

Anthony Nicola  
35-Unit H2A Housing Project  
PLN: 200203

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BOARD OF SUPERVISORS

JULY 9, 2024



# Project Description

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- The project includes 35 units, including one manager's unit, three (3) full time low income inclusionary housing units and thirty-one (31) units designed to house H2A agricultural employees for 9 months.
- All of the units will count toward the County's Regional Housing Needs (RHNA) requirements.
- The project includes a Density Bonus and two incentives. The Density Bonus will allow the project to increase the density allowed in the underlying zoning district by 9 units.
- Incentives include a reduction in parking spaces from 78 to 56, and an increase in building height from 35 feet to 43 feet.
- Project was originally submitted in 2021





**Adjacent Project to the East**  
**Currently Under Construction**





# Commissioners' Stated Reasons for Denial

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- Proximity to the levee and the dead-end street makes this the wrong location
- That there is the sense that HCD-Planning has “worn the community out.”
- Unspecified negative impacts to quality of life for the Gonda Street residents.
- The levee is not fully repaired and the subject site is at the end of a dead-end street to the levee without citing any specific impacts.

# State Housing and Community Development

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The ... [Nicola] Project meets the definition of a “housing development project” under the Housing Accountability Act (HAA), which **limits the local government’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 [State Density Bonus Law] concession and/or waiver.

**Subjective standards such as “negative impacts to quality of life” cannot be the basis for disapproving or reducing the density of a housing development project under the HAA.**

Further, the HAA **prohibits the County from disapproving a qualifying housing development project without written findings supported by a preponderance of the evidence** on the record that there is a specific, adverse impact upon public health or safety, and mitigation of the adverse impacts is not possible.

# Govt Code Section 65589.5

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Local agency cannot deny unless it makes written findings, based upon a preponderance of the evidence in the record that...The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means 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.

# No Project Impacts

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- Will Serve Letter from Pajaro Sunny Mesa Water District
- Traffic Impact Analysis concluded that the Project creates no significant impacts.
  - Per H2A requirements, transportation to/from the site will be provided by the employer.
- Will Serve Letter from Pajaro County Sanitation District
  - 50% of wastewater will be treated and reclaimed by being returned to the aquifer for reuse.



# Agricultural Buffer Variance

- This project initially required a 200-foot buffer because of its proximity to land zoned for agricultural purposes
  - The project is now surrounded on three sides by residential housing, and is approximately 265 feet to farmed land making the buffer moot.
  - The project was reviewed by the County Agricultural Advisory Committee (AAC). The AAC unanimously recommended approval of the project.
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# Nicola Site and Adjoining Project



# Farm Bureau



Keeping Farmers Growing Since 1917

January 15, 2024

Monterey County Planning Commission  
1441 Schilling Place, 2<sup>nd</sup> Floor  
Salinas, CA 93901

**RE: Support for Anthony Nicola, Inc. Agricultural Housing Project**

Dear Planning Commissioners:

Monterey County Farm Bureau represents family farmers and ranchers in the interest of protecting and promoting agriculture throughout our County. Since 1917, Farm Bureau strives to improve the ability of those engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of our local resources.

On behalf of the Board of Directors of Monterey County Farm Bureau, we offer our support for the agricultural housing project proposed by Anthony Nicola, Inc., in the Pajaro Community Plan area.

A critical shortage of farmworker housing remains in Monterey County; the Planning Commission has taken actions in the past to approve these types of housing projects, including the Bengard Ranch Housing Project on January 10, 2024. Farmworker housing is critically important to stabilizing our local economy.

Over the past decade, many agricultural companies have undertaken projects to build housing for their employees, providing a clean and safe living opportunity for farmworkers. Indeed, many of these projects have won design awards for their forward-thinking housing accommodations and amenities. These housing projects continue to provide affordable living arrangements for farmworkers not found in our communities.

As Monterey County struggles with a housing deficit, causing high rents and low availability, these types of agricultural housing projects relieve some of the housing shortage currently experienced in our municipal areas.

We urge the Monterey County Planning Commission to unanimously approve this agricultural housing project.

Sincerely,

Norman C. Groot  
Executive Director

# Housing Element Excerpt

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The County's Housing Element states on 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.”



# Excerpt from 2018 Farmworker Housing Study

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The great majority of farmworkers in the Pajaro Salinas Laborshed do not live in accommodations set aside for farmworkers, but in the private market, often in unaffordable, substandard, and overcrowded conditions. Consequently, there is a continuing need for production of new housing for the region's farmworker families and migrant and guest workers."

# Condition 34

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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.

# Conclusion

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- There are no significant impacts generated by the project.
- The project provides a benefit to the community by providing much needed farm worker housing.
- The project provides 35 units toward the County's RHNA requirements.
- The project is consistent with the neighboring project, which is already under construction.
- There are no specific, adverse impacts to public health and safety caused by the project per Govt Code Section 65589.5.

# Request

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We respectfully request the Board of Supervisors:

- Adopt the Mitigated Negative declaration pursuant to CEQA Guidelines section 15074; and,
- Grant the appeal and approve the project as recommended with the proposed amendment to Condition 34 to clarify that if required by the Pajaro County Sanitation District the CCTV inspection and repairs be limited to Gonda Street.