

# Exhibit H

This page intentionally left blank.

**MINUTES**  
**North County Land Use Advisory Committee**  
**June 1, 2022**

1. Meeting called to order by David Evans at 5:31 Pm

2. Roll Call

**Members Present:**

Sherry Owen, John Robinett, David Evans, Lesley Noble, Michael Mastroianni (signed on a couple minutes late) [5]

**Members Absent:**

Emily Tafoya (1)



3. Approval of Minutes:

A. April 6, 2022 minutes

Motion: Lesley Noble (LUAC Member's Name)

Second: John Robinett (LUAC Member's Name)

Ayes: Lesley Noble, David Evans, Sherry Owen, John Robinett (5)

Noes: 0

Absent: Michael Mastroianni, Emily Tafoya (2)

Abstain: 0

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

- Lesley Noble advised the BOS had a proposed budget that should be **strongly** reviewed by any and everyone.
- David Evans announced that the LUAC was in great need of additional members and reached out to the members & anyone else participating to assist in obtaining more committee members

5. Scheduled Item(s)

6. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

---

---

---

---

---

---

---

---

---

---

B) Announcements

- Sherry Owen again inquired about the status of the proposed project (PLN210090) for storage units on Vierra Canyon Road due to the destruction of trees and homes & the appearance of this project proceeding without a LUAC review
- 
- 
- 
- 
- 
- 
- 
- 

7. Meeting Adjourned: 7:44 pm

Minutes taken by: Lesley Noble





# Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Housing & Community Development  
1441 Schilling Place 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025



Advisory Committee: North County

1. **Item Title:** AB 361 FINDING  
**Description:** On September 16, 2021, Governor Newsom signed AB 361. This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361. For the June 15<sup>th</sup> remote meeting, the LUAC must make the findings.

Staff recommends, pursuant to AB 361 and in order for the LUAC to continue to meet remotely via teleconference, the LUAC find: 1) that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; 2) that the Planning Commission has reconsidered the circumstances of the state of emergency; and 3) that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies of local agencies.

## RECOMMENDATION:

Motion by: Michael Mastroianni (LUAC Member's Name)

Second by: David Evans (LUAC Member's Name)

X Acceptance of the Finding

       Rejection of the Finding

Ayes: David Evans, Michael Mastroianni, Sherry Owen, Lesley Noble (4)

Noes: John Robinett (1)

Absent: Emily Tafoya (1)

Abstain: 0

# Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Housing & Community Development  
1441 Schilling Place 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025



**Advisory Committee:** North County

1. **Project Name:** ANTHONY NICOLA INC Item continued from 4/6/22 meeting  
**File Number:** PLN200203  
**Project Location:** 124 GONDA ST ROYAL OAKS  
**Assessor's Parcel Number(s):** 117-361-017-000  
**Project Planner:** MARY ISRAEL  
**Area Plan:** NORTH COUNTY AREA PLAN  
**Project Description:** Combined Development Permit consisting of: 1) Administrative Permit to demolish an existing single family dwelling and septic system, 2) Use Permit to construct two (2) three-story buildings for 34 two bedroom units and one (1) one bedroom unit totaling 36,200 square feet for use as agricultural employee housing of up to 272 workers.

**Was the Owner/Applicant/Representative present at meeting?** YES X NO \_\_\_\_\_

**(Please include the names of those present)**

Anthony Nicola

Several Community members [neighbors] were present (17) but did not speak

**Was a County Staff/Representative present at meeting?** Mary Israel (Name)

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Christine Shaw	X		Please review letter submitted in this matter, and attached hereto, and read at meeting to the LUAC and participants
Gloria Lopez	X		Traffic issues not really addressed, and the many issues that lend themselves to the necessity of an EIR
Jaime Padilla	X		He believes this project creates an unsafe environment for the H2a workers, and alleges the H2a workers have expressed their concerns regarding the same to him.

**LUAC AREAS OF CONCERN**

<p><b>Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)</b></p>	<p><b>Policy/Ordinance Reference (If Known)</b></p>	<p><b>Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)</b></p>
<p>(Sherry Owen) Water shortage is a clear problem. Currently most new construction is denied based on the lack of water yet this project is a go contrary to the standards imposed on other projects. It is alleged that a neighboring strawberry grower is willing to place his agricultural property in a conservancy to assist with the contribution of water availability to this project. A clear, and dangerous precedent is set by this method of obtaining a permit for this project, and potentially lends itself to a decline in agricultural growth. The likelihood of the income levels not qualifying for the intended use. There are a number of parcels earmarked for housing projects in North County that have been denied on the basis of water.</p>		<p>Re-locate this project</p>
<p>(Lesley Noble) It is stated that if this project does not succeed for its intended use it can be converted to a standard apartment complex after receiving the benefit(s) of “the density bonus” provisions, and possibly tax benefits which differ from the requirements of an apartment complex. The condition of, and the target date to repair the levy is in the distant future.</p>		<p>Re-locate this project</p>
<p>(John Robinett) Water in better supply in the South Salinas Valley. Disruption of the existing neighborhood. Traffic issues/report does not realistically take into consideration the possibility of two projects being accessed via San Juan Road.</p>		<p>Re-locate this project</p>



**ADDITIONAL LUAC COMMENTS**

- While this property differs in character from the Susan Street project, i.e., high density versus agricultural land, both will negatively effect the future of agriculture. A very needed commodity in the world. Both set a precedent, if approved, to abandon more and more agricultural parcels.
- There currently exists other projects of this nature within Monterey County, that appear to be unoccupied yet more are sought to be built. Why not utilize what exists before creating more or at least examine the occupancy levels, to glean statistics of the necessity for more?
- Due to a sewage malfunction, and lack of maintenance to sewage system by the County, the neighboring lands to this project have been deemed toxic. Uncertain of the effect on the folks who potentially will reside there.

**RECOMMENDATION:**

**Do not support project as proposed**

Motion by: Sherry Owen (LUAC Member's Name)

Second by: Michael Mastroianni (LUAC Member's Name)

       Support Project as proposed

       Support Project with changes

       Continue the Item

       Reason for Continuance: \_\_\_\_\_

Continue to what date: \_\_\_\_\_

Ayes: Michael Mastroianni, Sherry Owen, John Robinett, Lesley Noble (4)

Noes: David Evans (1)

Absent: Emily Tafoya (1)

Abstain: 0





**Friedrich, Michele x5189**

---

**From:** Christine Shaw <keepsusanstreetclosed@gmail.com>  
**Sent:** Monday, May 30, 2022 6:10 PM  
**To:** Friedrich, Michele x5189  
**Subject:** NC LUAC

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. ]

 LUAC 1.pdf 

 LUAC 2.pdf 

 LUAC 3.pdf 

Hi,

Can you please send this file to the NC LUAC members for the upcoming meeting about Anthony Nicola/Gonda Street development.

Thank you

Christine Shaw



Dear LUAC,

I want to thank you for your continued service to the community, as the Nicola project comes before you yet again, despite having the same serious issues as the Susan street project

These three story monstrosities, that loom over the neighborhood, will have an adverse impact on the human ecology of our neighborhood. Adding 760 people(both Susan and Gonda Street projects combined) to our town, increasing the population by 25%, will have impacts that cannot possibly be mitigated in the foreseeable future.

The threat to not only our current residents but also the residents in these developments should not be overlooked. Liquefaction, flooding, and the inability to evacuate in a timely manner are areas of major concern.

In a letter to Henry Stern, Wendy Root Askew stated "The current configuration of flood protection on the pajaro river provides only 5 year flood protection"

The current plans do not meet the minimum elevation standards for safety set forth in models done by Dr. Mark Strudley of the Pajaro Regional Flood Management Agency. What kind of developer leaves 260 people with no transportation in a high risk flood zone?

the neighboring apartments that sit across from the Nicola property flood on a regular basis, as depicted on page 23 of the Monterey County floodplain management plan of 2014.

it also lies within the FEMA defined regulatory floodway, which must be kept free of obstruction. Grading of the magnitude required to build at this scale is also prohibited within 200 feet of a river in the zoning code floodplain regulations of the Monterey county code.

Esme Wahl of the The California Coastal commission has stated that no developments should be approved before we have a long term sustainable water supply, as the groundwater levels remain below sea level.

Susan and Gonda Street's infrastructure has not been updated since the development was built, over 65 years ago. We struggle with water pressure, broken lines(on our lots) and rusty water on a regular basis. Our sewage line is CLAY(I know because it broke last year.)

Pajaro and surrounding areas struggle with sewage backups when the lines are cleared. A sewage breakage near Trafton and Thurwatcher Road, where over one millions gallons of raw sewage spilled unchecked for eight days, left two fields so contaminated that 40 acres will have to lie fallow forever, costing Monterey County upwards of \$11 million dollars to repair.

Liquefaction has been proven to be a highly repeatable event at the proposed location. A three year study of the neighboring properties, done by John tinsely of the USGS stated "subsurface exposures of the pajaro river floodplain facies suggest that the juxtaposition of younger units and older units favors later spreading failure"



and If that is not enough to cast serious doubt on the safety of the development, I ask you to please keep in mind the information that we learned from Clint Eastwoods Pajaro Commons 54 unit subdivision for Pebble Beach employees, that did not come to fruition, due to the dangers of liquefaction at the site, which is less than four tenths of a mile down the river from the proposed Susan and Gonda Street locations.

the validity of information provided by Keith Higgins traffic engineer, for both the susan st and gonda street developments, has been brought into question, with glaring inaccuracies that in the case of the susan street mitigated negative declaration, need to be corrected before returning to the planning commission.

At minimum a FULL EIR is needed, we can only mitigate potential issues if the information is accurate and thorough, something the MND is not.

The Redevelopment Agency Implementation Plan contains goals that are desirable and achievable with the right developments. None of the residents are anti-development, but we are not willing to stand by while developers threaten us, doing nothing to progress towards our shared goals of a *healthy, balanced* community.

We cannot do this without your support and understanding. You are the governing body tasked with looking at the whole picture, we are offering you the human side of this, the one with nothing to gain from this development, we have no financial stake in this, our motivations are pure: Pajaro Rises TOGETHER.

Thank you for your time and service

RECEIVED

MAY 30 2022

MONTEREY COUNTY  
RESOURCE MANAGEMENT AGENCY  
LAND USE DIVISION

## BUFFER

Per the Monterey County Code, 21.66.030 - Standards for agricultural uses.

### F.2

New development adjacent to agricultural areas shall be required to establish a well-defined buffer zone within the area to be developed. The area to be utilized as a buffer shall be placed in an easement, required as a condition of project approval. Requirements for the easement are as follows:

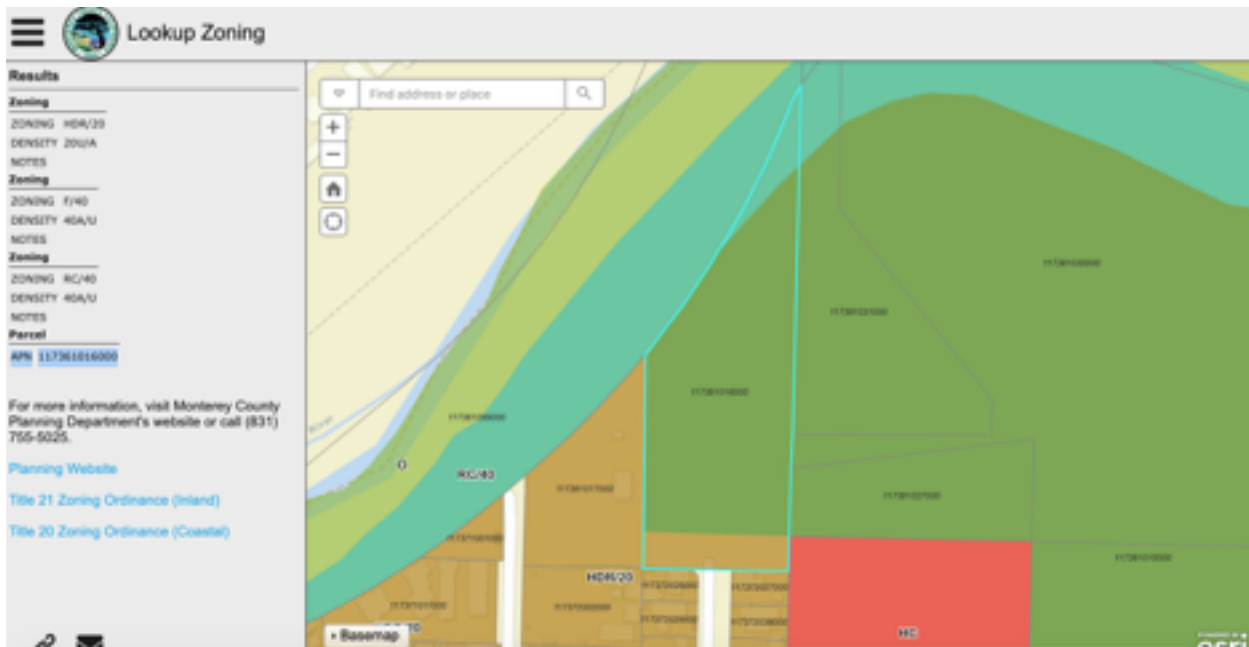
#### a.

The easement width shall be sufficient 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. **For development adjacent to "F", "PG" or "RG" Zoning Districts, the easement shall be a width of two hundred (200) feet, or wider where necessary to mitigate adverse impacts between agricultural and adjacent land uses.**





As pictured below, the neighboring property is zoned f/40, with only a small strip(brown in color) zoned HDR.



Gonda street traffic study:

-Keith Higgins is the same engineer that conducted the Susan Street traffic study. During the most recent planning commission hearing the accuracy of his report was brought into question, with many glaring inconsistencies, not to mention, the study was conducted during OFF peak hours, and during the pandemic which precluded the usual collection of peak period traffic volumes at the 4 study intersections.

### *SAFETY AND FLOODING*

-MWRCA states “floodway fringe, where the floodway must be kept free of obstruction.” This project is “within the FEMA-defined regulatory floodway”

-Modeling done by Dr. Mark Strudley and the Pajaro River Watershed Flood Prevention Authority shows that buildings need to be raised by 3-5 feet. Monterey County has received the supporting studies and information to confidently implement regulations that would protect against the loss of life in the event of a flood.

-Buses will not be kept on site. In the event of an evacuation (like 1995) residents of this development have no way to evacuate in a timely manner. Evacuating 272 people down a street that is 26 feet wide, will impede the safe and timely evacuation of current residents.

***-“The current configuration of flood protection on the Pajaro River, provides only 5-year flood protection*** along the Pajaro River, based on an analysis developed by the Corps. Since its construction, the region has experienced six major floods; the 1995 event caused over \$95 million in damages and two people lost their lives. The levees came perilously close to rupturing again in 2017, and millions of local dollars were spent to fight flood and repair damages to the existing facility.” Letter to Henry Stern from Wendy Root Askew

***-LIQUEFACTION*** is a highly repeatable event at the proposed location.

-The THREE YEAR study done by John Tinsley of the USGS in 1989-1991 stated: "Subsurface exposures of Pajaro River floodplain facies suggest that the juxtaposition of younger units and older units *favours lateral spreading failure*. This is a mapable contact used to evaluate liquefaction susceptibility (Dupre and Tinsley, 1980), and it is arguable that this contact should also be used to delineate a zone of high susceptibility to lateral spreading. Our results support the case that, in certain geologic environments, lateral spreading hazard may be identifiable as discrete zones of failure, similar to earthquake surface fault rupture. *It is possible, at least in certain geologic environments, that geologic boundaries, and not distance from a free face, control the location of lateral spreading.*"

-Clint Eastwoods Pajaro Commons 54 unit subdivision for Pebble Beach employees, that did not come to fruition, due to the dangers of liquefaction at the site, which is only four tenths of a mile down the river from the proposed Susan and Gonda Street locations. Something the three year USGS study, that incorporated this lot, stated was a repeatable event.

-Pajaro Commons Housing Project, .4 Miles down the river, unrealized due to liquefaction. (Ultimately the land was donated and is currently the ONLY park/open space in Pajaro, at 4.9 acres)

-GIS Liquefaction Mapping by Darryl Tyler of County of Monterey:

**Liquefaction Susceptibility: High**

-Law enforcement has expressed that farmworkers are often targeted by gangs, echoing statements Mike Avila has made in the past. Adding over 760 people(Susan and Gonda Street projects combined) to our town with **no sheriff sub station in our area**, only adding to the many safety concerns of the community.

## Sewage:

-Pajaro and surrounding areas struggle with sewage backups when the lines are cleared. A sewage breakage near Trafton and Thurwatcher Road, where over one million gallons of raw sewage spilled unchecked for eight days, left two fields so contaminated that 40 acres will have to lie fallow forever, costing Monterey County upwards of \$11 million dollars to repair.

## **CIVIC**

-Per the Pajaro Community Plan “Based on a standard of 5 acres of park per 1000 people, there is a need of 15 acres of new park area to serve the current population. An additional 5-15 acres will likely be needed to support new housing development.” Pajaro currently has less than 5 acres of recreation/open space.

-This project does NOTHING to realize the goals set forth in Monterey Counties Redevelopment Agency Implementation Plan of 2010.

## **SCALE AND DENSITY**

-Building height and mass at the street should appear to fit in with the prevailing neighborhood character. The height, bulk and scale of the buildings will have an adverse impact on the human ecology of our community.

-The current push for housing enables developers to circumvent review processes(i.e Environmental Impact Report) intended to ensure that projects fit sensitively into neighborhoods. Dodging these review processes often results in buildings that are architecturally discordant and demonstrate *disregard for the concerns of the neighboring residents and community.*

-The developers are now mentioning domestic workers, and in the event that this is offered to domestic workers the parking will be completely inadequate and spillover into the community, in which parking is already impacted.

-“New development in Pajaro is constrained by the existing overdraft conditions in the Pajaro Valley Groundwater Basin (Basin). The Basin is in an overdraft condition and is experiencing an increasing rate of seawater intrusion. The combination of overdraft and seawater intrusion limits the fresh groundwater supply needed to sustain the long-term economy of the Pajaro Valley, including the community of Pajaro.” REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY IMPLEMENTATION PLAN

### ***CIVIL RIGHTS***

-In an effort to maximize housing, safety and environmental oversight measures are minimized, developers take the “path of least resistance” which pushes high density housing into communities the least able to resist commodification of land and resources. “Laborsheds” are the natural outcome, thus a self sustaining cycle of segregation by race and income is created.

-As Benmayor and Flores point out in their book, Latino Cultural Citizenship: Claiming Identity, Space, and Rights, “Second-class citizenship is so pervasive in Latino communities that Latinos have accepted their treatment as inevitable” (Benmayor et al., p. 255)

-Mexican immigrant-based unincorporated communities are practically invisible within Monterey County’s traditional decision-making process.



Lateral spread represented by a dotted line, extends through the Susan and Gonda street properties. Overlaid architects rendering.

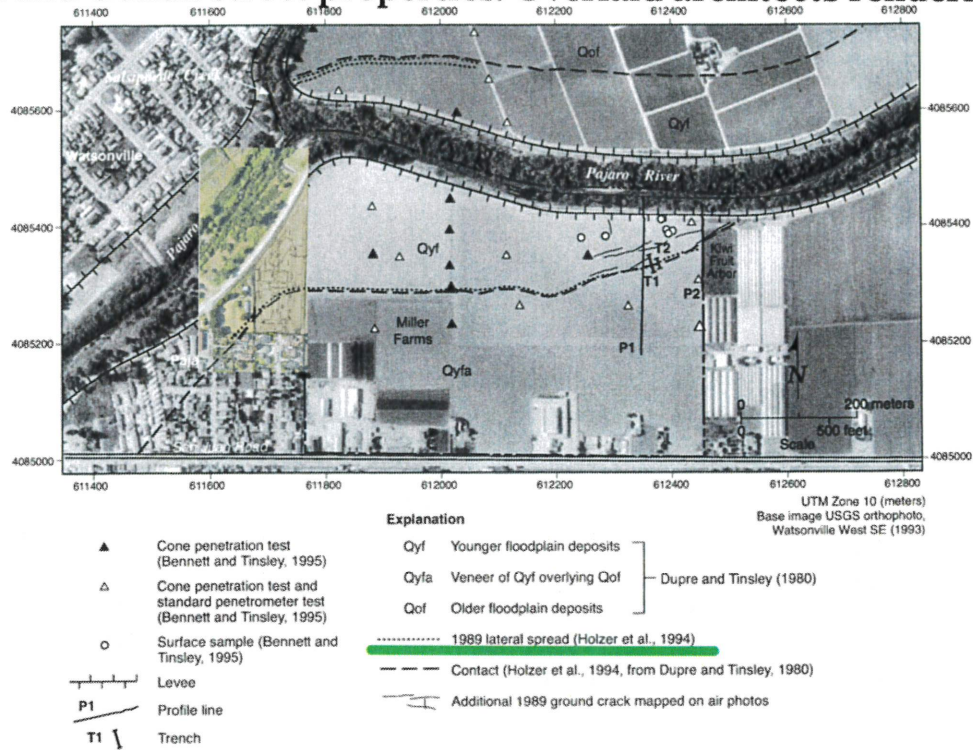
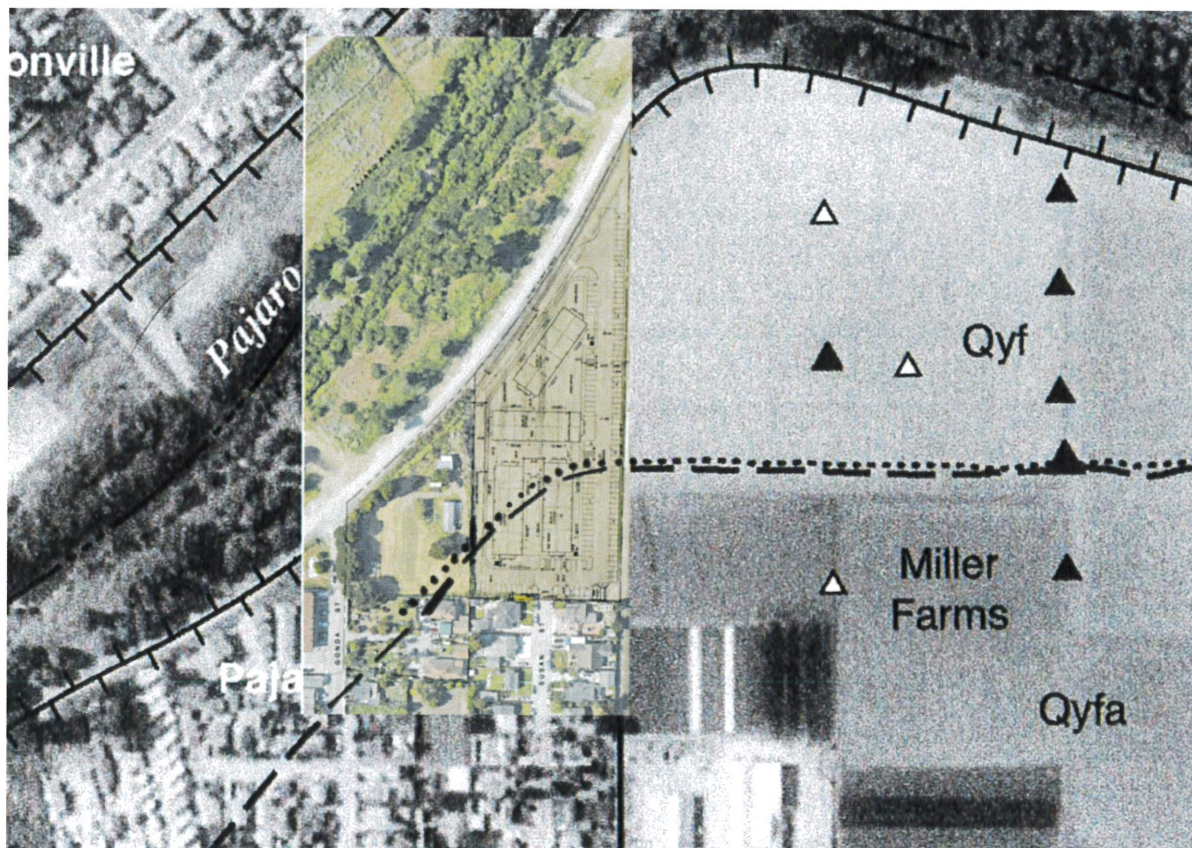


Figure 2. Map of Miller Farms site showing the 1989 lateral spreads, Quaternary deposits, locations of CPT and SPT samples, and trench locations.

1574 Lateral Spread



-Pajaro Commons was a 54 unit development that did not come to pass due to the probability of liquefaction in the event of an earthquake.

*-Pajaro Commons/Pajaro Park is .4 miles down the river from the proposed location.*

*α-ii-iii) Seismic Shaking and Liquefaction – Less than Significant.* Seismic shaking is expected as a result of a major earthquake on regional faults. However, the proposed project elements do not include habitable structures. A small pre-fabricated restroom building will be installed according to California Building Code requirements. Onsite soils generally consist of unconsolidated alluvial and fill soils that are susceptible to liquefaction.

The property experienced liquefaction-induced ground failure as a result of the 1989 Loma Prieta earthquake, although the buildings existing at the time suffered very little damage (Source IX.13 – Terratech, September 1994). The site experienced about 1 meter of lateral spreading, and both ground cracking and sand boils occurred at the site (Ibid.).

The alluvial soils underlying the surficial fill soils typically consist of soft to firm sandy silt to a depth of 16 to 20 feet; the sandy soils were typically loose to medium dense to a depth of 61 feet (Source IX.10 – D&M Consulting Engineers, June 2005). Subsurface soils borings found that the upper 15 to 2 feet beneath the site appears to be composed of interbedded loose/soft silt and clay, which appear to be underlain by loose, fine-grained, poorly graded sand which varies in thickness from about 13 to 25 feet (Source IX.13 – Terratech, September 1994). This sand is underlain by interbedded sand and clay; groundwater was encountered at a depth of about 17 feet beneath the ground surface (Ibid.). Liquefiable sand layers appear to exist within the sand interval which is present at depths generally below 20 feet at the site (Ibid.).

A liquefaction analysis was conducted for the project site in 2005. Potential problems associated with liquefaction at the site include foundation bearing failure, damaging structural or area site settlements and slope instability or lateral spreading towards the Pajaro River (Source IX.10 – D&M Consulting Engineers, June 2005). Lateral spreading occurs when large sections of ground move laterally towards an open face such as a river bank as a result of liquefaction. Horizontal displacement from lateral spreading was estimated on the order of 3 to 16 feet at the project site (Ibid.).

Because the project does not propose habitable structures that would be subject to foundation bearing failure, it is expected that liquefaction hazards would not pose a significant impact to a park facility. Lateral spreading could displace sections of natural or synthetic turf or other onsite facilities. However, permanent habitable structures would not be affected as none are proposed. Therefore, *less-than-significant impacts* are expected to occur related to seismic shaking and liquefaction.





prepared:

- i. Archaeological Consulting (LIB110405) March 26, 1996. "Preliminary Cultural Resources Reconnaissance for APN 117-331-025, 117-431-002-000 & 003, Pajaro, Monterey County, California."
- ii. Biotic Resources Group (LIB110406) October 21, 2009. "Pajaro Community Park Project, Monterey County – Biological Assessment"
- iii. D&M Consulting Engineers, Inc. (LIB110407) June 13, 2005. "Liquefaction Study, Proposed Pajaro Commons Housing Project, Monterey County, California."
- iv. Geotechnical and Environmental Consultation, Granite Construction Company Pajaro Yard Site (LIB110408) by Terratech September 1, 1994, 24 San Juan Road Extension, Pajaro, Monterey.
- v. Pajaro Park Traffic Analysis (LIB110411) December 21, 2009. Ron Marquez, Santa Cruz.



**Areas of liquefaction. Top: lateral spreading extending through the Susan Street location. Bottom: Lateral spread and sand boils visible from above.**





County of Monterey  
Resource Management Agency  
1441 Schilling Place, 2nd Floor  
Salinas, CA 93901 (831) 755-5025  
[www.co.monterey.ca.us/rma](http://www.co.monterey.ca.us/rma)

Assessor Parcel ID: 117-361-016-000  
Parcel Size-Acres: 3.66623  
Address: None

Community: PAJARO

Planning Area: North County

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

Land Use Designation:

Rivers and Water Bodies | Farmlands 40 - 160 Ac Min

Zoning Notes:

None

**Land Use Advisory Committee:**

North County Advisory Committee

### Administrative Boundaries & Districts

City: None

County Service Area:

None

Recreation District:

None

North County Water Impact Area: Yes

Water Mngmnt Agency: Pajaro Valley

MCWRA Zone 2C: None

Within a CCC Appeal Area: None

School District-Building Fees:

PAJARO VALLEY UNIFIED

Fire District: North County FPD

CAL-AM Service Area: None

### Agricultural & Soil

Williamson Act Contract: None

Important Farmlands:

Other Land | Prime Farmland | Urban and built up land

Soil Survey: Mf | MnA



LCP Land Use Designation:

None

### Potential Hazards

**Fire Hazard Zone (SRA Setback):**

None

Seismic Hazard Zone:

VI

FEMA Flood: AE | AO

**Floodway:** None

Erosion Hazard Rating: Low

● Liquefaction Susceptibility: High ●

Landslide Susceptibility: Low

Slope > 25%: None

Active/Potentially Active Faults (660' buffer): None

### Historical Resources

**Historical Site:** None

● Archaeological Sensitivity: high ●

**Spreckels Historic District:**

None

## **GONDA STREET APARTMENTS, PHOTO TAKEN FROM LEVEE**

Flood damage in Pajaro Valley is caused by the overtopping or destruction of levees resulting in inundation of the floodplain. As provided in the FIS, 100-year flooding velocities range from 1.4 to 10.5 feet per second. The two largest floods on the Pajaro River occurred in 1955 and 1958. The associated discharges on the Pajaro River for these events were 24,000 cfs and 23,500 cfs, respectively, at the USGS Chittenden gage. The estimated return periods for these floods are 27 years and 26 years, respectively. Another severe flood occurred in March 1995, estimated to be a 10-20 year storm event, caused by a breach in the levee approximately 3 miles upstream of the town of Pajaro. The drainage system in the flat town could not adequately discharge the stormwater runoff in the streets. This resulted in mass evacuations and damage to private property. All residences (600+) and businesses in Pajaro were damaged and 2,500 people (out of a total population of 5,000) were evacuated. The peak flow travel times at the USGS Chittenden gage are provided in Appendix B.



**Figure 9: Shallow flooding at the Pajaro River Levee near Gonda Street , March 2011.**

### **2.2.1 COUNTY POLICIES**

Counties often have policies in place to prevent development within a floodplain or within a certain distance from the river. The following sections highlight and summarize safety and building policies associated with flood plains for each county. The information was taken from county general plans. This section includes descriptions of the existing policies effects on the study and the projects identified.

#### **Monterey County**

Monterey County considers the designated 100-yr floodplain to be the significant flood area. The following policies apply to 100-yr floodplains.

- The county will develop and participate in floodplain management plans
- The most appropriate land uses in the floodplain are agriculture, passive to low intensity recreation, and conservation
- New development within 200 ft of the riverbank or in the 100-yr floodplain is prohibited except as permitted by ordinance
- No new development is permitted in the riparian corridor
- All new development in the 100-yr floodplain must conform to the guidelines of the National Flood Insurance Program and policies of the County Board of Supervisors
- All development must be approved by the County Flood Control and Water Conservation District

**San Benito County**

## AMBAG SURVEY

including all of the following:

- a. The availability of sewer and water service given federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

*Availability of water is a significant constraint. County aquifers are overdrafted, several critically so. Providers to the unincorporated urban areas are City of Santa Cruz Water Department and Soquel Creek Water District. The latter has recently considered a moratorium on new connections. Both agencies have stated that offset requirements are becoming difficult to meet. The City recently decided to place efforts to increase water supply through desalination on hold. The City's water supply sources on the north coast are also being curtailed by Federal agencies due to the water needs of endangered fish populations in those streams. In other parts of the County, particularly areas in the Pajaro Valley Water Mgt. District where the basin is in severe overdraft and saltwater intrusion is worsening, supply is also very constrained. The Pajaro Valley Water Management Agency recently released a draft Environmental Impact Report on their proposed Basin Management Plan. The Plan does not include significant sources of new supply.*

**Friedrich, Michele x5189**

---

**From:** Christine Shaw <keepsusanstreetclosed@gmail.com>  
**Sent:** Monday, May 30, 2022 6:12 PM  
**To:** Friedrich, Michele x5189  
**Subject:** Re: NC LUAC  
**Attachments:** NICOLA BUFFER 200FT.pdf

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. ]

This as well please

Thank you

On Mon, May 30, 2022 at 6:09 PM Christine Shaw <keepsusanstreetclosed@gmail.com> wrote:

 LUAC 1.pdf

 LUAC 2.pdf

 LUAC 3.pdf

Hi,  
  
Can you please send this file to the NC LUAC members for the upcoming meeting about Anthony Nicola/Gonda Street development.

Thank you

Christine Shaw







# MONTEREY COUNTY HOUSING AND COMMUNITY DEVELOPMENT

Mike Novo, AICP, Interim Director

HOUSING, PLANNING, BUILDING, ENGINEERING, ENVIRONMENTAL SERVICES

1441 Schilling Place, South 2nd Floor  
Salinas, California 93901-4527

(831)755-5025  
www.co.monterey.ca.us

## MEMORANDUM

**Date:** May 15, 2021

**To:** Agricultural Advisory Committee (AAC) – May 27, 2021 Hearing

**From:** Mary Israel, Associate Planner

**Subject:** Anthony Nicola Project, HCD - Planning File No. PLN200203- **Proposed Agricultural Employees Housing Complex for up to 272 residents**

**cc:** Erik Lundquist, Chief of Planning, Craig Spencer, Planning Services Manager, Jaime Scott-Guthrie, Associate Planner

**Location & APNs:** 124 Gonda Street, Pajaro (Royal Oaks); APN 117-361-017-000

### ACTION:

Make recommendation to the Planning Commission on the application to construct two (2) three-story buildings for 34 two-bedroom units and 1 one-bedroom unit totaling 33,810 square feet for use as agricultural employee housing of up to 272 workers. AAC recommendation is required pursuant to 2010 Monterey County General Plan Policy No. AG-1.8<sup>1</sup>

### SUMMARY:

On April 15, 2021, Anthony Nicola submitted an application for development of agricultural employee housing at this location in Pajaro (Royal Oaks). The application was reviewed by County offices and related agencies for an initial 30 days and was found incomplete, in part due to the need for more information on the agricultural buffer. Feedback from this committee will help inform a resubmittal.

The zoning of the parcel is High Density Residential, 20 units per acre maximum gross density (HDR/20). The current use of the subject parcel is one single family dwelling (SFD) residence and accessory structures. The applicant proposes to demolish the existing SFD and septic system prior to constructing the agricultural employee housing. The project submittal includes an 8-foot-tall wall on the east edge of the subject parcel to buffer residents of the agricultural employee housing from

<sup>1</sup> AG-1.8 reads: Development projects on lands designated for agricultural use that require a discretionary permit shall be referred to the County's Agricultural Advisory Committee for their review and recommendation to the decision-making body.

potential organic pesticide drift. Parking for the development is proposed in the east side of the subject parcel.

According to the 2010 General Plan, the land use of the neighboring parcel to the east is Farmland, although the zoning map for the Pajaro area includes it in both 40-acre minimum Farmland and High Density Residential districts. The parcel is currently in use for organic agriculture. During the development review committee meeting, Planning staff informed the applicant that they will need to accommodate an agricultural buffer as per General Plan policy AG 1.2., which states in part:

The County shall require that well-defined buffer areas be provided as partial mitigation for new non-agricultural development proposals that are located adjacent to agricultural land uses on farm lands designated as Prime, of Statewide Importance, Unique, or Local Importance.

The applicant then met with the Agricultural Commissioner's Office to discuss the proposed agricultural employee housing. The Assistant Agricultural Commissioner and staff shared their concern with high density housing at this location because the farming next door could potentially harm the health of the large number of occupants. They further advised that adequate buffering must be incorporated at any density of housing development and cited the Title 21 ordinance that calls for 200 feet of undeveloped buffer between agricultural and other uses (MCC Section 21.66.030), which states in part:

New development adjacent to agricultural areas shall be required to establish a well-defined buffer zone within the area to be developed. The area to be utilized as a buffer shall be placed in an easement, required as a condition of project approval. Requirements for the easement are as follows:

- a. The easement width shall be sufficient 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. For development adjacent to "F", "PG" or "RG" Zoning Districts, the easement shall be a width of two hundred (200) feet, or wider where necessary to mitigate adverse impacts between agricultural and adjacent land uses. In all other zoning districts, the easement may be reduced to a width of not less than fifty (50) feet.
- b. The easement shall extend the full length of the boundaries between the property to be developed and adjacent agricultural lands. Permanent roads which have been established by a dedicated road easement, or which have been paved, or which are a public road, may serve as part of this easement.
- c. Land within the easement may not be used for recreational areas as part of housing projects or public facilities. Minor storage structures or sheds associated with the residential uses may be permitted within the easement area. Specific permitted and prohibited uses shall be stipulated in the easement document.

**AAC Input and/or Comments:**

Staff would like to obtain your comments and your recommendation regarding the project as a whole and make recommendations on how to improve the functional and spatial agricultural buffer.

**Contact Information:**

If you have any questions prior to the meeting, please contact the project planner, Mary Israel, at (831) 755-5183 or at [israelm@co.monterey.ca.us](mailto:israelm@co.monterey.ca.us) and please cc Jaime Scott-Guthrie [GuthrieJS@co.monterey.ca.us](mailto:GuthrieJS@co.monterey.ca.us).

**NEXT STEPS:**

The project will be reviewed for environmental determination and is anticipated to be heard by the Planning Commission.

This page intentionally left blank