertent entrapment of CRLF during project construction, all excavated, steep-walled holes or trenches more than two feet deep will be covered at the close of each working day with plywood or similar materials. Before such holes or trenches are filled, they will be thoroughly inspected by the Construction Monitor for trapped animals. The qualified biologist and the construction monitor shall complete a daily log summarizing activities and environmental compliance throughout the duration of the proposed project. A complete daily log shall be submitted to HCD-Planning to review prior to final occupancy.

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

Mitigation Monitoring Action BIO-5.1:

The qualified biologist shall remain available to come to the site if a CRLF is identified until all ground disturbing activities are completed. If any life stage of the CRLF is found and these individuals are likely to be killed or injured by work activities, the qualified biologist shall be contacted, and work shall stop in that area until the CRLF has moved on its own out of the work area and the USFWS has been contacted. Construction activities will not resume until the USFWS is consulted and appropriate actions are taken to allow project activities to continue.

Mitigation Monitoring Action BIO-5.2:

During ground disturbing and vegetation removal activities, the owner/applicant or the qualified biologist shall send the results of the qualified biologist's daily CRLF surveys to HCD-Planning. If the qualified biologist confirms discovery of any life stage of CRLF, ground disturbing and vegetation removal activities will stop and the owner/applicant or biologist will notify HCD-Planning that USFWS has been consulted. Next actions taken will be in accordance with the recommendations of USFWS. All daily surveys and evidence must be submitted to HCD-Planning in a timely manner which is contingent on the rate of construction activity as determined by the construction timeline; results are expected either at the end of every two weeks or at the end of every month of ground disturbing and vegetation removal activities. Full documentation shall be submitted to HCD-Planning prior to building final or commencement of use, whichever comes first.

Mitigation Monitoring Action BIO-5.3: After ground-disturbing and vegetation removal activities are complete, or earlier if determined

appropriate by the qualified biologist, the qualified biologist will designate a construction monitor to oversee on-site compliance with all avoidance and minimization measures. The qualified biologist shall ensure that this construction monitor has fully understood the training described in MM BIO-5 on the identification and enforcement of protection of CRLF. The construction monitor or the qualified biologist is authorized to stop work if the avoidance and/or minimization measures are not being followed. If work is stopped, the USFWS shall be notified. The qualified

biologist and the construction monitor shall complete a daily log summarizing activities and environmental compliance throughout the duration of the proposed project.

Mitigation Monitoring Action BIO-5.4:

The owner/applicant shall send the results of the designated construction monitor's daily CRLF surveys during ground-disturbing and vegetation removal activities in the form of a daily log summarizing activities and compliance with the CRLF monitoring to HCD-Planning. If the construction monitor or qualified biologist confirms discovery of any life stage of CRLF, construction activities will stop and the owner/applicant or biologist will notify HCD-Planning that USFWS has been notified. Next actions taken will be in accordance with the recommendations

of USFWS. All daily surveys and evidence must be submitted to HCD-Planning for review in a timely manner. Reporting timing is contingent on the rate of construction activity as determined by the construction timeline; results are expected either at the end of every two weeks or at the end of every month of construction activities. If HCD-Planning finds the daily CRLF surveys are not sufficiently complete (compared to the Biologist's survey log and evidence), then the Chief of Planning will communicate to the owner/applicant that the Biologist must 1) retrain the construction monitor, 2) train a different person for the task, or 3) monitor the grading/construction site fulltime. The change in protocol shall be commensurate with the intensity of the mishandling of the task. Full documentation shall be submitted to HCD-Planning prior to building final or

commencement of use, whichever comes first.

**30. PDSP006: MITIGATION MEASURE BIO-6**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure BIO-6: Safe Worksite for Wildlife Movement – Best Management Practices. Only tightly woven fiber netting or similar material may be used for erosion control at the project site. Coconut coir matting is an acceptable erosion control material. No plastic mono-filament matting will be used for erosion control, as this material may ensnare wildlife, particularly CRLF. Because dusk and dawn are often the times when CRLF are most actively foraging and dispersing, all construction activities shall cease one half hour before sunset and shall not begin prior to one half hour after sunrise. Prevent inadvertent entrapment of CRLF during project construction, all excavated, steep-walled holes or trenches more than two feet deep will be covered at the close of each working day with plywood or similar materials. Before such holes or trenches are filled, they will be thoroughly inspected by the Construction Monitor for trapped animals (see MM-BIO-5). All trash that may attract predators shall be properly contained, removed from the construction site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

**Compliance or Monitoring Action to be Performed:** Mitigation Monitoring Action BIO-6.1:  
The Safe Worksite for Wildlife Movement BMPs shall be noted in a bullet-list on the grading and construction site plans.

Mitigation Monitoring Action BIO-6.2:

Prior to the issuance of construction permits from HCD-Building Services, the owner/applicant shall submit to HCD - Planning for review and approval in the form of a presentation of photographic evidence with time and date stamp and brief explanations that all protective fencing that was proscribed by a qualified biologist is in place prior to construction. These BMPs shall be occasionally assessed by HCD staff at construction inspections, as well.

Mitigation Monitoring Action BIO-6.3:

Within one month of the commencement of construction, the owner/applicant shall submit a signed and dated report from the onsite construction manager attesting that all construction workers have been trained that food-related and other trash must be disposed of in closed containers and removed from the project area at least once a week during the construction period or more often if trash is attracting avian or mammalian predators, and that construction personnel will not feed or otherwise attract wildlife to the area during construction. If the documentation is not received by HCD-Planning within six weeks of the construction training, notice will be issued through the Code Compliance division of the HCD Department that the building final inspection will be on hold until MM Action BIO- 6.3 is completed.

**31. PDSP007: MITIGATION MEASURE CULT-1**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure CULT-1: Employee Education on Cultural Resources. To reduce potential impacts to cultural resources that may be discovered during development of the site, a qualified archaeologist shall conduct a cultural resource awareness and response training for the construction field staffs that conduct any grading or excavation activities. The construction plans shall include the standard notes of the on-going condition to halt work immediately when any cultural, archaeological, historical, or paleontological resources are uncovered at the site. If the find is determined to be significant, work shall remain halted until proper mitigation measures for the discovery has been formulated and implemented, with the concurrence of HCD-Planning and the archaeologist.

**Compliance or Monitoring Action to be Performed:** Mitigation Monitoring Action CULT-1:  
a: Prior to the issuance of grading or building permits, the owner/applicant shall submit evidence that a qualified archaeologist conducted a cultural resource awareness and response training for construction personnel prior to the commencement of any grading or excavation activities. The training shall include a description of the kinds of cultural and tribal cultural resources that are found in the area, protocols to be used in the event of an unanticipated discovery, and the importance of cultural resources to the Native American community.

b: Prior to issuance of construction permits for grading or building, the owner/applicant shall submit to HCD-Planning a copy of the contract between the owner/applicant and a qualified archaeological monitor. The contract shall include a pre-construction meeting agenda with specific construction activities that the monitor shall be present for, any construction activities where the archaeological monitor will not be present for, how sampling of the excavated soil will occur, and any other logistical information such as when and how work on the site will be halted if any cultural resources are found. The contract shall include provisions requiring the monitor be present during soil disturbance for all grading and excavation and authorizing the monitor to stop work in the event resources are found. The contract shall be submitted to HCD-Planning for review and approval. In the events that HCD-Planning finds the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

**32. PDSP008: MITIGATION MEASURE PUBLIC-1**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure PUBLIC-1: The owner shall provide an Emergency Action Plan for the project site. The Plan shall be prepared by a professional with expertise in the field. The Plan shall include to-scale diagrams of the site and a plan of response involving transportation arrangements and areas of refuge. The Plan shall identify all pertinent emergency contact information, for before, during, and after evacuation procedures, state the specific duties of tenants, and designate locations for key information to be displayed for the tenants to access/view. The Plan shall include a training module with a schedule for drills. The Plan shall align with the draft North County Evacuation Guide prepared by the Monterey County Office of Emergency Services.

**Compliance or Monitoring Action to be Performed:** Mitigation Monitoring Action PUBLIC-1:  
Prior to issuance of building permit, the owner/applicant shall submit to HCD – Planning and the Office of Emergency Services an Emergency Action Plan for review and approval. The Plan shall incorporate the requirements of this condition.

Mitigation Monitoring Action PUBLIC-1.2  
Prior to final inspection, the owner/applicant shall submit evidence demonstrating that the approved Emergency Action Plan is incorporated into the onsite manager’s manual and instructions are clearly displayed within designated areas of the project.

### 33. PDSP009: MITIGATION MEASURE TRC-1

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure TCR-1: Tribal Monitor.

To ensure that Tribal Cultural Resources incur less than significant impacts, a Tribal Monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative, shall be on-site during project-related grading and excavation to identify findings with tribal cultural significance. This Tribal Monitor shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. If resources are discovered, the owner/applicant/contractor shall refer to and comply with CULT-1 and Condition No. 3 as applicable. This mitigation is not intended to alleviate responsibility of the owner or its agents from contacting the County Coroner and complying with State law if human remains are discovered.

**Compliance or Monitoring Action to be Performed:** Mitigation Monitoring Actions TCR-1:

- a. Prior to issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language contained in Mitigation Measure CULT-1 and Condition No. 3, including all compliance actions. The owner/applicant shall submit said plans to HCD-Planning for review and approval.
- b. Prior to issuance of a construction permit for grading and/or building, the Applicant/Owner shall submit evidence to the satisfaction of the Chief of HCD-Planning that a monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative, has been retained to monitor the appropriate construction activities. This Tribal Monitor shall be retained for the duration of any project-related grading and excavation.
- c. Any artifacts found that are not associated with a finding of human remains shall be cataloged by both the Tribal Monitor and the qualified archaeological monitor. Once cataloged, the qualified archaeological monitor will take temporary possession of the artifacts for testing and reporting purposes. Upon completion of these testing and reporting activities, all artifacts, at the discretion of the property owner, shall be returned within one (1) year to a representative of the appropriate local tribe as recognized by the Native American Heritage Commission, or the Monterey County Historical Society. A final technical report containing the results of all analyses shall be completed within one year following completion of the field work. This report shall be submitted to HCD-Planning and the Northwest Regional Information Center at Sonoma State University. Artifacts associated with a finding of human remains shall be reburied in accordance with State Law and penalty for violation pursuant to PRC section 5097.994.
- d. Prior to final building inspection, the Tribal Monitor or other appropriately NAHC-recognized representative shall submit a letter to HCD-Planning confirming participation in the monitoring and provide a summary of archaeological and/or cultural finds or no finds, as applicable.

**34. PDSP010: MITIGATION MEASURE UTIL-1**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure UTIL-1: Sewer System Assessment

The employee housing facility is proposed to receive sewer service from Pajaro County Sanitation District (PCSD) which directs flows to the wastewater treatment plant operated by City of Watsonville. The applicant shall perform an evaluation of the Gonda Street sewer line and manhole and identify system improvements necessary to accommodate increased sewer flows resulting from the proposed project and to make any improvements to the system that may be required to ensure that the system can accommodate the new connection. If the evaluation finds that improvements are required, the evaluation shall include recommendations for necessary upgrades. The evaluation shall be submitted to the HCD and PCSD for review and approval. If the evaluation finds that sewer line or manhole improvements are needed on Gonda Street, the evaluation shall include recommendations for necessary upgrades, and these improvements must be done prior to or concurrent with construction of the project pursuant to PCSD direction after review of the evaluation. With this mitigation applied, the proposed project would not violate waste discharge requirements. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Mitigation Monitoring Action UTIL-1.1

Prior to issuance of construction or sewer connection permits, the applicant/owner shall cause an evaluation to be made of the Gonda Street sewer line and manhole by a qualified professional engineer. The evaluation shall include recommendations for necessary upgrades and an analysis of the Gonda Street sewer system and identify any system improvements necessary to accommodate increased sewer flows resulting from the proposed project. The applicant/owner shall submit the evaluation to HCD and PCSD for review and approval.

Mitigation Monitoring Action UTIL-1.2

Prior to issuance of building permit or concurrent with construction of the project, the improvements to the existing sewer system shall be completed to the satisfaction of and the timing specified by the PCSD. After improvements are completed, a letter shall be provided to the HCD confirming that the specified improvements have been completed to the satisfaction of the PCSD.

### 35. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel-Risk Management

**Condition/Mitigation Monitoring Measure:** The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel-Risk Management)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

### 36. PDSP011: DONATION TO BENEFIT PAJARO COMMUNITY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The Applicant/Owner agrees to make a \$17,360 donation once a year for 5 years to the Pajaro Valley Unified School District through the Community Foundation of Monterey County. The first of the five annual donations shall be due upon housing structure building permit final.

**Compliance or Monitoring Action to be Performed:** Upon building permit final for the housing structure, Owner/applicant to provide receipt for a \$17,360 donation to the Pajaro Valley Unified School District through the Community Foundation of Monterey County and the same donation amount at the same time each year for a total of 5 years.



**37. PDSP012: SITE PLAN REDESIGN TO INCLUDE EMERGENCY ACCESS FIRE LANE, CRASH GATE**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to the September 11, 2024 Board decision on the project, the applicant shall redesign the project to allow a 12-foot emergency access lane on the southeast corner of the project site and an associated emergency "crash gate" on the eastern fence at the end of the emergency access lane to allow emergency vehicles to cross between the subject agricultural employee housing facility and the facility on the adjacent parcel (APN 117-361-017-000). Updated plans shall continue to conform with other reviewed and approved details of the project.

**Compliance or Monitoring Action to be Performed:** Prior to construction permit issuance, provide HCD – Planning with a complete design set of plans for review and approval which incorporate the emergency access lane and emergency "crash gate" to allow passage of emergency personnel and emergency vehicles between the subject site and the adjacent facility on APN 117-361-017-000, while adhering with the other design requirements contained in the plan set that was deemed complete by County agencies and departments and incorporated into the environmental review document for the Project (SCH#2023090035).







JEFFREY ROPER, CIVIL ENGINEER  
 48 MAIN AVENUE - CORRALITOS, CA 95076  
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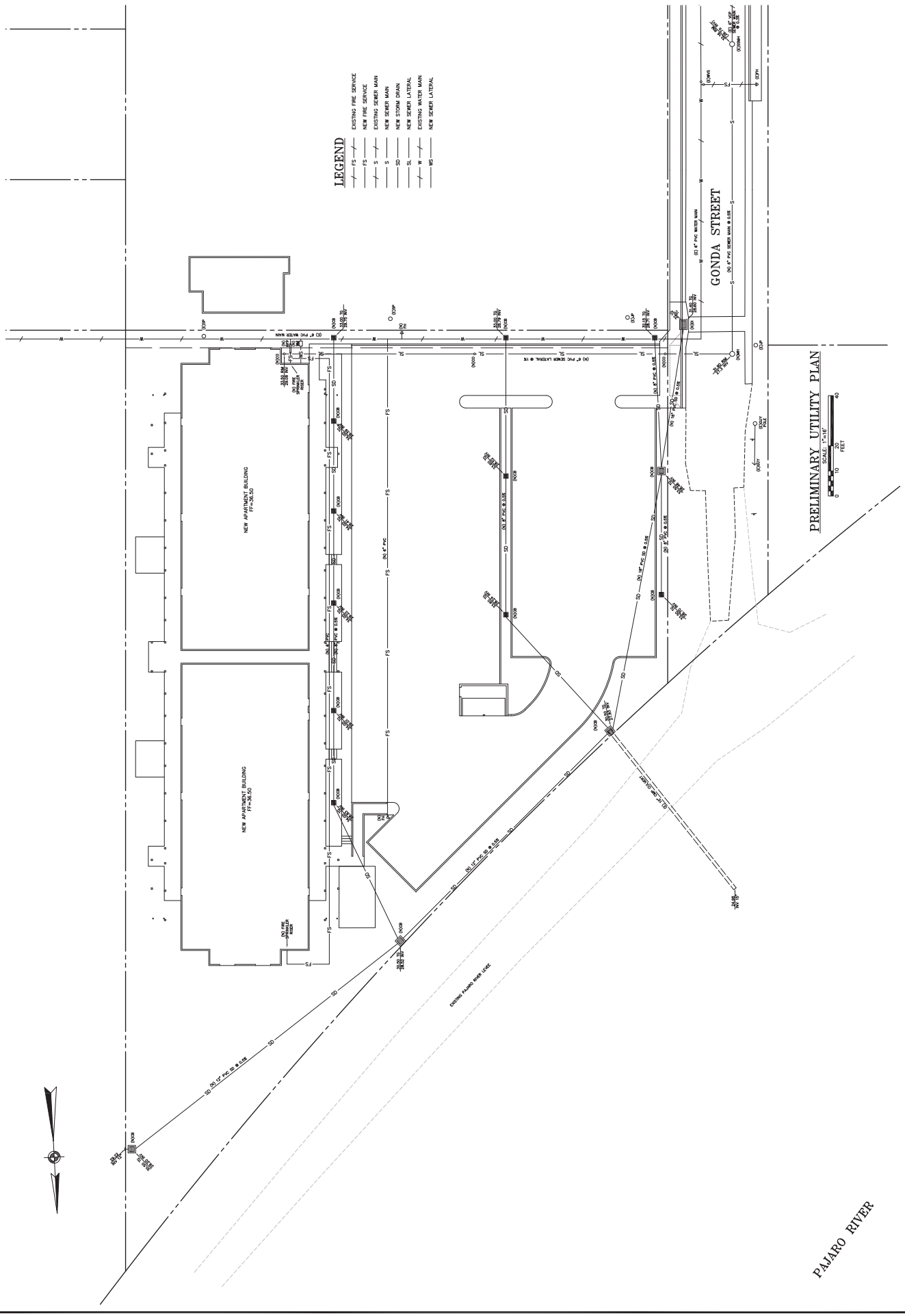
**ROPER ENGINEERING**  
 CIVIL ENGINEERING & LAND SURVEYING

**NEW FARM LABOR APARTMENTS FOR ANTHONY NICOLA INC**  
 124 GONDA STREET PAJARO APN 117-361-017  
**PRELIMINARY UTILITY PLAN**

SCALE: AS NOTED  
 DESIGNED BY: JR  
 DRAWN BY: JR  
 DATE: APRIL 7, 2021  
 REVISION: JULY 13, 2022  
 JOB NO.: 200003  
 SHEET

**C2**

OF 4 SHEETS



**LEGEND**

- EXISTING FIRE SERVICE
- NEW FIRE SERVICE
- EXISTING STORM DRAIN
- NEW STORM DRAIN
- EXISTING WATER MAIN
- NEW WATER MAIN
- EXISTING SEWER LATERAL
- NEW SEWER LATERAL

**PRELIMINARY UTILITY PLAN**



PALJARO RIVER



ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ENGINEERING PROFESSIONAL ACT AND ALL APPLICABLE RULES AND REGULATIONS. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THIS CONTRACT.

**ROPER ENGINEERING**  
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 (831) 724-5300 jeff@roperengineering.com

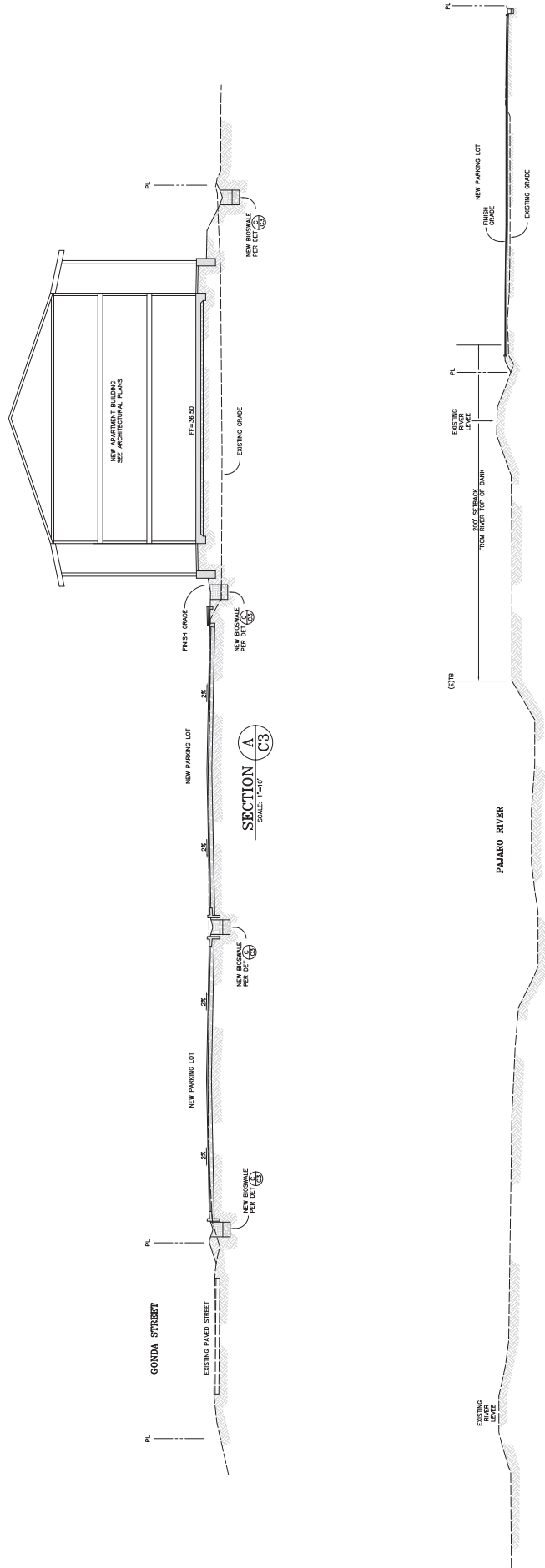


**NEW FARM LABOR APARTMENTS FOR ANTHONY NICOLA INC**  
 124 GONDA STREET PAJARO APN 17-361-017

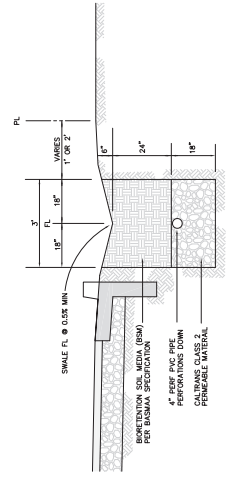
**SECTIONS**

SCALE:	AS NOTED
DESIGNED BY:	JR
DRAWN BY:	JR
DATE:	APRIL 5, 2021
REVISION:	JULY 13, 2022
JOB NO.:	200003
SHEET	

**C3**  
 OF 4 SHEETS



**PAJARO RIVER SECTION B**  
 SCALE 1"=30' **C3**



**BIOSWALE DETAIL C3**  
 SCALE 1"=2'

SHEET

JOB NO.: 200003

REVISION: JULY 13, 2022

DATE: APRIL 5, 2021

DRAWN BY: JR

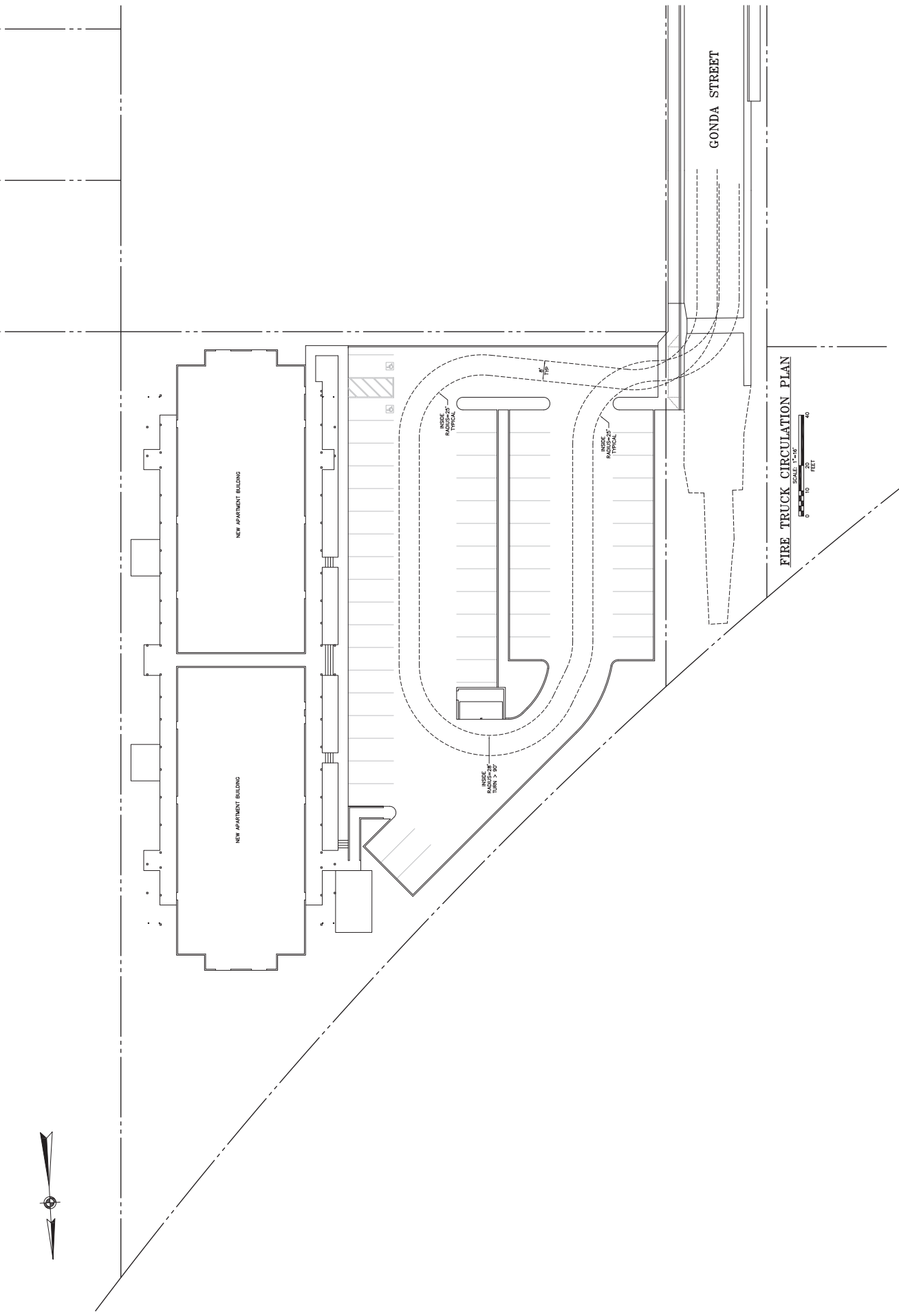
DESIGNED BY: JR

SCALE: AS NOTED

NEW FARM LABOR APARTMENTS FOR ANTHONY NICOLA INC  
124 GONDA STREET PAJARO APN 117-361-017  
FIRE TRUCK CIRCULATION PLAN



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**SHEET NOTES**

1. "NO PARKING" SIGN - SEE SIGN SCHEDULE ON SHEET A1.2
2. BUILDING ADDRESS SIGN - SEE LOCATION ON A3.1 & DETAILS ON SHEET A1.2
3. UNIT IDENTIFICATION - SEE LOCATION ON A3.1 & DETAILS ON SHEET A1.2

**DEVELOPMENT ANALYSIS**

LOCATION:	94 GONDA ST PAJARO, CA 95078
A.P.N.	117-381-017-020
PROJECT DESCRIPTION:	NEW 3S: 1 BR & 2 BR UNIT APARTMENT PROJECT, PARKING AREAS, AND OPEN SPACE.
ZONING:	HOR20
LAND USE DESIGNATION:	RESIDENTIAL HIGH DENSITY 1.3194 AC (87,209 SF)
SITE AREA:	6,920 UNITS / AC
UNITS DENSITY:	1ST FLOOR = 12,068 SF 2ND FLOOR = 12,068 SF TOTAL = 24,136 SF (Areas DO NOT include patios / deck)
FLOOR AREA:	TOTAL S.F.
BUILDING AREAS:	24,136
COMMON UNITS (2 BEDROOM):	11,068
INTERIOR UNITS (2 BEDROOM):	11,068
LAUNDRY @ 400 SF X 1	400
COMMUNITY ROOM @ 519 SF X 1	519
RESIDENT MANAGER / OFFICE @ 975 X 1	975
Mech / ELECT ROOM @ 174 X 2	348
TIMBER ENCLOSURE	245
PATIO STAIR WALKWAYS BELOW DECK	3,000
PATIO STAIR WALKWAYS BELOW DECK	885
TOTAL	40,136 SF

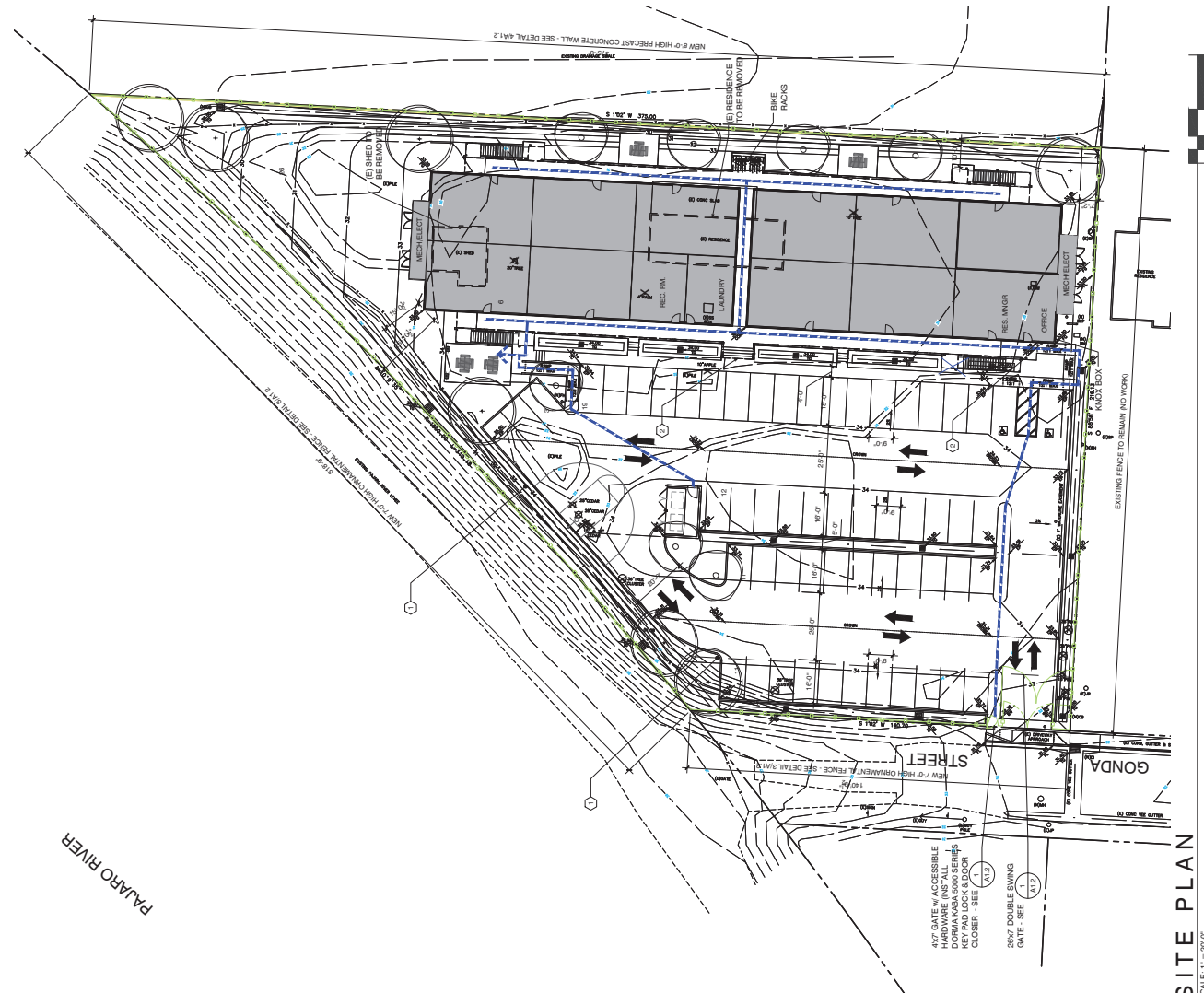
LOT COVERAGE:	14,865 SF (36.5% COVERAGE) (Includes walkways below deck, stairs, & zero enclosure) / 20.2% OF PARCEL
FAR:	38,193 SF / 157,208 SF = 24.3%
NO. OF STORES:	3 STORES
BUILDING HEIGHT:	41 FT - Highest (top height to Adv. Mt. Grade) 38 FT - Max. Allowed
ESTIMATED CUT/FILL:	EXCAVATION: 1000 CY FILL: 1000 CY IMPORT = 300 CY
IMPERVIOUS COVERAGE:	STRUCTURE = 12,068 SF IMPERVIOUS SURFACES = 20,105 SF (50%) 38,201 SF (95%)

PARKING:	64 TOTAL PARKING PROVIDED
BICYCLE:	BIKE RACKS 76 / 10 UNITS = 8 REQUIRED
WALKWAY:	1 BR 10 - 2 BR 10 - 2 BR
SECOND FLOOR:	12 - 2 BR
THIRD FLOOR:	12 - 2 BR
UNITS:	30 UNITS

CORE ANALYSIS:	2 3-STORY APARTMENT V&B SPRINKLER (025-0013.1.1)
TYPE OF CONSTRUCTION:	3
ALLOWABLE STORES:	2,100 SF PER FLOOR = 4200 SF TOTAL
ALLOWABLE FLOOR AREA:	22,260 SF PER FLOOR = 44,520 SF TOTAL
FRONTAGE INCREASE:	N/A
FIRE SPRINKLER:	43,488 SF MAX. FLOOR
ACTUAL AREA:	43,488 SF MAX. TOTAL

**LEGEND**  
 X TREES TO BE REMOVED - SEE LANDSCAPE PLAN

**EXTERIOR PATH OF TRAVEL**  
 WALKWAY SURFACES WITH A SLOPE LESS THAN 5% AND A MAXIMUM WIDTH OF 60" SHALL BE PROVIDED. THE SURFACE SHALL BE BLACK TOP OR PAVED WITH TREATMENT AND 1/2" MAXIMUM IF TOP 1/4" IS REVERED MAX. 2" CHANGES IN LEVEL OF ADJACENT GRADE TO THE SURFWALK EXCEEDING 4" SHALL BE PROVIDED. CURBS AT LEAST 6" IN HEIGHT ABOVE SIDEWALK SURFACE.  
 THE ENTIRE SITE & ALL WALKWAYS COMPY.



**SITE PLAN**  
 SCALE: 1" = 20'-0"

**THE PAUL DAVIS PARTNERSHIP ARCHITECTS & PLANNERS**

The Paul Davis Partnership, LLP  
 1400 California Street, Suite 100  
 Menlo Park, CA 94025  
 (650) 323-7258 FAX (650) 375-7499  
 E-MAIL: info@pauldavispartnership.com

Drawn By: AC  
 Drawing Date: 04.12.2021  
 Project Number: 2043

Revisions:  
 Planning Re-submitted 05-15-2021  
 Planning Re-submitted 06-22-2022  
 Planning Re-submitted 07-25-2022

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Sheet Number: **A1.1**

Project / Owner:  
**Pajaro Apartment**  
 124 GORDA ST  
 PAJARO, CA 95778  
 APN: 117-581-017-000

**THE PAUL DAVIS PARTNERSHIP ARCHITECTS & PLANNERS**

The Paul Davis Partnership, LLP  
 1555 N. Milpitas  
 Milpitas, CA 95035  
 (408) 373-2528 FAX (408) 373-2499  
 E-MAIL: paul.davis@pdp.com



Drawn By: AC  
 Drawing Date: 04.12.2021  
 Project Number: 2043

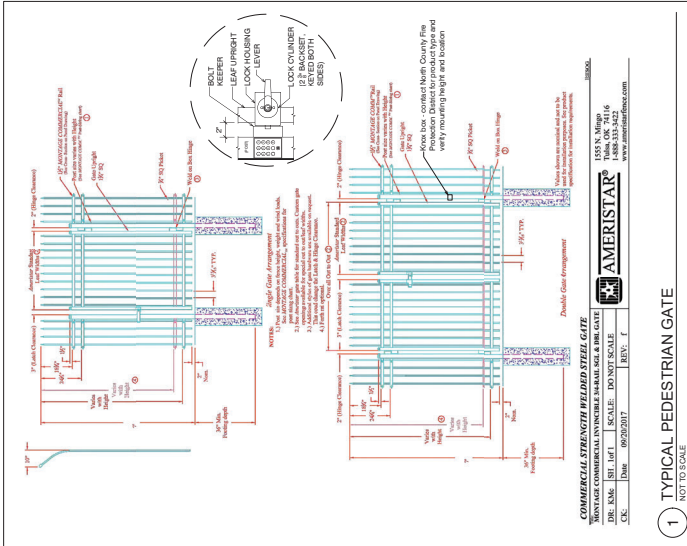
Revisions:  
 Planning Re-submitted 05-15-2021  
 Planning Re-submitted 07-15-2021  
 Planning Re-submitted 01-29-2022  
 Planning Re-submitted 07-25-2022

The use of any trade and materials is subject to change without notice. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals.

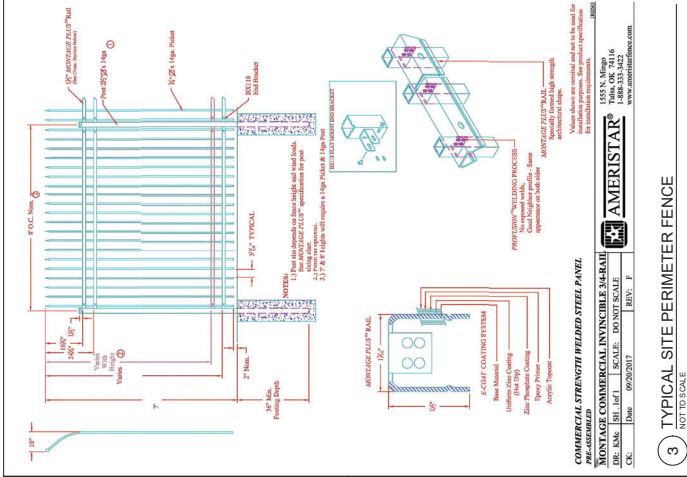
See Also:  
**SITE FENCE & SIGN DETAILS**

Sheet Number:

**A1.2**



**1 TYPICAL PEDESTRIAN GATE**  
 NOT TO SCALE



**3 TYPICAL SITE PERIMETER FENCE**  
 NOT TO SCALE

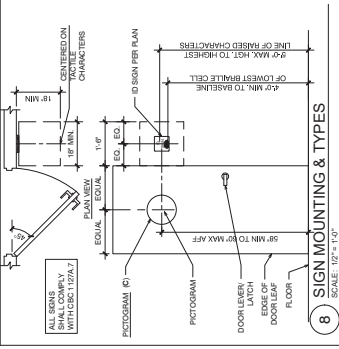
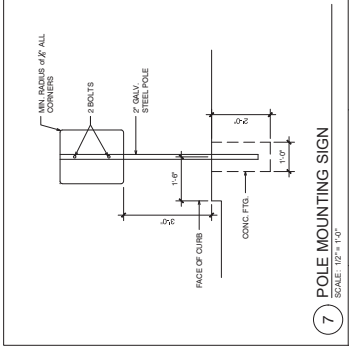


**4 8'-0\"/>
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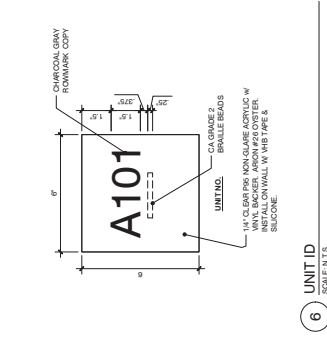
TYPE	NOTES
	SIZE 18\"/>
	UNIT IDENTIFICATION
	BUILDING ADDRESS NUMBER



**5 BUILDING ADDRESS**  
 SCALE: N.T.S.



**8 SIGN MOUNTING & TYPES**  
 SCALE: 1/8\"/>



**6 UNIT ID**  
 SCALE: N.T.S.



Project / Owner:  
**Pajaro Apartment**  
 124 GONDA ST  
 PAJARO, CA 95078  
 APN: 117-381-017-000

**LEGEND**  
 2A 10BC FIRE EXTINGUISHER & WALL MOUNTED  
 CABINET W/ TOP A14 P/AF  
 2B 10BC FIRE EXTINGUISHER MOUNTED W TOP AT  
 2C P/AF

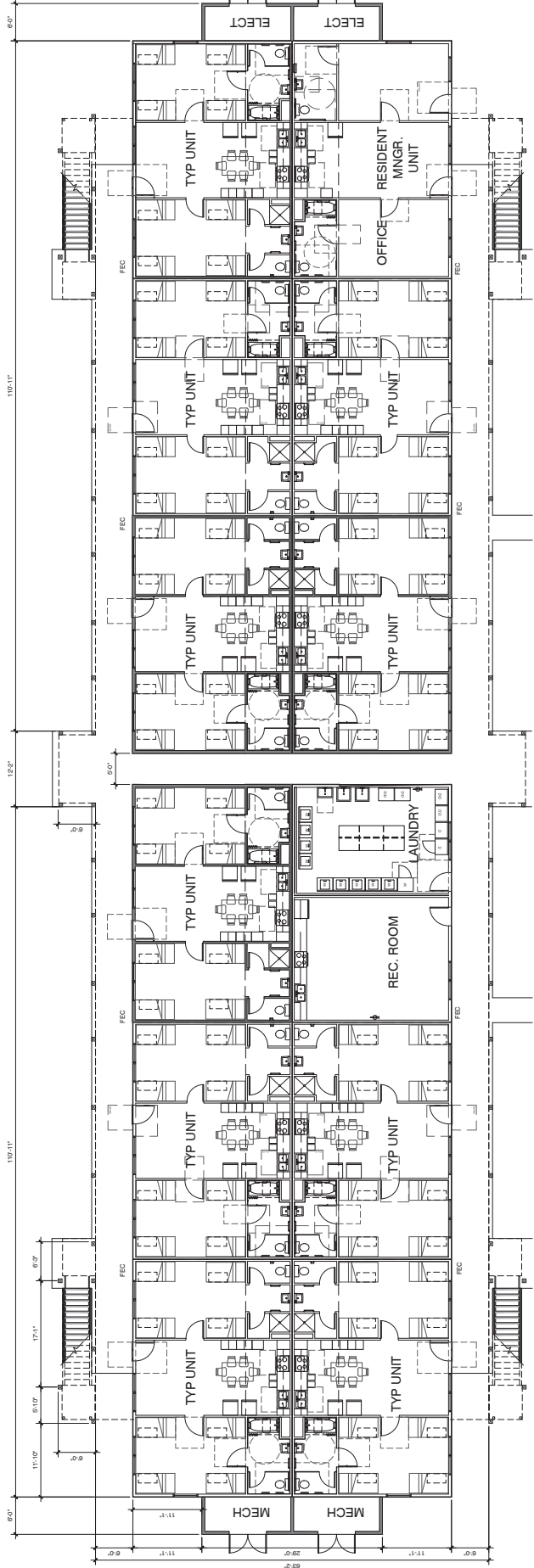
**THE PAUL DAVIS PARTNERSHIP ARCHITECTS & PLANNERS**  
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 Alhambra, CA 91801  
 (626) 752-2728 FAX (626) 752-4269  
 info@pauldavispartnership.com pauldavis.com



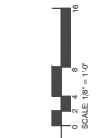
Drawn By: AC  
 Drawing Date: 04.12.2021  
 Project Number: 2043

Revisions:  
 Planning Re-submitted 05-15-2021  
 Planning Re-submitted 07-01-2021  
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 Planning Re-submitted 07-29-2022

The use of any trade and specialties is limited to the scope of the project. The architect is not responsible for the accuracy of the information provided by the contractor. The architect is not responsible for the accuracy of the information provided by the contractor.



Sheet: **THE FIRST FLOOR PLAN**



**PROPOSED FIRST FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



Sheet Number:

**A2.1**

Project / Owner:  
**Pajaro Apartment**  
 124 GONDA ST  
 PALARCO, CA 95078  
 APN: 117-381-017-000

**LEGEND**  
 ■ 2A108CF FIRE EXTINGUISHER & WALL MOUNTED  
 ■ CABINET W/ TOP 14" AF AF

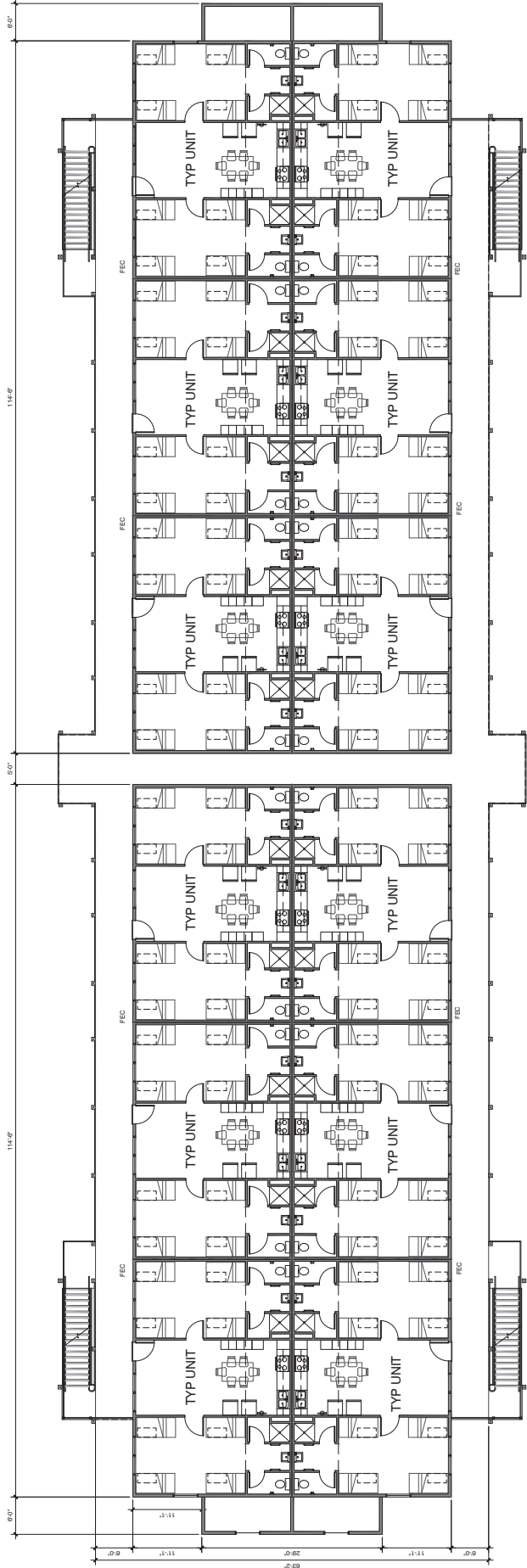
**THE PAUL DAVIS PARTNERSHIP**  
**ARCHITECTS & PLANNERS**  
 The Paul Davis Partnership, LLP  
 1000 California Street  
 Alameda, CA 94606  
 (415) 772-2728 FAX (415) 772-4909  
 info@pauldavispartnership.com pauldavis.com



Drawn By: AC  
 Drawing Date: 04.12.2021  
 Project Number: 2043

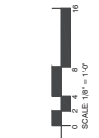
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 Planning Re-submitted 05-15-2021  
 Planning Re-submitted 06-22-2021  
 Planning Re-submitted 07-29-2022  
 Planning Re-submitted 07-29-2022

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Sheet: The  
**SECOND FLOOR PLAN**

Sheet Number:



**PROPOSED SECOND FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



**A2.2**





Drawn By: AC  
 Drawing Date: 04.12.2021  
 Project Number: 2043

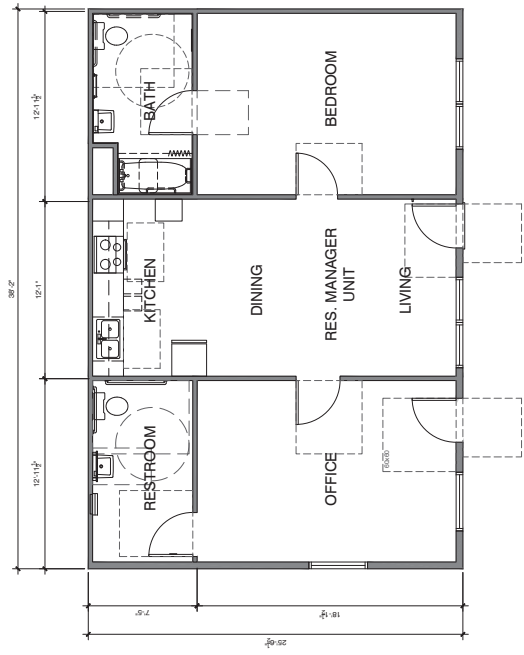
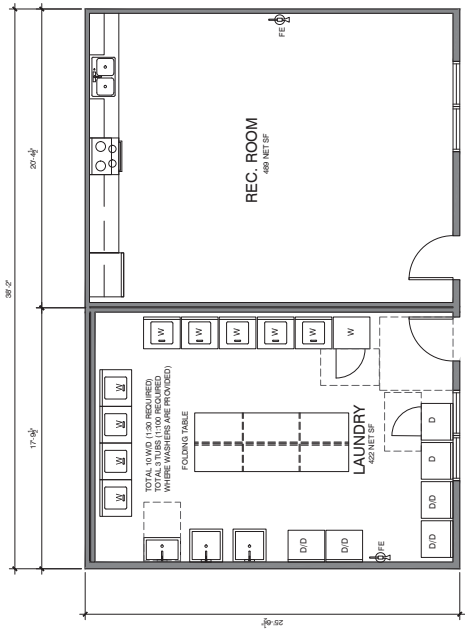
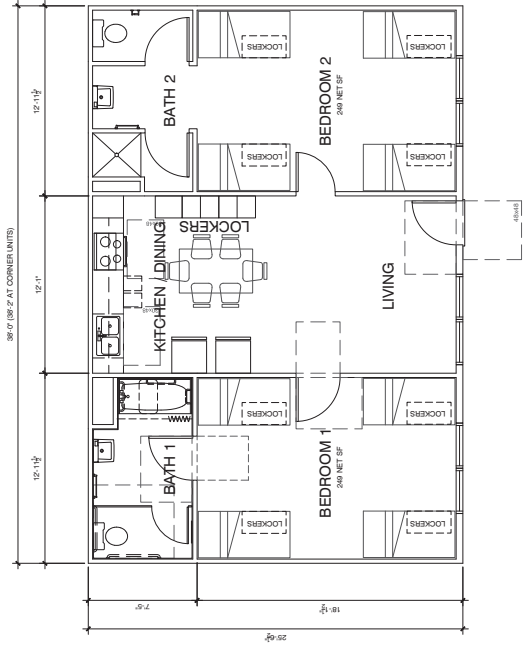
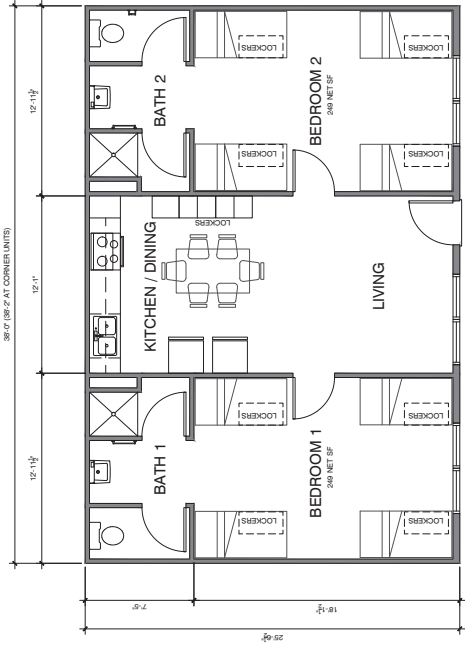
Revisions:  
 Planning Re-submitted 05-15-2021  
 Planning Re-submitted 06-15-2021  
 Planning Re-submitted 07-29-2022  
 Planning Re-submitted 07-29-2022

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**TYPICAL UNIT PLANS**

Sheet Number:

**A2.4**





Drawn By: AC  
 Drawing Date: 04.12.2021  
 Project Number: 2043

Revisions:  
 Planning Re-submitted 05-15-2021  
 Planning Re-submitted 07-29-2021  
 Planning Re-submitted 01-29-2022  
 Planning Re-submitted 07-25-2022

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**Sheet 0101  
 PROPOSED EXTERIOR ELEVATIONS**



④ WEST ELEVATION - FACING GONDA STREET  
 1/8" = 1'-0"

③ EAST ELEVATION  
 1/8" = 1'-0"

② NORTH ELEVATION  
 1/8" = 1'-0"

① SOUTH ELEVATION  
 1/8" = 1'-0"

Project / Owner:

# Pajaro Apartment

124 GONDA ST  
PAJARO, CA 95076  
APN: 117-361-017-000

### FUEL MANAGEMENT LEGEND

Vegetation Management Zone: Vegetation in this zone must be trimmed within 100' from structures. Zone area is maintained around the proposed buildings. Plant material shall be trimmed regularly for fuel modification and reduction.

Irrigated Landscape Zone: Irrigated landscape shall be maintained up to a minimum of 10' from structures. With this zone, remove and keep away all flammable vegetation.

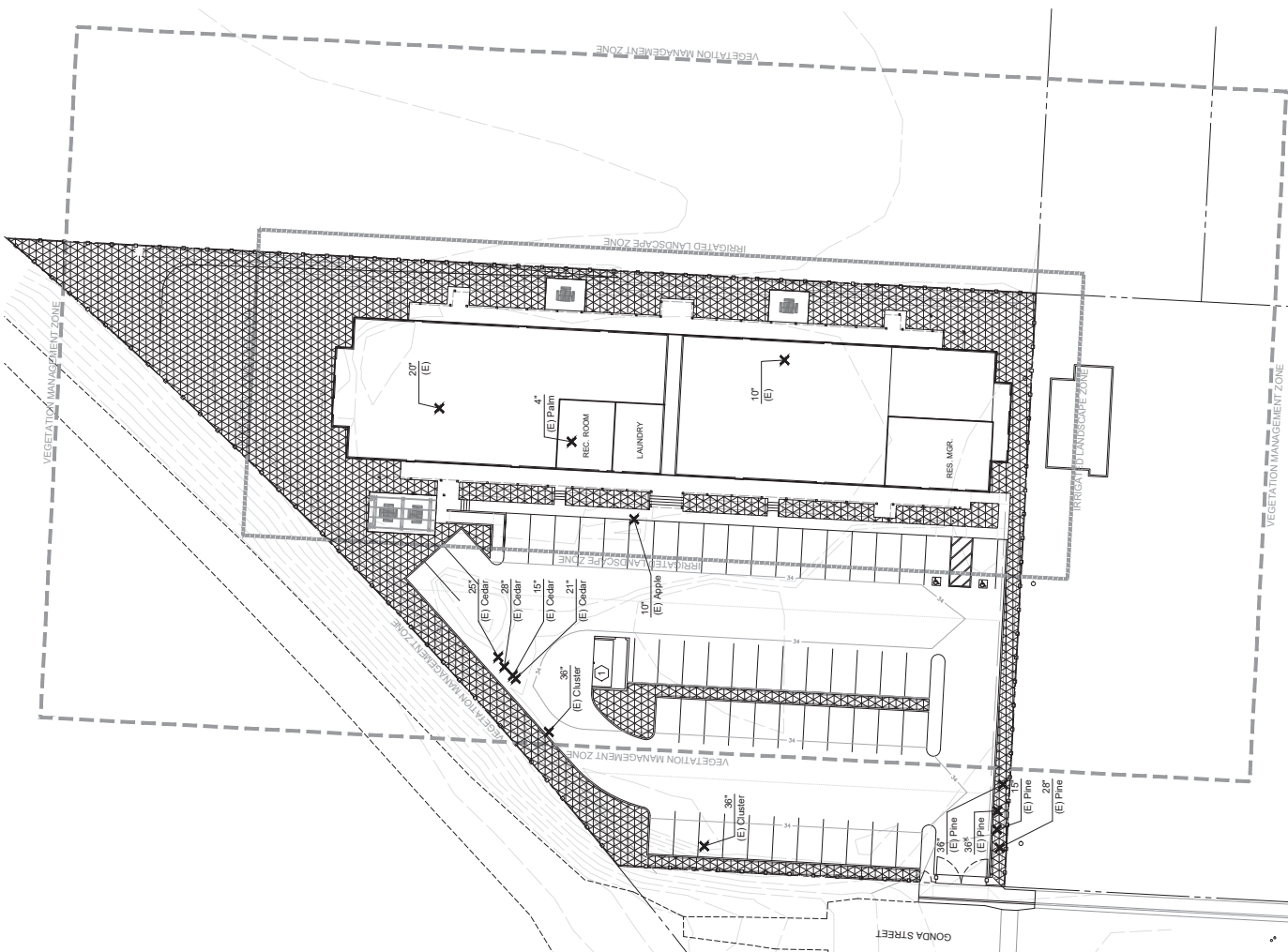
Projected Irrigated Planning Aways

### REFERENCE NOTES

① Trash Enclosure: See Architectural Drawings.

### TREE REMOVAL LEGEND

- X Trees to be removed.
- 10" Apple
- 15" Pine
- 15" Palm
- 36" Pine
- 36" Palm
- 15" Cedar
- 21" Cedar
- 25" Cedar
- 36" Cluster Unknown
- 10" Cluster Unknown
- 15" Cluster Unknown
- 20" Unknown
- 4" Palm



**THE PAUL DAVIS PARTNERSHIP ARCHITECTS & PLANNERS**

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EMAIL: paul.davis@pauldavispartnership.com

**BFS LANDSCAPE ARCHITECTS**  
10000 N. 1st Street, Suite 100  
Palo Alto, CA 94304  
650.961.1100  
www.bfslandscape.com



Drawn By: JB  
Drawing Date: 03.05.2021  
Project Number: 21.011

Revisions:  
Re-submittal 06-15-2021  
Planning Re-submittal 10-22-2021  
Planning Re-submittal 07-25-2022

This drawing was prepared by the undersigned professional engineer, architect, landscape architect, or other professional person, and it is hereby certified that the undersigned is a duly licensed professional person in the State of California, and that the undersigned is the author of the design, or a member of the firm.

**FUEL MANAGEMENT & TREE REMOVAL PLAN**

Sheet Number:

L-1.0





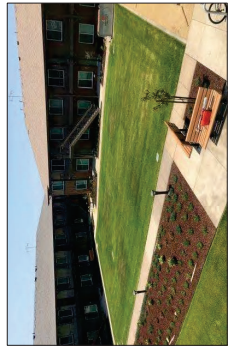




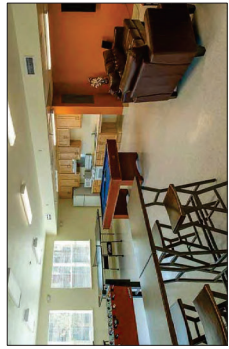
CONCEPT IMAGES



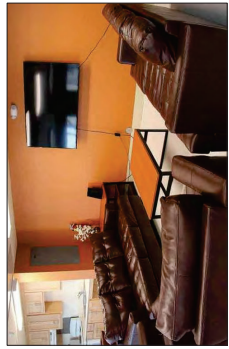
PICNIC AREA



OPEN SPACE MULTI-USE TURF PLAY AREA



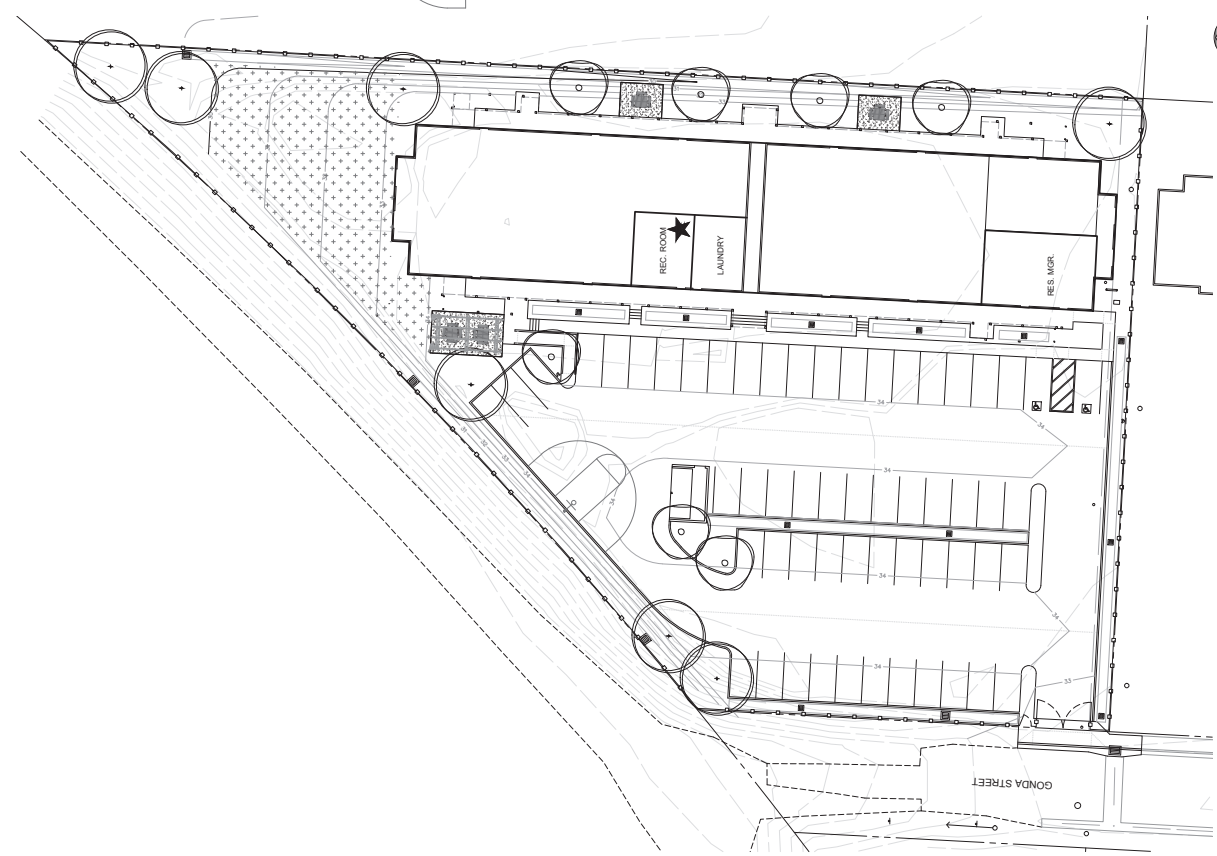
RESIDENT RECREATION ROOM



RESIDENT RECREATION ROOM



SPORT COURT



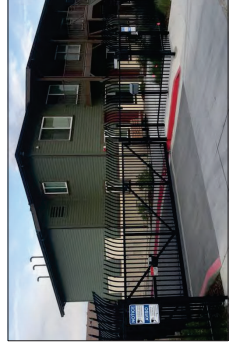
RECREATION SUMMARY

Total Open Space Provided: 5,935 sf (0.1 acres), 10% of total project square footage.

- Recreational turf area for active, informal outdoor sports and recreation.
- (1) Indoor recreation room with tables and chairs for table games and small events.
- (1) Multi-use play court striped for 3-point play basketball.
- (1) Picnic area with tables and BBO.

LEGEND

- Seating Areas: Decomposed Granite surfacing and ADA Tables (165 sf).
- Turf: Informal sports and recreation area (4,085 sf).
- Indoor Recreation Area: 519 sf
- Picnic Area: Trellis, Tables and BBO (350 sf).



CONCEPT FENCING

Project / Owner:

Pajaro Apartment

124 GONDA ST  
 PAJARO, CA 95076  
 APN: 117-381-017-000



The Paul Davis Partnership, LLP  
 286 E. Colorado Street  
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Drawn By: JB  
 Drawing Date: 03.05.2021  
 Project Number: 21-011

Revisions: Resubmittal 06-15-2021  
 Planning Resubmittal 10-22-2021  
 Planning Resubmittal 07-25-2022

The information contained on this drawing was prepared by the undersigned, a duly licensed professional engineer in the State of California, and it is hereby certified that the information is true and correct to the best of my knowledge and belief, and that I am a duly licensed professional engineer in the State of California.

RECREATION PLAN

Sheet Number:

L-4.0