



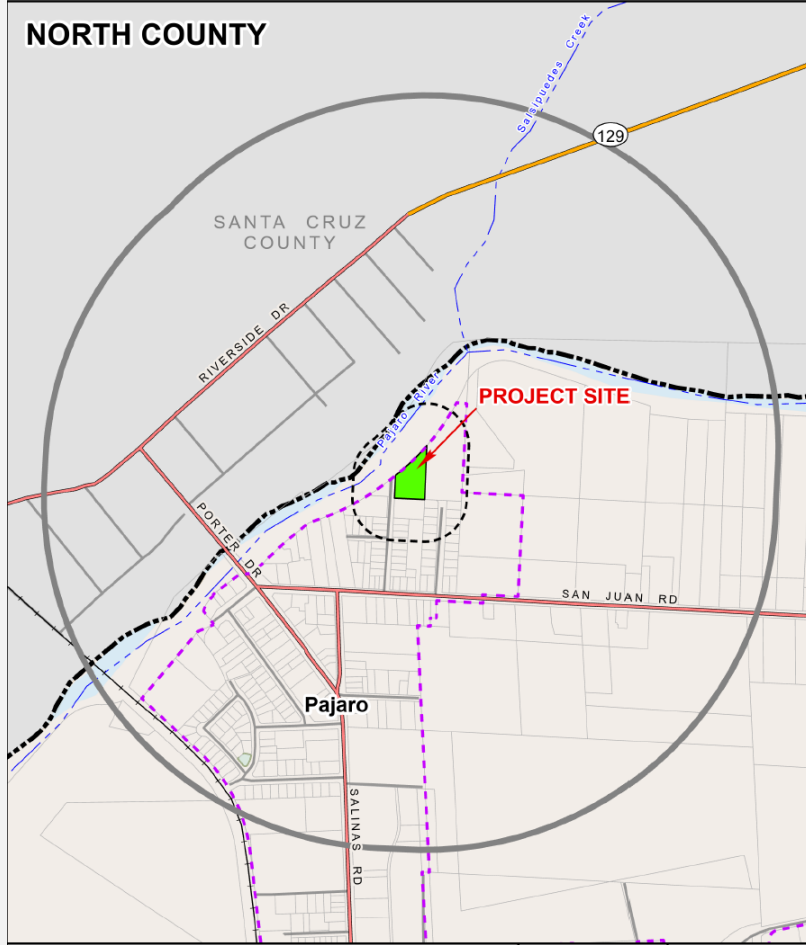
PLN200203 ANTHONY NICOLA INC.

Appeal Hearing Board of Supervisors

Agenda Item No. 13
July 9, 2024



NORTH COUNTY

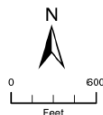


APPLICANT: NICOLA

APN: 117-361-017-000
124 Gonda Street, Pajaro

FILE # PLN200203

Project Site Buffer 300' Buffer 2500' Pajaro Community Area



Project Location:

124 Gonda Street, Pajaro

North County Area Plan

Zoning:

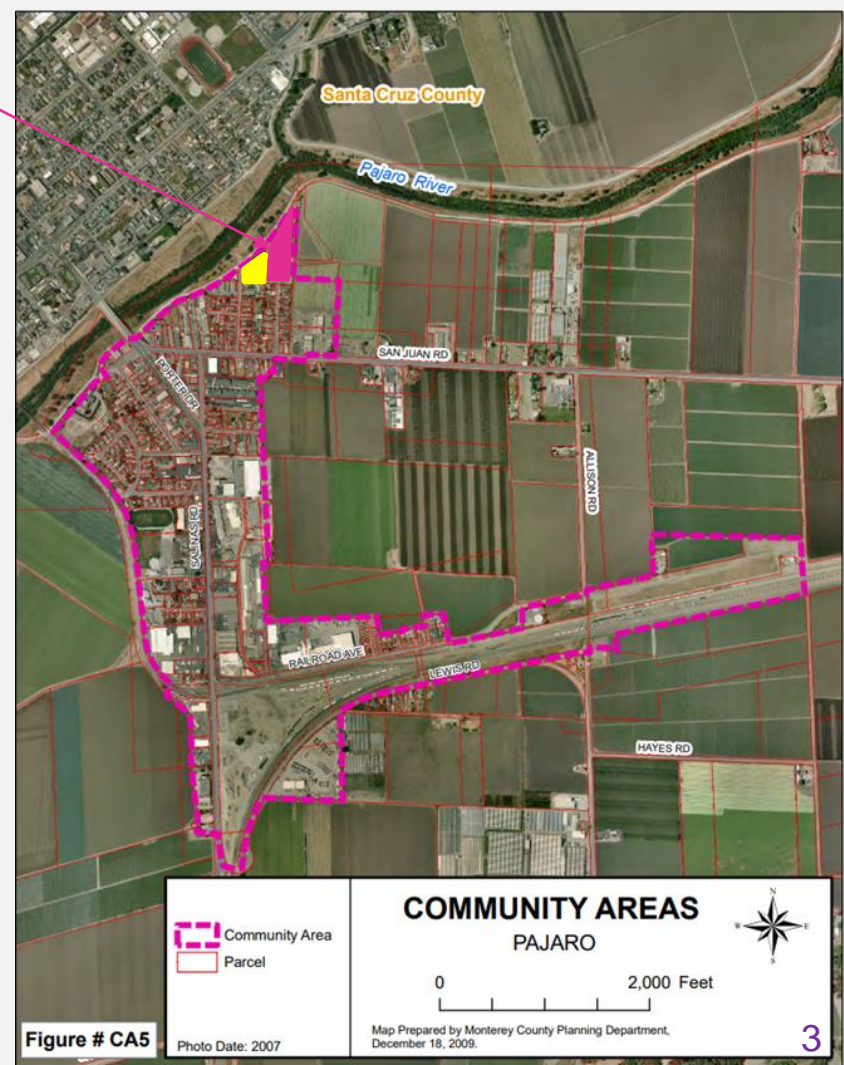
HDR/20

HDR zoned areas allow any residential use exceeding ten dwelling units per acre with a Use Permit

OVERVIEW

Rio Vista Group
Agricultural employee
housing project (orange)

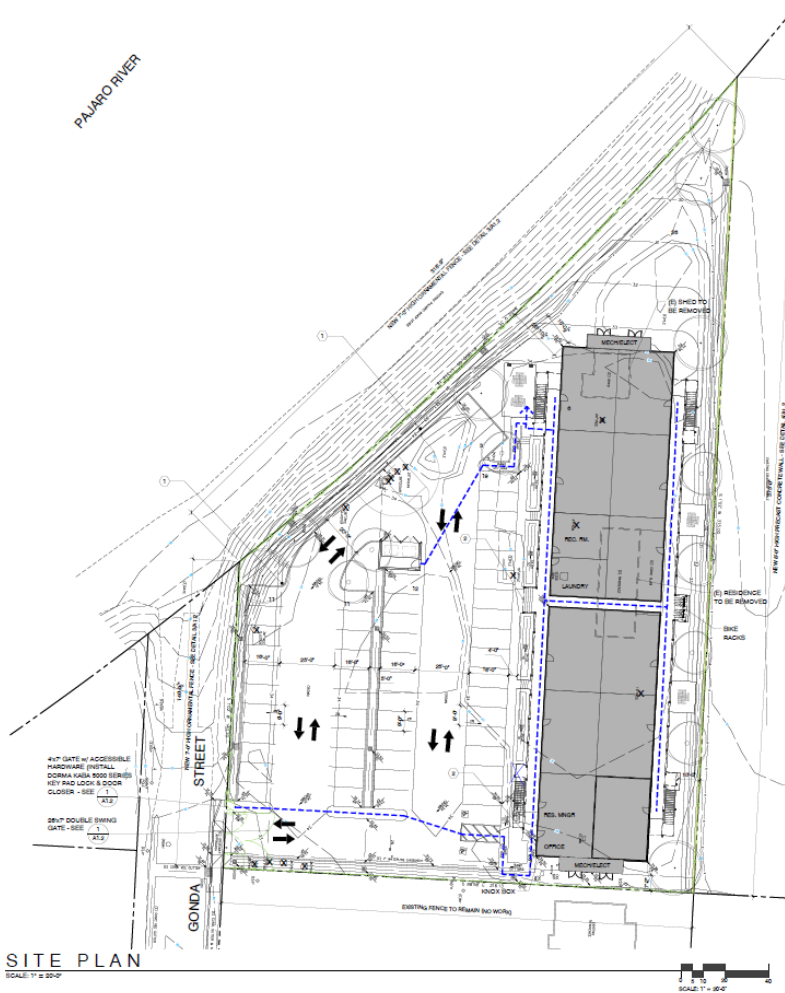
- Agricultural Employee Housing is needed in Monterey County
- 2010 General Plan Priority Growth Areas (LU -1.19) includes Pajaro Community Plan Area
- High Density Residential Zoning and Density Bonus codes promote a development of this type
- Has utilities, local amenities
- February 14th Planning Commission (PC) heard testimony from staff, applicant, neighbors, and continued the hearing w/ request for clarifications of long-term sustainable water supply reliance on Groundwater Sustainability Agency (GSA), previous agricultural employee housing projects that utilized the Density Bonus provisions, applicant to prepare a draft Emergency Action Plan (EAP).
- April 10th hearing: Planning Commission heard testimony on the GSA and the EAP, discussed and failed to pass a motion of approval (3 for, 3 against, others absent). Per PC bylaws, a resolution of split vote as “de facto” denial.





PROJECT

- demolition of 850 square foot (sq. ft.) single family dwelling, 400 sq. ft. shed, and septic system; and
- construction of two three-story buildings for 34 two-bedroom units and one one-bedroom unit w/ office totaling 36,200 sq. ft..
- 31 two-bedroom units with four beds per bedroom for H-2A housing (up to 250 agricultural workers)
- 1 manager unit
- Density Bonus with two incentives, three very low income deed restricted units in the Project
- Variance for less than 200-foot Agricultural buffer



FACILITY DESIGN



Structures are two three-story buildings totaling 36,200 sq. ft.



EAST ELEVATION

① SOUTH ELEVATION
1/8" = 1'-0"

FACILITY DESIGN, AMENITIES

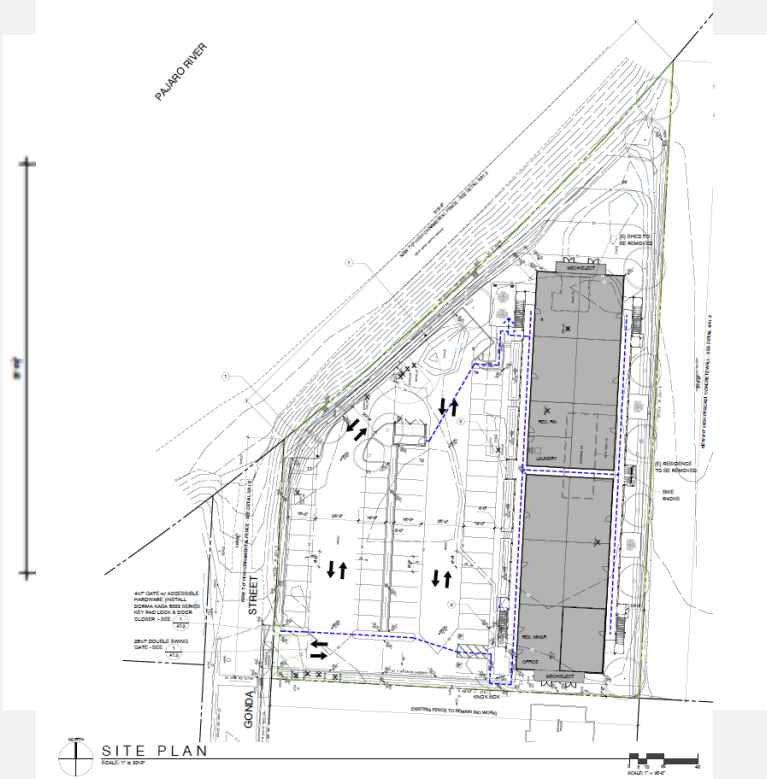
8 H-2A workers per unit (4 beds per bedroom)

half-court striped for basketball in parking lot (approx. 615 sq. ft.)

outdoor seating and picnic areas (approx. 515 sq. ft.)

turf for outdoor sports and recreation (approx. 4,090 sq. ft.)

construction of sidewalk improvements on Gonda Street & at intersection of San Juan Road





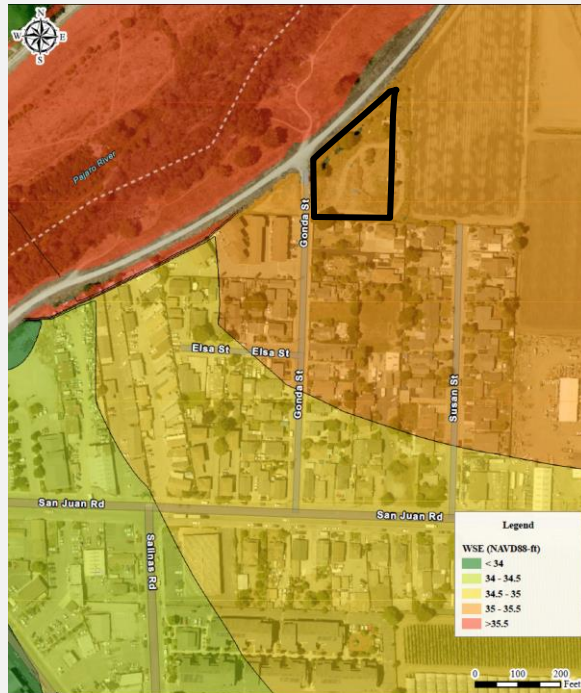
DENSITY BONUS

Percentage of Very Low Income Units	Maximum Density Bonus (Percent of Base Units)
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

The project is eligible for Density Bonus – provisions of Title 21 section 21.65.050 are satisfied, *Density Bonus Finding is made*

- The calculation of qualifying units is based on the number of base units –the maximum # of units allowed for a lot size per the Zoning District. This project location of 1.3 acres in HDR/20 (20 units per acre) = 26 base units.
- 35 percent of base units over the maximum is granted if 11 percent of the total units are very low income restricted.
- Total units = 35. 11% of 35 = 3 very low income units.

DRAINAGE AND FLOODING



- Proposed finished floor elevation exceeds County requirements, uses Pajaro Regional Flood Management Agency 100-year flood data
- 18" storm drain under Gonda Street proposed, onsite bioswales for maximum onsite stormwater retention

Image: 100yr composite WSEL (Water Surface Elevation Level) at project site is 35.0 – 35.3 ft



PROJECT SITING/EMERGENCY PLANNING

“High” Liquefaction hazard area (soils can become liquified during earthquake)

- Geotechnical Engineer recommendations made; site is suitable for development provided engineering recommendations are followed (Cond. No. 16)

Location and nature of facility – concern for occupants during emergencies

- Emergency Action Plan for the site required Mitigation Measure (Cond. No. 32)

Residential neighborhood – suitable for agricultural employee housing

- Meets 2010 General Plan Public Services, Safety, Circulation, Housing and Land Use Policies and North County Area Plan Policies



AGRICULTURAL BUFFER/VARIANCE

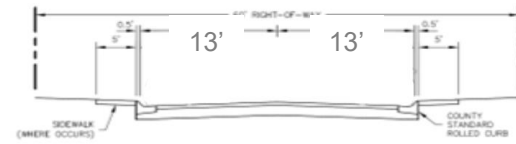
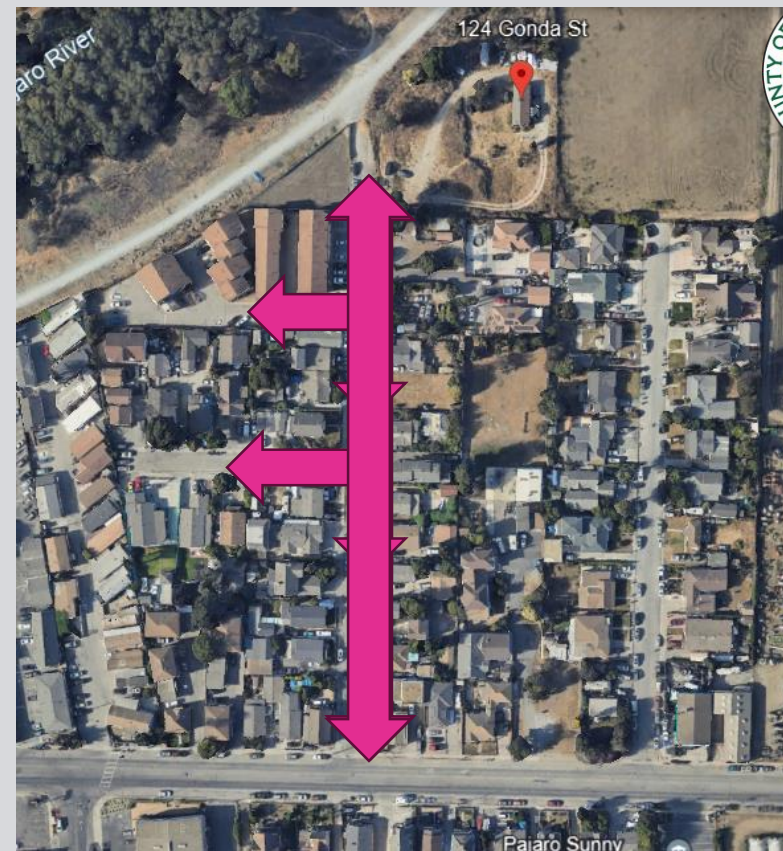
Agricultural Buffer Easement not included – conflicts with Title 21 section 21.66.030.F, *Variance Findings are made*

- *Special Circumstances*: shape and size of subject parcel, 220 feet maximum distance from Farmland-zoned adjacent parcel at widest end
- *Special Privileges not granted*: other properties adjacent to Farmland-zoned parcel are built to setbacks, lack an agricultural buffer easement
- *Authorized Use*: the variance does not grant a use which is not otherwise expressly authorized by the zoning regulations governing the parcel (HDR/20)

Although the neighboring parcel is zoned Farmland, it is entitled to be occupied by an agricultural employee housing facility, as well.

TRAFFIC

- Shuttles will be used to move employees to and from the site.
- Gonda Street is a dead-end street without parking allowed on the curbs.
- Based on Google earth, current daily trips for Gonda Street is 500 (conservatively).
- Proposed H-2A part of the project will result in an additional 74 daily trips (during 9-month occupancy), 3 very low income units will result in 22.5 daily trips, net < 100.
- Majority of proposed trips will be outside of Gonda Street's peak hours 7-9AM and 4-6PM.
- Proposed conditions are within the capacity expected of a tertiary street (1,000 daily trips).





WATER

Existing: Site is occupied by a single-family dwelling = 0.27 Acre-feet per year (AFY)

Proposed:

- Agricultural Employee housing (occupied ~ 9 months/year) = 10.8 AFY
- Three inclusionary housing units (occupied year-round) = 1 AFY

Results: Increase of 11.5 AFY.

Pajaro Valley Groundwater Basin – *Critically over-drafted*

State recognized GSA, Pajaro Valley Water Management Agency (PVWMA), adopted Groundwater Sustainability Plan (GSP) under SGMA

- includes projects to address overdraft conditions
- this project will not conflict with the implementation of the GSP
- Increased demand in Pajaro anticipated by local water agencies (Pajaro Sunny Mesa provided a “can and will serve letter”)

Largest-scale Cumulative impacts: more related to agricultural uses than housing projects



AGRICULTURAL ADVISORY COMMITTEE

- May 21, 2021, AAC meeting
- No public comments
- AAC recommended a taller fence (8 ft) and an Ag. Buffer easement of 50 ft
- Recommended APPROVAL in 7 - 0 vote with 5 members absent

NORTH COUNTY LAND USE ADVISORY COMMITTEE

- June 1, 2022, LUAC meeting
- Many public comments
- LUAC member concerns:
 - Future development changes?
 - Shuttles on shared looped driveway for this and Susan Street project?
- Did not recommend approval as proposed in 4 - 1 vote with 1 member absent



CONTROLLING FOR POSSIBLE USE TRANSITION

- Use Permit for Agricultural Employee Housing; County Environmental Health Bureau also issues an Employer Sponsored Housing Permit which must be maintained annually
- If owner proposes to convert use, they will have to apply for an amendment to the planning permit.
- Applicant shall provide a copy of the Employer Sponsored Housing permit to HCD – Housing (Cond. No. 21)
- HCD – Housing is requiring the applicant to sign an Affordable Housing Agreement prior to construction permits that will memorialize current status and next steps if use changes (Cond. No. 22)



INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

Document circulated for 30 days September 5 to October 5, 2023 (State Clearinghouse #2023090035).

- Recommends 10 mitigation measures to address potential impacts.
- Remaining 24 conditions of approval ensure less than significant impacts through application of County and State regulations
- Comments on public draft (3 letters, Attachment G to staff report)
- Minor edits made to the Initial Study to clarify, amplify
 - Changes made in response to comments which do not involve new significant effects
 - Recirculation not required (CEQA Guidelines Section 15073.5)



APPEAL BASIS (FINDINGS FOR DENIAL)

- not the right location for the Project due to the proximity to the levee, levee not fully repaired, and at the end of dead-end street
- there is the sense that HCD-Planning has “worn the community out”
- concerns for traffic safety and negative impacts to quality of life for the Gonda Street residents
- there would be greater concern with its impact on the relevant community if in a different location
- need for a Community Planning Process prior to intensification of uses such as the proposed project



OTHER APPEAL CONTENTIONS

- Planning Commission decision does not comply with the County Housing Element, including Policies H-2.1, H-2.11 and H-5.3 and the Housing Element guidance that “there remains a serious need to provide housing for farmworkers, and oftentimes their families as well, during peak harvest seasons.”
- The Housing Accountability Act requires 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.



COMMENT LETTERS

1. June 10 letter from Division of Housing Policy Development, State HCD
 - Letter of support for the project
 - Housing Accountability Act (HAA) requires specific adverse impacts to be identified when denying a density bonus (as previously stated by staff)
 - County's Housing Element must contain an analysis of any special housing needs, including agricultural employee housing (farmworker housing).
2. July 5 letter from agent for the applicant
 - Applicant has worked with HCD staff three years to bring this to hearing as a project that meets all requirements, is covered by CEQA document, and is appropriate development for the zoning and the site
 - Density Bonus law under the HAA
 - Restating contentions in response to the three votes against project
 - Explaining H-2A and Density Bonus, other elements from applicant perspective



COMMENT LETTERS

3. July 9 email from Community Action Board of Santa Cruz County, Inc.
 - Opposed to project based on the use of the majority of the units for less than full year
 - Urged that housing priority needs to be given to Pajaro residents to relieve “high-density, substandard conditions” with year-round housing



ERRATA EDIT TO MM UTIL-1

July 8 email from the agent for the project requested minor edits be made to the Mitigation Measure UTIL-1.

- Clarifying edits were made for second Planning Commission hearing and was reviewed by HCD, PWFP and Pajaro CSD
- Clerical error in loading conditions to resolution
- UTIL-1 correct wording is circulated on the dias and public comment table



RECOMMENDATION

1. Support the appeal by Anthony Nicola, Inc.;
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 allow demolition of existing single family dwelling, shed and septic system;
 - b. Use Permit to allow construction of 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 to allow less than 200 feet of agricultural buffer.
4. Adopt a Condition of Approval and Mitigation Monitoring and Reporting Plan