

County of Monterey

Government Center - Board Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Meeting Agenda - Final

Wednesday, April 9, 2025

9:00 AM

Para interpretación en español, haga clic aquí:

<https://attend.wordly.ai/join/THCT-8529>

Monterey County Planning Commission

The Planning Commission is pleased to announce a six-month Pilot Program for Interpretation Services, commencing in December 2024. This initiative aims to enhance accessibility and participation in our meetings.

To utilize interpretation services during the Planning Commission meetings, please access the meeting via the below link or use the QR Code on our website. Once logged in, select your preferred language and click on ‘Attend’ to join.

Thank you for your cooperation and we look forward to your participation.

La Comisión de Planificación se complace en anunciar un Programa Piloto de Servicios de Interpretación de seis meses de duración, que comenzará en diciembre de 2024. Esta iniciativa tiene como objetivo mejorar la accesibilidad y la participación en nuestras reuniones.

Para utilizar los servicios de interpretación durante las reuniones de la Comisión de Planificación, acceda a la reunión a través del siguiente enlace o utilice el código QR en nuestro sitio web. Una vez que haya iniciado sesión, seleccione su idioma preferido y haga clic en "Asistir" para unirse.

Gracias por su colaboración y esperamos contar con su participación.

<https://attend.wordly.ai/join/THCT-8529>

For optimal audio quality, please use a headset with your device. If you require assistance or do not have a device, reach out to the Clerk of the Planning Commission for support.

Para una calidad de audio óptima, utilice auriculares con su dispositivo. Si necesita ayuda o no tiene un dispositivo, comuníquese con el secretario(a) de la Comisión de Planificación para obtener ayuda.

The Recommended Action indicates the staff recommendation at the time the agenda was prepared. That recommendation does not limit the Planning Commission alternative actions on any matter before it.

NOTE: All agenda titles related to numbered agenda items are live web links. Click on the title to be directed to the corresponding staff report and associated documents.

In addition to attending in person, public participation will be available by ZOOM and/or telephonic means:

You may participate through ZOOM. For ZOOM participation please join by computer audio at: <https://montereycty.zoom.us/j/95316276581>

OR to participate by phone call any of these numbers below:

- + 1 669 900 6833 US (San Jose)
- + 1 346 248 7799 US (Houston)
- + 1 312 626 6799 US (Chicago)
- + 1 929 205 6099 US (New York)
- + 1 253 215 8782 US
- + 1 301 715 8592 US

Enter this Meeting ID number 953 1627 6581 when prompted.

PLEASE NOTE: IF ALL COMMISSIONERS ARE PRESENT IN PERSON, PUBLIC PARTICIPATION BY ZOOM IS FOR CONVENIENCE ONLY AND IS NOT REQUIRED BY LAW. IF THE ZOOM FEED IS LOST FOR ANY REASON, THE MEETING MAY BE PAUSED WHILE A FIX IS ATTEMPTED BUT THE MEETING MAY CONTINUE AT THE DISCRETION OF THE CHAIRPERSON.

If you choose not to attend the Planning Commission meeting in person, but desire to make general public comment, or comment on a specific item on the agenda, you may do so in two ways:

- a. Submit your comment via email by 5:00 p.m. on the Tuesday prior to the Planning Commission meeting. Please submit your comment to the Clerk at pchearingcomments@co.monterey.ca.us . In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Planning Commission Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the meeting.
- b. You may participate through ZOOM or telephonically. For ZOOM or telephonic participation please join by computer audio using the links above.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Planning Commission less than 72 hours prior to the meeting shall be available for public inspection at the meeting the day of the Planning Commission meeting and in the Housing and Community

Development Office located at 1441 Schilling Place, 2nd Floor, Salinas California. Documents submitted in-person at the meeting, will be distributed to the Planning Commission. All documents submitted by the public at the meeting the day of the Planning Commission must have no less than sixteen (16) copies. Comments received after the agenda item will be made part of the record if received prior to the end of the meeting.

ALTERNATIVE FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. For information regarding how, to whom and when a person with a disability who requires a modification or accommodation in order to participate in the public meeting may make a request for disability-related modification or accommodation including auxiliary aids or services or if you have any questions about any of the items listed on this agenda, please call the Monterey County Housing and Community Development at (831) 755-5025.

INTERPRETATION SERVICE POLICY: The Monterey County Planning Commission invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Monterey County Housing and Community Development Department by phone at (831) 755-5025. The Clerk will make every effort to accommodate requests for interpreter assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting.

La medida recomendada indica la recomendación del personal en el momento en que se preparó la agenda. Dicha recomendación no limita las acciones alternativas de la Comisión de Planificación sobre cualquier asunto que se le haya sometido.

Además de asistir en persona, la participación del público estará disponible por ZOOM y/o medios telefónicos:

Puede participar a través de ZOOM. Para la participación de ZOOM, únase por computadora en: <https://montereycty.zoom.us/j/95316276581>

O para participar por teléfono, llame a cualquiera de estos números a continuación:

- + 1 669 900 6833 US (San Jose)
- + 1 346 248 7799 US (Houston)
- + 1 312 626 6799 US (Chicago)
- + 1 929 205 6099 US (New York)
- + 1 253 215 8782 US
- + 1 301 715 8592 US

Presione el código de acceso de reunión: 953 1627 6581 cuando se le solicite.

TENGA EN CUENTA: SI TODOS LOS COMISIONADOS ESTÁN PRESENTES EN PERSONA, LA PARTICIPACIÓN PÚBLICA DE ZOOM ES SOLO POR CONVENIENCIA Y NO ES

REQUERIDA POR LA LEY. SI LA TRANSMISIÓN DE ZOOM SE PIERDE POR CUALQUIER MOTIVO, LA REUNIÓN PUEDE PAUSARSE MIENTRAS SE INTENTA UNA SOLUCIÓN, PERO LA REUNIÓN PUEDE CONTINUAR A DISCRECIÓN DEL PRESIDENTE DE LA REUNIÓN.

Si decide no asistir a la reunión de la Comisión de Planificación en persona, pero desea hacer comentarios públicos generales o comentar sobre un tema específico de la agenda, puede hacerlo de dos maneras:

- a. Envíe su comentario por correo electrónico antes de las 5:00 p.m. del martes anterior a la reunión de la Comisión de Planificación. Por favor, envíe su comentario al asistente de la Comisión de Planificación a: phearingcomments@co.monterey.ca.us . En un esfuerzo por ayudar al asistente a identificar el tema de la agenda relacionado con su comentario público, indique en la Línea de Asunto, la audiencia de la reunión (ejemplo, la Junta de la Comisión de Planificación) y número de artículo (ejemplo, artículo n.º 10). Su comentario se incluirá en el registro de la reunión.
- b. Puede participar a través de ZOOM o telefónicamente. Para ZOOM o participación telefónica, únase por audio de computadora utilizando los enlaces anteriores.

DISTRIBUCIÓN DE DOCUMENTOS: Los documentos relacionados con los temas de la agenda que se distribuyan a la Comisión de Planificación menos de 72 horas antes de la reunión estarán disponibles para inspección pública en la reunión el día de la reunión de la Comisión de Planificación y en la Oficina de Vivienda y Desarrollo Comunitario ubicada en 1441 Schilling Place, 2nd Floor, Salinas California. Los documentos presentados en persona en la reunión se distribuirán a la Comisión de Planificación. Todos los documentos presentados por el público en la reunión del día de la Comisión de Planificación deben tener no menos de dieciséis (16) copias. Las observaciones recibidas después del tema del programa pasarán a formar parte del acta si se reciben antes de que finalice la sesión.

FORMATOS ALTERNATIVOS: Si se solicita, la agenda se pondrá a disposición de las personas con discapacidad en formatos alternativos apropiados, según lo exige la Sección 202 de la Ley de Estadounidenses con Discapacidades de 1990 (42 USC Sec. 12132) y las reglas y regulaciones federales adoptadas en implementación de la misma. Para obtener información sobre cómo, a quién y cuándo una persona con una discapacidad que requiere una modificación o adaptación para participar en la reunión pública puede hacer una solicitud de modificación o adaptación relacionada con la discapacidad, incluidas las ayudas o servicios auxiliares, o si tiene alguna pregunta sobre cualquiera de los temas enumerados en esta agenda, llame al Departamento de Vivienda y Desarrollo Comunitario del Condado de Monterey al (831) 755-5025.

POLÍZA DE SERVICIO DE INTERPRETACIÓN: Los miembros de la Comisión de Planificación del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un intérprete, por favor comuníquese con el Departamento de Vivienda y Desarrollo Comunitario localizado en el Centro de Gobierno del Condado de Monterey, (County of Monterey Government Center), 1441 Schilling Place, segundo

piso sur, Salinas – o por teléfono al (831) 755-5025. La asistente hará el esfuerzo para acomodar los pedidos de asistencia de un intérprete. Los pedidos se deberán hacer lo más pronto posible, y no más de lo mínimo de 24 horas de anticipo para cualquier reunión.

NOTA: Todos los títulos de la agenda relacionados con los puntos numerados de la agenda son enlaces web en vivo. Haga clic en el título para dirigirse al informe del personal correspondiente y los documentos asociados.

COMENTARIO PÚBLICO: Los miembros del público pueden dirigir comentarios a la Comisión de Planificación sobre cada punto del orden del día. El momento de los comentarios públicos será a discreción del presidente.

PUBLIC COMMENT: Members of the public may address comments to the Planning Commission concerning each agenda item. The timing of public comment shall be at the discretion of the Chair.

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Staff Report.

9:00 A.M. - CALL TO ORDER**PLEDGE OF ALLEGIANCE****ROLL CALL**

Christine Shaw
Paul C. Getzelman
Ben Work
Ernesto G. Gonzalez
Francisco Javier Mendoza
Martha Diehl
Etna Monsalve
Jessica Hartzell
Ramon Gomez
Amy Roberts

PUBLIC COMMENTS

This is a time set aside for the public to comment on a matter that is not on the agenda.

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

The Commission Clerk will announce agenda corrections, deletions and proposed additions, which may be acted on by the Planning Commission as provided in Sections 54954.2 of the California Government Code.

COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

This is a time set aside for the Commissioners to comment, request, or refer a matter that is on or not on the agenda.

ACCEPTANCE OF MINUTES

1. Approval of the January 8, 2025, January 29, 2025, February 12, 2025 and the February 26, 2025 Planning Commission Meeting Minutes and the January 29, 2025 Special Joint Meeting of the Planning Commission and Land Use Advisory Committee Meeting Minutes.

Attachments: [Cover Page](#)
 [Draft PC Minutes 010825](#)
 [Draft PC Minutes 012925](#)
 [Draft PC Minutes 021225](#)
 [Draft PC Minutes 022625](#)
 [Draft PC Minutes 012925 - Special Meeting](#)

9:00 A.M. – SCHEDULED MATTERS**2. PLN230131 - PELIOVA CAROLYN & BRADFORD MATTHEW**

Public hearing to consider construction of a 3,633 square foot single-family dwelling with an attached 742 square foot garage, 618 square feet of decks, removal of 10 protected Oak trees, and development slopes in excess of 25%.

Project Location: 103 A San Benancio Rd, Salinas, Toro Area Plan

Proposed CEQA action: Categorically Exempt pursuant to CEQA Guidelines section 15303, and there are no exceptions pursuant to section 15300.2.

Attachments: [Staff Report](#)

3. PLN210223 - GARD HERMALINA

Public hearing to consider the Standard Subdivision and Vesting Tentative Map to subdivide a four-acre lot into 16 residential lots plus one drainage parcel, one road and utility parcel, and a remainder lot retaining the existing residential dwelling unit, and demolition of unpermitted accessory structures. The proposed project includes three moderate-income units and a Variance to reduce the 200-foot agricultural buffer to 139 feet/78 feet.

Project Location: 442 Boronda Road, Salinas

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15061(b)(3).

Attachments: [Staff Report](#)
[Exhibit A - Discussion](#)
[Exhibit B - Draft Resolution](#)
[Exhibit C - Applicant's Letter of Request, dated May 5, 2024](#)
[Exhibit D - Letter of Technical Assistance from State HCD, dated December 22, 2020](#)
[Exhibit E - Vicinity Map](#)
[Exhibit F - Agricultural Advisory Committee April 27, 2023](#)
[Meeting Minutes](#)

4. REF250006 - MONTEREY COUNTY GENERAL PLAN IMPLEMENTATION AND HOUSING ELEMENT ANNUAL PROGRESS REPORT

- a. Consider the 2024 Annual Progress Report for the Monterey County General Plan(s);
- b. Consider the 2024 Annual Progress Report for the 2024-2031 Housing Element;
- c. Receive a verbal update on the pipeline of new housing development in unincorporated Monterey County; and
- d. Consider and provide direction regarding priorities for the 2025-2026 Long-Range Planning Work Program.

Proposed CEQA Action: Not a project per Sections 15060(c)(1) and 15378(b)(4) of the CEQA Guidelines.

- Attachments:** [Staff Report](#)
 [Exhibit A - 2024 General Plan & Housing Element Annual Progress Reports](#)
 [Exhibit B - 2024 Housing APR Table B](#)
 [Exhibit C - Draft Long-Range Planning Work Program Overview](#)
 [Exhibit D - Housing Pipeline Summary](#)
 [Exhibit E - Detailed Discussion](#)

DEPARTMENT REPORT

5. ADMINISTRATIVE INTERPRETATION - REPLACEMENT DEVELOPMENT IN A SITE PLAN REVIEW ZONING DISTRICT, DESIGN CONTROL ZONING DISTRICT, AND VISUAL SENSITIVITY ZONING DISTRICT

- Attachments:** [Cover Page](#)
 [Exhibit A - Administrative Interpretation](#)
 [Exhibit B - Administrative Interpretation Procedures](#)

ADJOURNMENT



County of Monterey

Item No.1

Board Report

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

Legistar File Number: PC 25-032

April 09, 2025

Introduced: 4/2/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

Approval of the January 8, 2025, January 29, 2025, February 12, 2025 and the February 26, 2025 Planning Commission Meeting Minutes and the January 29, 2025 Special Joint Meeting of the Planning Commission and Land Use Advisory Committee Meeting Minutes.



County of Monterey Planning Commission

Item No.1

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

Legistar File Number: PC 25-032

April 09, 2025

Introduced: 4/2/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

Approval of the January 8, 2025, January 29, 2025, February 12, 2025 and the February 26, 2025 Planning Commission Meeting Minutes and the January 29, 2025 Special Joint Meeting of the Planning Commission and Land Use Advisory Committee Meeting Minutes.

County of Monterey

Government Center - Board Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Meeting Minutes - Draft

Wednesday, January 8, 2025

9:00 AM

Para interpretación en español, haga clic aquí:

<https://attend.wordly.ai/join/THCT-8529>

Monterey County Planning Commission

9:00 A.M. - CALL TO ORDER

The meeting was called to order by Chair Diehl at 9:11 a.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Shaw.

ROLL CALL

Present:

Christine Shaw

Paul C. Getzelman

Francisco Javier Mendoza

Ben Work

Ramon Gomez arrived at 9:10 a.m.

Martha Diehl

Jessica Hartzell

Absent:

Amy Roberts

Etna Monsalve

Ernesto Gonzalez

Secretary Beretti reviewed the Zoom Protocols.

Clerk McDougal reviewed the Wordly Interpretation Services Protocols.

PUBLIC COMMENTS

None

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

Clerk Navarro informed the Commission of additional correspondence, which was received and distributed for a non-agenda item, Agenda Item No.3 – REF220020 – GENERAL PLAN HOUSING ELEMENT SIXTH CYCLE UPDATE & Agenda Item No.4 - PLN210306 – CARMEL SELF STORAGE LLC.

COMMISSIONER COMMENTS AND REQUESTS

None

APPROVAL OF CONSENT CALENDAR

1. APPOINT JOHN GRIGSBY TO THE BIG SUR LAND USE ADVISORY COMMITTEE
- 1.1 APPROVAL OF THE OCTOBER 30, 2024 AND NOVEMBER 13, 2024 PLANNING COMMISSION MEETING MINUTES.

It was moved by Commissioner Gomez, seconded by Commissioner Mendoza

and passed by the following vote to approve the consent calendar.

AYES: Shaw, Getzelman, Mendoza, Work, Gomez, Diehl Hartzell

NOES: None

ABSENT: Roberts, Gonzalez, Monsalve

ABSTAIN: None

The Chair requested to hear Agenda Item No. 4 prior to Agenda Item No. 2.

REFERRALS

2. REFERRAL 22.2(B) - 2010 GENERAL PLAN COMMUNITY PLAN AND COASTAL LAND USE PLAN UPDATES

a. Consider receiving an update from staff for all Community Areas designated in the 2010 General Plan and the Coastal Land Use Plans updates.

b. Provide direction to staff.

Project Location: County Wide (Unincorporated Inland and Coastal Areas);

Proposed CEQA action: Statutory Exemption pursuant to Section 15262 of the CEQA.

Edgar Sanchez, Project Planner presented the item.

Public Comment: None

No Motion required, the Commission received the update and provided direction to Staff.

The Commission recessed at 9:35 a.m. and returned at 9:38 a.m.

3. REF220020 - GENERAL PLAN HOUSING ELEMENT SIXTH CYCLE UPDATE

Receive a status report of the draft Sixth Cycle Housing Element and provide direction to staff.

Project Location: Unincorporated County of Monterey

Proposed CEQA Action: Statutory exemption pursuant to Section 15262 of the California Environmental Quality Act ("CEQA") Guidelines.

Melanie Beretti, Chief of Planning presented the item.

Public Comment: Thomas Jaimison, Diane Hannigton, Andrew Hufferluk, Steven Thayer, James Washington, Randy Hamilton, Glenn, Lisa Villafranca, Michael Hoppe, Robert Behl

The Commission recessed at 10:44 am and returned at 10:53 a.m.

No Motion required, the Commission received the update and provided direction to Staff.

9:00 A.M. – SCHEDULED MATTERS**4. PLN210306 - CARMEL SELF STORAGE INVESTMENTS LLC**

Continued from October 30, 2024 - public hearing to consider construction of an 71,540 square foot two-story self-storage facility with an office and bathroom (5 buildings), removal of one Oak tree, and associated drainage, driveway, and fencing improvements partially within 200 feet of the Carmel River floodplain.

Project Location: Terminus of Center Street near corner with Berwick, Carmel Valley, Carmel Valley Master Plan

Proposed CEQA action: Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines

Mary Israel, Project Planner presented the request for continuance.

Applicant Representative: Gail Hatter

Public Comment: Paola Berthoin, Tracie Coffman, Darryl Kenyon

It was moved by Commissioner Mendoza, seconded by Commission Getzelman and passed by the following vote to continue the hearing on this item to a date certain of February 26, 2025.

AYES: Shaw, Getzelman, Mendoza, Work, Gomez, Diehl Hartzell

NOES: None

ABSENT: Roberts, Gonzalez, Monsalve

ABSTAIN: None

5. PLN210174 - MYHRE ARVID J TR ET AL (AERA ENERGY LLC/CALIFORNIA RESOURCES CORPORATION)

Continued from November 13, 2024 - Public hearing to consider construction of an approximately 35.5-acre 11 megawatt alternating current solar photovoltaic facility and associated site improvements including development on slopes exceeding 25 percent.

Project Location: 66880 Sargents Road, San Ardo.

Proposed CEQA Action: Consider and adopt a Mitigated Negative Declaration pursuant to CEQA Guidelines section 15074.

Continued from November 13, 2024 Public hearing to consider construction of an approximately 35.5 acre 11 megawatt alternating current solar photovoltaic facility and associated site improvements including development on slopes exceeding 25 percent.

Project Location: 66880 Sargents Road, San Ardo.

Proposed CEQA Action: Consider and adopt a Mitigated Negative Declaration pursuant to CEQA Guidelines section 15074.

Anna Ginette Quenga, Project Planner presented the request for continuance.

Applicant Representative: Andrew Cochrane

Public Comment: None

It was moved by Commissioner Getzelman, seconded by Commission Work and passed by the following vote to adopt a Negative Declaration pursuant to Section 15074 of the CEQA Guidelines; approve a General Development Plan and Combined Development Permit consisting of a Use Permit to allow construction of an approximately 35.5-acre 11 megawatt alternating current solar photovoltaic facility and associated site improvements; and a Use Permit to allow development on slopes exceeding 25 percent; and adopt a Condition Compliance Reporting Plan.

AYES: Shaw, Getzelman, Mendoza, Work, Gomez, Diehl

NOES: None

ABSENT: Roberts, Gonzalez, Monsalve

ABSTAIN: Hartzell

OTHER MATTERS

None

DEPARTMENT REPORT

Secretary Beretti welcomed the new Planning Commissioner, Jessica Hartzell.

Secretary Beretti informed the Commission that the Clerk of the Board received an appeal of the Planning Commission's approval of the of the Red Barn (PLN140602) approval.

Secretary Beretti informed the Commission of the Special Joint Planning Commission and Land Use Advisory Committee meeting at 1:30 p.m. on January 29, 2025.

Secretary Beretti informed the Commission of the County wide hiring freeze and that HCD received approval to hire for three exempt positions.

Secretary Beretti informed the Commission that Anna Ginette Quenga accepted a position outside of the County and her last day with the County of Monterey will be January 28, 2025.

ADJOURNMENT

The meeting was adjourned by Chair Diehl at 11:38 a.m.

County of Monterey

Government Center - Board Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Meeting Minutes - Draft

Wednesday, January 29, 2025

9:00 AM

Para interpretación en español, haga clic aquí:

<https://attend.wordly.ai/join/THCT-8529>

Monterey County Planning Commission

9:00 A.M. - CALL TO ORDER

The meeting was called to order by Chair Diehl at 9:04 a.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Work.

ROLL CALL

Present:

Christine Shaw

Ben Work

Ernesto G. Gonzalez

Francisco Javier Mendoza

Martha Diehl

Etna Monsalve

Jessica Hartzell

Ramon Gomez

Amy Roberts

Absent:

Paul C. Getzelman

Secretary Beretti reviewed the Zoom Protocols.

Clerk McDougal reviewed the Wordly Interpretation Services Protocols.

PUBLIC COMMENTS

Jannie Ford

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

Clerk Navarro informed the Commission of additional correspondence, which was received and distributed for Referral No. 24.7 - process to consider a moratorium for new visitor serving units in the big sur coast planning area.

COMMISSIONER COMMENTS AND REQUESTS

Commissioner Shaw requested a referral item that would allow for more transparency regarding making the County of Monterey resources more accessible to the public, similar to a publicly ran website called santacruzlocal.org.

Commissioner Mendoza requested that the County look into adding an illuminated crosswalk at Hall Road as a member of the community was killed at this cross walk recently.

Commissioner Diehl expressed regret over the recent fire at the Moss Landing facility,

acknowledging that she believed that the discussion regarding safety would work. She emphasized her commitment to ensuring that this does not happen in the future.

9:00 A.M. – SCHEDULED MATTERS

1. COUNTY OF MONTEREY PLANNING COMMISSION NOMINATION COMMITTEE

Chair Diehl nominated Commissioner Roberts, Commission Gomez and Commissioner Shaw to the nomination committee.

2. APPOINT A MEMBER OF THE PLANNING COMMISSION TO THE BIG SUR LAND USE PLAN AD HOC

Chair Diehl appointed Commissioner Hartzell to the Big Sur Land Use Plan Ad Hoc.

Commissioners Roberts is willing to serve as a backup if needed.

3. PLN190439 - YAN SHI & SUN YING

Public hearing to consider the construction of a 4,601 square foot single-family dwelling inclusive of a basement level three-car garage, a covered front porch and removal of 15 protected trees (6 Coast live oaks and 9 Monterey pines).

Project Location: 1187 Lookout Road, Pebble Beach, Greater Monterey Peninsula Area Plan

Proposed CEQA action: Find the project Categorically Exempt per Section 15303 of the CEQA Guidelines

Marlene Garcia, project planner presented the item.

Applicant Representative: Timon and Peter Yan

Public Comment: Joe Surprenant

The Commission recessed at 10:06 am and return at 10:21 a.m.

It was moved by Commissioner Hartzell, seconded by Commissioner Monsalve and passed by the following vote to find that the single-family dwelling project qualifies as a Class 3 Categorical Exemption pursuant to Section 15303(a) of the CEQA Guidelines and there are no exceptions pursuant to Section 15300.2 and approve a Design Approval to allow construction of a 3,665 square foot one-story single family dwelling with an 80 square foot covered porch and an 856 square foot basement level three-car garage. Colors and materials consist of charcoal & tan blend shake cement tile roofing, cream cement plaster with beige, tan and brown stone accents for the exterior walls, dark bronze clad wood casement frame windows, off white wood door and window trim, and brown aluminum with obscure glass garage doors and a Use Permit for the removal of 15 protected trees (6 Coast live oaks and 9 Monterey pines) with modifications to condition 13 to only allow

construction parking and materials on site and updates to finding 3 evidence I to include the LUACs concerns.

AYES: Shaw, Mendoza, Work, Gomez, Diehl, Hartzell, Roberts, Gonzalez, Monsalve

NOES: None

ABSENT: Getzelman

ABSTAIN: None

REFERRALS

4. REFERRAL 24.1 - REBUILD STATUS FOR BURNED DOWN PROPERTY IN PAJARO

a. Consider receiving a status update regarding rebuild status of property in Pajaro just off the bridge along Porter Drive;

b. Provide direction to staff.

Project Location: North County Inland Area (APN 117-332-003-000)

Proposed CEQA action: Statutory Exemption pursuant to Section 15262 of the CEQA.

Edgar Sanchez, project planner presented the item.

Applicant Representative: Jack Kirk

Public Comment: None

No motion required, the Commission received the update and provided direction to Staff.

5. REFERRAL 24.7 - PROCESS TO CONSIDER A MORATORIUM FOR NEW VISITOR SERVING UNITS IN THE BIG SUR COAST PLANNING AREA

a. Consider receiving a report from staff regarding the process and findings necessary to consider a moratorium for new Visitor Serving Units in the Big Sur Coast Planning Area.

b. Provide direction to staff.

Project Location: Big Sur Coast Land Use Plan

Proposed CEQA action: Statutory Exemption pursuant to Section 15262 of the CEQA.

Katie Scariot and Taylor, Project planners presented the item.

Public Comment: Marcus Foster, Mike Linder, Patrick Orosco, Aengus Jeffers, Janet Hardesty, Tim Greene, Christina McGinnis, Rick Aldinger, Matt Glazer, Jannie Ford

No motion required, the Commission received the update and provided direction to Staff.

DEPARTMENT REPORT

Secretary Beretti informed the Commission that yesterday was Anna Quenga's last

day and that Fionna Jensen has been appointed to work out of class as Principal Planner.

Accessory Dwelling Units is scheduled before the Board of Supervisors (BOS) on February 4, 2025 and the Housing Element is scheduled before the BOS on February 11, 2025.

ADJOURNMENT

The meeting was adjourned at by Chair Diehl at 12:08 p.m.

County of Monterey

Government Center - Board Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Meeting Minutes - Draft

Wednesday, February 12, 2025

9:00 AM

Para interpretación en español, haga clic aquí:

<https://attend.wordly.ai/join/THCT-8529>

Monterey County Planning Commission

9:00 A.M. - CALL TO ORDER

The meeting was called to order by Chair Diehl at 9:01 a.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Getzelman.

ROLL CALL

Present:

Christine Shaw

Paul C. Getzelman

Ben Work

Ernesto G. Gonzalez

Francisco Javier Mendoza

Martha Diehl

Etna Monsalve

Jessica Hartzell

Ramon Gomez

Amy Roberts

PUBLIC COMMENTS

None

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

The Commission Clerk informed the Commission of public comment received and distributed for Agenda Item No. 1 – PLN230131 – Peliova Carolyn & Bradford Matthew.

COMMISSIONER COMMENTS AND REQUESTS

Commissioner Mendoza asked Staff to follow up on the trailer that is parked in the easement area of Salinas Road and asked that it could be removed as it has been there for months.

Commissioner Roberts asked that Staff provide the Commission with an updated LUAC member and liaison list.

9:00 A.M. – SCHEDULED MATTERS

1. PLN230131 - PELIOVA CAROLYN & BRADFORD MATTHEW

Public hearing to consider construction of a 3,633 square foot single-family dwelling with an attached 742 square foot garage, 618 square feet of decks, removal of 10 protected Oak trees, and development slopes in excess of 25%.

Project Location: 103 A San Benancio Rd, Salinas, Toro Area Plan

Proposed CEQA action: Categorically Exempt pursuant to CEQA Guidelines section 15303, and there are no exceptions pursuant to section 15300.2.

Joey Alameda, project planner presented the item.

Application Representative: Jack Camp

Public Comment: None

It was moved by Commissioner Gomez, seconded by Commission Getzelman and passed by the following vote to continue the hearing on this item to a date certain of April 9, 2025.

AYES: Shaw, Mendoza, Work, Gomez, Diehl, Hartzell, Roberts, Gonzalez, Monsalve, Getzelman

NOES: None

ABSENT: None

ABSTAIN: None

REFERRALS

2. PLANNING COMMISSION REFERRALS

No updates.

Public Comment: None

No motion required.

3. REFERRAL 24.8 - REGULATIONS AND ENFORCEMENT EFFORTS TO CURB UNPERMITTED FOOD VENDORS

Consider receiving a report from staff regarding the regulations and enforcement efforts to curb unpermitted food vendors and provide input to staff.

Project Location: Unincorporated Monterey County

Proposed CEQA action: Statutory Exemption pursuant to Section 15262 of the CEQA.

Armando Gonzalez, Environmental Health Specialist with Environmental Health Bureau and Katie Scariot, project planner presented the item.

The Commission directed Staff to forward the presentation and information to the Board of Supervisors with a memorandum sent on behalf of the Planning Commission.

Public Comment: None

It was moved by Commissioner Mendoza, seconded by Commission Getzelman and passed by the following vote to send the presentation along

with a memorandum on behalf of the Planning Commission to the Board of Supervisors for consideration.

AYES: Shaw, Mendoza, Work, Gomez, Diehl, Hartzell, Roberts, Gonzalez, Monsalve, Getzelman

NOES: None

ABSENT: None

ABSTAIN: None

DEPARTMENT REPORT

Director Spencer informed the commission of the HCD update that was presented to the Board of Supervisors on February 11, 2025 and provided a brief overview of the presentation to the Commission.

ADJOURNMENT

The meeting was adjourned by Chair Diehl at 10:53 a.m.

County of Monterey

Government Center - Board Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Meeting Minutes - Draft

Wednesday, February 26, 2025

9:00 AM

Para interpretación en español, haga clic aquí:

<https://attend.wordly.ai/join/THCT-8529>

Monterey County Planning Commission

9:00 A.M. - CALL TO ORDER

The meeting was called to order by Chair Diehl at 9:00 a.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Gomez.

ROLL CALL**Present:**

Christine Shaw

Paul C. Getzelman

Francisco Javier Mendoza

Ramon Gomez

Martha Diehl

Jessica Hartzell

Etna Monsalve

Ernesto Gonzalez

Absent:

Ben Work

Amy Roberts

Secretary Beretti reviewed the Zoom Protocols.

Clerk McDougal reviewed the Wordly Interpretation Services Protocols.

PUBLIC COMMENTS

Tim Greene

Joel Panzer

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

Clerk McDougal informed the Commission of additional correspondence, which was received and distributed by email and available at today's meeting for agenda item no 1 – PLN240004 – Griffith and Agenda item no. 2 PLN210306 – Carmel Self Storage

COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

None

9:00 A.M. – SCHEDULED MATTERS**A. COUNTY OF MONTEREY PLANNING COMMISSION**

The Planning Commission will receive nominations from the Planning Commission Nomination Committee for a new Commission Chair and Vice Chair, and the Commission will elect a new Chair and Vice Chair for 2025.

The Planning Commission will receive nominations from the Planning

Commission Nomination

Committee for a new Commission Chair and Vice Chair, and the Commission will elect a new Chair and Vice Chair for 2025.

Commissioner Shaw of the Nomination Committee presented the recommendation that Commissioner Gonzalez be appointed as the 2025 Chair and Commission Getzelman be appointed as 2025 Vice Chair.

Public Comment: None

It was moved by Commission Shaw, seconded by Commissioner Monsalve and passed by the following vote to elect Commission Gonzalez as Chair and Commissioner Getzelman as Vice Chair.

AYES: Shaw, Getzelman, Mendoza, Work, Gomez, Diehl Hartzell, Roberts, Gonzalez, Monsalve

NOES: None

ABSENT: Roberts, Work

ABSTAIN: None

Commission Gonzalez switch to sit as Chair for the remainder of the meeting.

1. PLN240004 - GRIFFITH RICHARD S & NANCY S TRS

Public hearing to consider recommending that the Board of Supervisors approve a Final Map Amendment to adjust the Homeland Boundary of Lot 38 of the Santa Lucia Preserve Phase A Subdivision Map, and construction of a 6,330 square foot single family dwelling inclusive of an attached 889 square foot garage, 1,191 square foot basement, a 407 square foot covered porch, and associated site improvements.

Project Location: 1 Rumsen Trace, Carmel.

Proposed CEQA Action: Consider an Addendum to a previously certified Environmental Impact Report pursuant to Section 15164 of the CEQA Guidelines.

Fionna Jensen, Project Planner presented the item.

Applicant Representative: Joel Panzer, Richard Griffith, Jamison Watts

Public Comment: None

It was moved by Commissioner Diehl, seconded by Commission Shaw and passed by the following vote to recommend that the Board of Supervisors to consider an Addendum to the Santa Lucia Preserve Environmental Impact Report No. 94-005 pursuant to CEQA Guidelines section 15164, approve a Combined Development Permit consisting of a Final Map Amendment to

adjust the Homeland Boundary of Lot 38 of the Santa Lucia Preserve Phase A Subdivision Map and an Administrative Permit and Design Approval to allow construction of a 6,330 square foot single family dwelling inclusive of a detached 889 square foot garage, 1,191 square foot basement, a 407 square foot covered porch, and associated site improvements with corrections presented by Staff to finding 3, evidence b and c, finding 1, evidence b, and finding 5, evidence d.

AYES: Shaw, Getzelman, Mendoza, Gomez, Diehl Hartzell, Gonzalez, Monsalve

NOES: None

ABSENT: Roberts, Work

ABSTAIN: None

2. PLN210306 - CARMEL SELF STORAGE LLC

Public hearing to consider construction of a 68,760 square foot two-story self-storage facility with an office and bathroom (5 buildings), removal of one oak tree, and associated drainage, driveway, and fencing improvements partially within 200 feet of the Carmel River floodplain.

Project Location: terminus of Center Street near corner with Berwick, Carmel Valley, Carmel Valley Master Plan

Proposed CEQA action: Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines

Mary Israel, Project Planner presented the item.

Armando Fernandez, HCD Senior Civil Engineer provided information regarding the flooding concerns.

Applicant Representative: Tony Lombardo, Larry Gabriel, Will Tucker

The Commission recessed at 11:09 a.m. and returned at 11:21 a.m.

Public Comment: Tracy Coffman, Paola Berthoin, Vince Moita, Larry Bacon

It was moved by Commissioner Diehl, seconded by Commission Mendoza and passed by the following vote to approve the item with edits proposed by Staff in the errata memo and add to the landscaping condition to maintain the path

adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines, approve a Combined Development Permit consisting of a Use Permit for a 68,760 square foot two-story self-storage facility with an office and bathroom (5 buildings) an Administrative Permit and Design Approval for development in the Site Plan Review and Design Control district

overlays; and a Use Permit to allow development within 200 feet of the Carmel River top of bank; project includes the removal of one oak tree and approve a Condition Compliance and Mitigation Monitoring and Reporting Plan with corrections proposed by Staff to remove the reference to “floodplain” and replace with “top of the bank” in the resolution and add language to have the informal pedestrian path maintained to condition 3.

AYES: Getzelman, Mendoza, Gomez, Diehl Hartzell, Gonzalez, Monsalve

NOES: Shaw

ABSENT: Roberts, Work

ABSTAIN: None

DEPARTMENT REPORT

Secretary Beretti informed the Commission that the Board of Supervisors approved new HCD positions including two Code Enforcement positions, a Permit Technician and an Associate Planner position to support the Vacation Rental Permit and Enforcement Program. Also, there were some recent changes to State law regarding Measure Z, which is the ban on fracking, this change would allow local jurisdictions the ability to adopt sub changes, and that will be going before the Board at a later date.

ADJOURNMENT

The meeting was adjourned by Chair Gonzalez at 12:03 p.m.

County of Monterey

Government Center - Board Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Meeting Minutes - Draft

Wednesday, January 29, 2025

1:30 PM

Special Meeting

<https://attend.wordly.ai/join/THCT-8529>

Monterey County Planning Commission

1:30 P.M. - CALL TO ORDER

The meeting was called to order by Chair Diehl at 1:31 p.m.

ROLL CALL

Present:

Ben Work

Ernesto G. Gonzalez

Francisco Javier Mendoza

Martha Diehl

Etna Monsalve

Jessica Hartzell

Ramon Gomez

Amy Roberts

Absent:

Paul C. Getzelman

Christine Shaw

Land Use Advisory Committees (LUAC):

Present:

Big Sur LUAC

Steve Beck, David Smiley, Marcus Foster, Trey Kropp, John Wilson

Cachagua LUAC

Orville Myers

Carmel Unincorporated/Carmel Highlands

John Borelli, Donna Kostigen

Carmel Valley LUAC

John Heyl

Castroville LUAC

No members present

Del Monte Forest

Lori Lietzke, Rick Verbanec

Greater Monterey Peninsula LUAC

Molly McGee

North County LUAC**Lesley Noble, Gina Paolini, Andrea Estrada, Belinda Talban****South Coast LUAC – Attend via zoom****Constance McCoy, Dave Nelson****South County LUAC****No members present****Toro LUAC****Tamara Schwart****PUBLIC COMMENTS****None****AGENDA ADDITIONS, DELETIONS AND CORRECTIONS****Clerk McDougal informed the Commission that there are no agenda additions, deletions or correction.****ACTION ITEMS****1. LAND USE ADVISORY COMMITTEE (LUAC) MEMBER UPDATE**

Each Land Use Advisory Committee (LUAC) will be invited to present up to three issues from the past year for general discussion. These may include achievements, challenges or emerging issues.

After the presentations are completed there will be a discussion which may result in Planning Commission or staff recommendations or actions.

Each Land Use Advisory Committee (LUAC) will be invited to present up to three issues from the past year for general discussion. These may include achievements, challenges or emerging issues.

After the presentations are completed there will be a discussion which may result in Planning Commission or staff recommendations or actions.

Each LUAC presented their achievements, challenges and emerging issues to the Commission.

Public Comment: Margie Kay

The Commission and LUAC recessed at 3:14 p.m. and returned at 3:29 p.m.

No motion required, the Commission received the update and provided

direction to Staff.

2. TRAINING ITEMS FOR PLANNING COMMISSION AND LUAC's:

1. Role of Land Use Advisory Committees
 - a. Review Procedures (Board Resolution 15-103) and Election of Officers
2. Role of the Planning Commission
3. Due Process and Brown Act
4. Conflict of Interest
5. Public Records
6. Commissioner/Committee Member Comments

Melanie Beretti, Planning Commission Secretary and Robert Brayer, County Counsel presented the training.

Commissioner Gomez left the meeting at 4:18 p.m.

Public Comment: None

No motion required.

ADJOURNMENT

The meeting was adjourned by Chair Diehl at 4:59 p.m.



County of Monterey

Item No.2

Board Report

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

Legistar File Number: PC 25-033

April 09, 2025

Introduced: 4/2/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

PLN230131 - PELIOVA CAROLYN & BRADFORD MATTHEW

Public hearing to consider construction of a 3,633 square foot single-family dwelling with an attached 742 square foot garage, 618 square feet of decks, removal of 10 protected Oak trees, and development slopes in excess of 25%.

Project Location: 103 A San Benancio Rd, Salinas, Toro Area Plan

Proposed CEQA action: Categorically Exempt pursuant to CEQA Guidelines section 15303, and there are no exceptions pursuant to section 15300.2.

RECOMMENDATION:

It is recommended that the Planning Commission continue the hearing to April 30, 2025.

PROJECT INFORMATION:

Agent: Jack Camp

Property Owner: Carolyn Peliova and Matthew Bradford

APN: 416-231-018-000

Parcel Size: 6.5 acres

Zoning: Low Density Residential with Building Site 6 and Design Control overlays or "LDR/B-6-D"

Plan Area: Toro Area Plan

Flagged and Staked: Yes

Planner: Joseph Alameda, Assistant Planner

alamedaj@countyofmonterey.gov, (831)783-7079

SUMMARY/DISCUSSION:

The subject property is located at 103A San Benancio Road, Salinas within the Toro Area Plan and is surrounded by residences on all sides. The applicant proposes the construction of a two-story 3,633 square foot single-family dwelling with an attached 742 square foot garage, an attached 618 square foot deck, a 310 square foot driveway, and 730 square feet of patios/hardscape. The project also involves the removal of 10 protected Oak trees and development on slopes in excess of 25%. Potable water is provided to the parcel by the California American Water Company (Cal Am), and the project proposes a new onsite wastewater treatment system (OWTS).

On February 12, 2025 the project was heard by the County of Monterey Planning Commission. The project was continued to a date certain of April 9, 2025 to allow the applicant time to address concerns of the Planning Commission regarding development on slopes in excess of 25%. The applicant has communicated to staff that more time will be needed before returning to the Planning

Commission. Therefore, staff is recommending the Planning Commission continue this hearing to a date certain of April 30th, 2025.

LUAC:

The proposed project was reviewed by the Toro Land Use Advisory Committee on October 28th, 2024. The recommended approval of the project by a vote of four to zero, but expressed concerns relative to colors and materials, the health of replanted trees, and the requirement for a Use Permit to allow development on slopes in excess of 25%.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines section 15303 categorically exempts the construction and location of limited numbers of new, small facilities or structures including one single-family residence in a residential zone. The proposed project involves the construction of a 3,633 square foot single-family dwelling with an attached 742 square foot garage, an attached 618 square foot deck, and associated site improvements including a 310 square foot driveway. Therefore, the project is consistent with the categorical exemption requirements of CEQA Guidelines section 15303. There are no exceptions pursuant to Section 15300.2. No evidence of significant adverse environmental effects were identified during staff's review of the development application.

Prepared by: Joseph Alameda, Assistant Planner, x7079

Reviewed by: Fionna Jensen, Principal Planner (WOC)

Approved by: Melanie Beretti, AICP, Chief of Planning

cc: Front Counter Copy; Planning Commission, California Coastal Commission, Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD - Engineering Services; Environmental Health Bureau; Joseph Alameda, Project Planner; Fionna Jensen Principal Planner; Carolyn Peliova and Matthew Bradford, Property Owners; Jack Camp, Agent/Architect; The Open Monterey Project (Molly Erickson); Laborers International Union of North America (Lozeau Drury LLP); Christina McGinnis, Keep Big Sur Wild; LandWatch; Project File PLN230131



County of Monterey Planning Commission

Item No. 2

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

Legistar File Number: PC 25-033

April 09, 2025

Introduced: 4/2/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

PLN230131 - PELIOVA CAROLYN & BRADFORD MATTHEW

Public hearing to consider construction of a 3,633 square foot single-family dwelling with an attached 742 square foot garage, 618 square feet of decks, removal of 10 protected Oak trees, and development slopes in excess of 25%.

Project Location: 103 A San Benancio Rd, Salinas, Toro Area Plan

Proposed CEQA action: Categorically Exempt pursuant to CEQA Guidelines section 15303, and there are no exceptions pursuant to section 15300.2.

RECOMMENDATION:

It is recommended that the Planning Commission continue the hearing to April 30, 2025.

PROJECT INFORMATION:

Agent: Jack Camp

Property Owner: Carolyn Peliova and Matthew Bradford

APN: 416-231-018-000

Parcel Size: 6.5 acres

Zoning: Low Density Residential with Building Site 6 and Design Control overlays or "LDR/B-6-D"

Plan Area: Toro Area Plan

Flagged and Staked: Yes

Planner: Joseph Alameda, Assistant Planner

alamedaj@countyofmonterey.gov, (831)783-7079

SUMMARY/DISCUSSION:

The subject property is located at 103A San Benancio Road, Salinas within the Toro Area Plan and is surrounded by residences on all sides. The applicant proposes the construction of a two-story 3,633 square foot single-family dwelling with an attached 742 square foot garage, an attached 618 square foot deck, a 310 square foot driveway, and 730 square feet of patios/hardscape. The project also involves the removal of 10 protected Oak trees and development on slopes in excess of 25%. Potable water is provided to the parcel by the California American Water Company (Cal Am), and the project proposes a new onsite wastewater treatment system (OWTS).

On February 12, 2025 the project was heard by the County of Monterey Planning Commission. The project was continued to a date certain of April 9, 2025 to allow the applicant time to address concerns of the Planning Commission regarding development on slopes in excess of 25%. The applicant has communicated to staff that more time will be needed before returning to the Planning

Commission. Therefore, staff is recommending the Planning Commission continue this hearing to a date certain of April 30th, 2025.

LUAC:

The proposed project was reviewed by the Toro Land Use Advisory Committee on October 28th, 2024. The recommended approval of the project by a vote of four to zero, but expressed concerns relative to colors and materials, the health of replanted trees, and the requirement for a Use Permit to allow development on slopes in excess of 25%.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines section 15303 categorically exempts the construction and location of limited numbers of new, small facilities or structures including one single-family residence in a residential zone. The proposed project involves the construction of a 3,633 square foot single-family dwelling with an attached 742 square foot garage, an attached 618 square foot deck, and associated site improvements including a 310 square foot driveway. Therefore, the project is consistent with the categorical exemption requirements of CEQA Guidelines section 15303. There are no exceptions pursuant to Section 15300.2. No evidence of significant adverse environmental effects were identified during staff's review of the development application.

Prepared by: Joseph Alameda, Assistant Planner, x7079

Reviewed by: Fionna Jensen, Principal Planner (WOC)

Approved by: Melanie Beretti, AICP, Chief of Planning

cc: Front Counter Copy; Planning Commission, California Coastal Commission, Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD - Engineering Services; Environmental Health Bureau; Joseph Alameda, Project Planner; Fionna Jensen Principal Planner; Carolyn Peliova and Matthew Bradford, Property Owners; Jack Camp, Agent/Architect; The Open Monterey Project (Molly Erickson); Laborers International Union of North America (Lozeau Drury LLP); Christina McGinnis, Keep Big Sur Wild; LandWatch; Project File PLN230131



County of Monterey

Item No.3

Board Report

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

Legistar File Number: PC 25-031

April 09, 2025

Introduced: 4/2/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

PLN210223 - GARD HERMALINA

Public hearing to consider the Standard Subdivision and Vesting Tentative Map to subdivide a four-acre lot into 16 residential lots plus one drainage parcel, one road and utility parcel, and a remainder lot retaining the existing residential dwelling unit, and demolition of unpermitted accessory structures. The proposed project includes three moderate-income units and a Variance to reduce the 200-foot agricultural buffer to 139 feet/78 feet.

Project Location: 442 Boronda Road, Salinas

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15061(b)(3).

RECOMMENDATION:

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

- Find the project Categorically Exempt pursuant to CEQA Guidelines section 15061(b)(3);
- Approve a Standard Subdivision and Vesting Tentative Map to subdivide a four-acre lot into 16 residential lots ("Lots 1-16," median size 0.138 acre), a road and utility parcel (Parcel 1, 0.93 acre), a drainage parcel (Parcel 2, 0.11 acre), and a remainder lot (approximately 0.6 acre) that retains the existing residential dwelling unit, and demolition of unpermitted accessory structures to clear Code Enforcement Case No. CE050196; and
- Approve a Variance request to reduce the agricultural buffer from 200 to 139 feet on the northwest and 78 feet on the southwest.

The draft Planning Commission resolution (**Exhibit B**), draft Conditions of Approval, and draft Vesting Tentative Map (VTM) are provided for consideration. Staff recommends approval of the VTM subject to 29 conditions of approval.

PROJECT INFORMATION:

Owner: Hermalina Gard

Agent: Dale Ellis, Anthony Lombardo & Associates

APN: 261-101-006-000

Zoning: Medium Density Residential, 4 units per acre, with Limited Agriculture and Urban Reserve overlay districts (MDR/4-A-UR)

Parcel Size: 4 acres

Plan Area: Greater Salinas Area Plan

Flagged and Staked: No

Project Planner: Mary Israel, Supervising Planner

(831) 755-5183 or israelm@countyofmonterey.gov

PROJECT SUMMARY:

The project is located at 442 Boronda Road, in the Boronda Community Area, and is subject to the policies of the 2010 General Plan, Greater Salinas Area Plan, Title 19 Subdivision Ordinance and regulations of the Monterey County Inland Zoning Ordinance (Title 21).

The proposed project includes a Vesting Tentative Map to subdivide a four-acre parcel, which is currently developed with a residence and accessory structures, into 16 new residential lots (“Lots 1-16,”; median size 0.138 acre), a 0.93-acre road and utility lot (Parcel 1), a 0.11-acre lot for onsite drainage control (Parcel 2), and an approximately 0.6-acre remainder lot, which will retain the existing residential dwelling and accessory structures. As conditioned, the project includes the demolition of unpermitted accessory structures that are located on portions of the proposed remainder lot and Lots 14-16. Demolition of these structures will clear Code Enforcement Case No. CE050196. Besides the demolition of unpermitted structures and construction of subdivision improvements (road, utilities, drainage, soundwall), no development is proposed. All future development of Lots 1-16 (new Residential lots) will require separate discretionary permitting and environmental review.

As proposed and conditioned, the project is consistent with applicable development standards, and necessary facilities are available to serve the development. The resulting subdivision is slightly above the allowed density for the parcel, forming a total of 17 units on 4 acres. The project is eligible for a density bonus pursuant to Title 21 Chapter 21.65, because it proposes at least 10 percent of the subdivision to be constructed as moderate income level units. It complies with Density Bonus law such that one concession is allowed. The concession requested by the Applicant/owner is expedited Final Map processing. See the Discussion’s *Density Bonus* section for more information (**Exhibit A**).

The project has been conditioned to follow National Pollutant Discharge Elimination System (NPDES) regulations on point sources that discharge pollutants during construction phase as well as other Best Management Practices. The project has also been conditioned to pay for three fees related to Traffic Impacts, including one fee to City of Salinas, which will be used to pay fair share on traffic control at the only potentially impacted intersection (Post Drive at Calle De Adobe).

The project proposal includes the demolition of a few unpermitted accessory structures in the area proposed as a remainder parcel. The demolition will be done prior to final map, and the action shall address Code Enforcement Case No. CE050196 (Condition of Approval No. 28). Pursuant to California Government Code Section 66424.6(a)(1), the designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required. The remainder parcel is not explicitly part of the action taken by the Planning Commission. However, Title 21 section 21.84.120 - Refusal to issue permits, licenses or other entitlements - would bar a decision on a project for a parcel that has an active code violation unless the action of the permit serves to resolve the violation. To meet the code, the applicant has agreed to demolish the unpermitted structures and has revised the draft VTM to illustrate which structures will be removed prior to final map. The approval of the VTM is phrased with that requirement. The final map shall not be brought to consent hearing before the Board of Supervisors until the action is completed and code enforcement case CE050196 is closed.

Immediate surrounding uses include residential subdivisions and residential development of similar nature to the north, south and east, and agricultural fields to the west, across Boronda Road. See the Vicinity Map in **Exhibit C**. Title 21 section 21.66.030.F(2) requires that new residential development be setback 200 feet from agriculturally zoned properties (Farmlands, Permanent Grazing, and Rural Grazing). This agricultural buffer requirement is intended 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. As proposed, the new residential lots and adjacent sound wall will be setback between 78 and 139 feet from the Farmland zoned property to the west. Accordingly, the proposed design does not meet Title 21's required 200-foot distance. The reasoning for support of a Variance is detailed in **Exhibit A**, Discussion and condition of approval No. 30, requires the reduced-distance buffer easement to include vegetative and material buffering (sound wall).

The Project meets the requirements of Title 19, Title 21 (except for agricultural buffer), and the 2010 General Plan. The project has the potential to add 16 new units of housing units within the Boronda Community Plan area. Therefore, staff recommends the Planning Commission approve the Project as proposed.

DISCUSSION: A synopsis of project review and consistency with regulations are detailed for the Planning Commission's consideration in **Exhibit A**.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines section 15195, Residential Infill Exemption, exempts development projects that meet its criteria of size, location, number of units and availability of affordable housing and can rely on an environmental document for the area that was certified within the last five years. The Project site is not more than four acres, and no single level buildings that exceed 100,000 square feet are proposed. The Project site is considered an infill site because it has been previously developed with residential uses and adjoins existing urbanized uses (medium density residential) on at least 75% of its perimeter. Additionally, the Project site is within one-half mile of a major transit stop (on Boronda Road). The Project would not create more than 100 residential units and, if built, would promote higher density infill housing because the Project has more density than the underlying zoning district (also qualified by a Density Bonus). The Project includes three moderate income level housing units (to be developed at a future date), which meets the affordability criteria that at least 10 percent of the proposed housing is to be sold to families of moderate-income level.

However, the Project does not meet the exemption perfectly because a community-level environmental document has not been certified within the last five years for the Boronda Community Area. An environmental document was certified for the City of Salinas' Economic Development Element in 2017 and it anticipated a residential buildout for in area of the City's Urban Reserve. Additionally, the County of Monterey certified an Environmental Impact Report when it updated its General Plan in 2010.

CEQA Guidelines section 15061(b)(3) allows projects to be exempt from CEQA when it can be found with certainty that there is no possibility that the activity in question may have a significant effect on the environment. In this case, there is no reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. There are no

potential environmental impacts that would result from this project that are not mitigated by design or through established regulations. The CEQA finding of the draft Resolution (**Exhibit B**) details all anticipated potential 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. The draft Resolution finds that the project would not have a potentially significant impact on any of these environmental resources. All potential impacts would be less than significant with adherence to County and State code, and the standard Conditions of Approvals. Additionally, as described above, the Project meets most of the criteria for Residential Infill Exemption, but not all. Therefore, staff recommends the Planning Commission find the Project is exempt from CEQA pursuant to the common-sense exemption, CEQA Guidelines section 15061(b)(3). As proposed, the County complies with State planning efforts to streamline residential infill development by streamlining this subdivision which will add 16 new homes to the Community Area of Boronda.

OTHER AGENCY INVOLVEMENT:

The following agencies or groups within the HCD have reviewed the project:

- Monterey County Regional Fire District
- HCD-Engineering Services
- HCD-Environmental Services
- HCD-Housing Office
- County of Monterey Environmental Health Bureau
- City of Salinas

ADVISORY COMMITTEES:

The project was referred to the Agricultural Advisory Committee (AAC) and the Housing Advisory Committee (HAC); no LUAC exists for this planning area. The AAC generally supported the project with an agricultural easement of less than 200 feet but decided not to vote on the project. Rather, they reviewed the proposed agricultural buffer for the subdivision and made recommendations such as: 1) construct a 7-foot-tall buffer wall along the 20-foot setback line of the existing dwelling's lot (proposed Lot 17), 2) add vegetation buffers and 3) reach out to the area's agricultural operators to exchange information of their activities so that growers can advise of their crop operations and activities to reduce incompatible issues. The final minutes of the AAC review meeting on April 27, 2023 are attached as **Exhibit D**. The version of the subdivision that the AAC reviewed for comment on the proposed agricultural easement was different than the final version that was updated in response to HCD recommendations and submitted September 10, 2023. At the time of the AAC review, a residential lot was proposed at the western edge of the subdivision. When the applicant redesigned the subdivision to better manage stormwater flow on the site, the drainage basin was moved from its original location at the eastern edge of the subdivision to the northwest. A new and larger agricultural buffer easement is offered as the last sheet of the Plans (**Exhibit B**).

The HAC review was at a special meeting on April 10, 2024. The HAC members were asked to review the Applicant's alternative distribution of income level to meet the required allotment of Inclusionary Housing units pursuant to Chapter 18.40 of Monterey County Code. The HAC voted unanimously to recommend that the Planning Commission accept the applicant's request, and staff

recommendation, to condition the project with three moderate-income inclusionary units instead of the one low- and two moderate-income units required by the Inclusionary Housing Ordinance. The HAC concluded, based on the affordability calculations proposed for the updated Inclusionary Housing Administrative Manual, that requiring a low-income unit was not economically viable and could be a constraint to the construction of housing. The HAC did not accept the staff recommendation that the project be conditioned to either provide one workforce-income unit or pay an in-lieu fee. The HAC made this finding based on:

- The applicant's contention that because the County had not codified the requirements of General Plan Land Use Policy LU-2.13 into the Inclusionary Housing Ordinance, it lacked the authority to impose this requirement.
- The applicant also successfully argued to the HAC that the state Department of Housing and Community had informed the County that it had not properly analyzed the potential impacts of the workforce-income requirements of LU-2.13 when it adopted the 5th Cycle Housing Element to determine that it was not a constraint to the construction of housing.

The HAC's recommendation was approved unanimously (5 AYES, 0 NOES). The minutes of the HAC meeting are not final at the time of this writing due to a lack of quorum in later meetings, but the staff liaison to the committee, the Housing Program Manager Darby Marshall, can give oral testimony during the Planning Commission hearing on April 9, 2025.

Prepared by: Mary Israel, Supervising Planner
Reviewed by: Fiona Jensen, acting Principal Planner
Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with the HCD-Planning:

Exhibit A - Discussion

Exhibit B - Draft Planning Commission Resolution to approve the following:

- Draft Conditions of Approval
- Draft Vesting Tentative Map

Exhibit C - Applicant's Letter of Requests, dated May 5, 2024

Exhibit D - Letter of Technical Assistance from State HCD, dated December 22, 2020

Exhibit E - Vicinity Map

Exhibit F - Agricultural Advisory Committee April 27, 2023 Meeting Minutes

cc: Front Counter Copy; Planning Commission; Craig Spencer, HCD Director; Melanie Beretti, AICP, Acting Chief of Planning; Anna Ginette Quenga, AICP, HCD-Principal Planner; HCD-Engineering Services; Environmental Health Bureau; HCD Environmental Services; Monterey County Regional Fire Protection District; Hermalina Gard, Applicant/Owner; Dale Ellis, Anthony Lombardo and Associates, Agent; The Open Monterey Project; LandWatch; The Open Monterey Project; LandWatch (Executive Director); Christina McGinnis, Keep Big Sur Wild; Lozeau Drury LLP; Planning File PLN210223



County of Monterey Planning Commission

Item No. 3

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

Legistar File Number: PC 25-031

April 09, 2025

Introduced: 4/2/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

PLN210223 - GARD HERMALINA

Public hearing to consider the Standard Subdivision and Vesting Tentative Map to subdivide a four-acre lot into 16 residential lots plus one drainage parcel, one road and utility parcel, and a remainder lot retaining the existing residential dwelling unit, and demolition of unpermitted accessory structures. The proposed project includes three moderate-income units and a Variance to reduce the 200-foot agricultural buffer to 139 feet/78 feet.

Project Location: 442 Boronda Road, Salinas

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15061(b)(3).

RECOMMENDATION:

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

- a. Find the project Categorically Exempt pursuant to CEQA Guidelines section 15061(b)(3);
- b. Approve a Standard Subdivision and Vesting Tentative Map to subdivide a four-acre lot into 16 residential lots ("Lots 1-16," median size 0.138 acre), a road and utility parcel (Parcel 1, 0.93 acre), a drainage parcel (Parcel 2, 0.11 acre), and a remainder lot (approximately 0.6 acre) that retains the existing residential dwelling unit, and demolition of unpermitted accessory structures to clear Code Enforcement Case No. CE050196; and
- c. Approve a Variance request to reduce the agricultural buffer from 200 to 139 feet on the northwest and 78 feet on the southwest.

The draft Planning Commission resolution (**Exhibit B**), draft Conditions of Approval, and draft Vesting Tentative Map (VTM) are provided for consideration. Staff recommends approval of the VTM subject to 29 conditions of approval.

PROJECT INFORMATION:

Owner: Hermalina Gard

Agent: Dale Ellis, Anthony Lombardo & Associates

APN: 261-101-006-000

Zoning: Medium Density Residential, 4 units per acre, with Limited Agriculture and Urban Reserve overlay districts (MDR/4-A-UR)

Parcel Size: 4 acres

Plan Area: Greater Salinas Area Plan

Flagged and Staked: No

Project Planner: Mary Israel, Supervising Planner

(831) 755-5183 or israelm@countyofmonterey.gov

PROJECT SUMMARY:

The project is located at 442 Boronda Road, in the Boronda Community Area, and is subject to the policies of the 2010 General Plan, Greater Salinas Area Plan, Title 19 Subdivision Ordinance and regulations of the Monterey County Inland Zoning Ordinance (Title 21).

The proposed project includes a Vesting Tentative Map to subdivide a four-acre parcel, which is currently developed with a residence and accessory structures, into 16 new residential lots ("Lots 1-16,"; median size 0.138 acre), a 0.93-acre road and utility lot (Parcel 1), a 0.11-acre lot for onsite drainage control (Parcel 2), and an approximately 0.6-acre remainder lot, which will retain the existing residential dwelling and accessory structures. As conditioned, the project includes the demolition of unpermitted accessory structures that are located on portions of the proposed remainder lot and Lots 14-16. Demolition of these structures will clear Code Enforcement Case No. CE050196. Besides the demolition of unpermitted structures and construction of subdivision improvements (road, utilities, drainage, soundwall), no development is proposed. All future development of Lots 1-16 (new Residential lots) will require separate discretionary permitting and environmental review.

As proposed and conditioned, the project is consistent with applicable development standards, and necessary facilities are available to serve the development. The resulting subdivision is slightly above the allowed density for the parcel, forming a total of 17 units on 4 acres. The project is eligible for a density bonus pursuant to Title 21 Chapter 21.65, because it proposes at least 10 percent of the subdivision to be constructed as moderate income level units. It complies with Density Bonus law such that one concession is allowed. The concession requested by the Applicant/owner is expedited Final Map processing. See the Discussion's *Density Bonus* section for more information (**Exhibit A**).

The project has been conditioned to follow National Pollutant Discharge Elimination System (NPDES) regulations on point sources that discharge pollutants during construction phase as well as other Best Management Practices. The project has also been conditioned to pay for three fees related to Traffic Impacts, including one fee to City of Salinas, which will be used to pay fair share on traffic control at the only potentially impacted intersection (Post Drive at Calle De Adobe).

The project proposal includes the demolition of a few unpermitted accessory structures in the area proposed as a remainder parcel. The demolition will be done prior to final map, and the action shall address Code Enforcement Case No. CE050196 (Condition of Approval No. 28). Pursuant to California Government Code Section 66424.6(a)(1), the designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required. The remainder parcel is not explicitly part of the action taken by the Planning Commission. However, Title 21 section 21.84.120 - Refusal to issue permits, licenses or other entitlements - would bar a decision on a project for a parcel that has an active code violation unless the action of the permit serves to resolve the violation. To meet the code, the applicant has agreed to demolish the unpermitted structures and has revised the draft VTM to illustrate which structures will be removed prior to final map. The approval of the VTM is phrased with that requirement. The final map shall not be brought to consent hearing before the Board of Supervisors until the action is completed and code enforcement case CE050196 is closed.

Immediate surrounding uses include residential subdivisions and residential development of similar nature to the north, south and east, and agricultural fields to the west, across Boronda Road. See the Vicinity Map in **Exhibit C**. Title 21 section 21.66.030.F(2) requires that new residential development be setback 200 feet from agriculturally zoned properties (Farmlands, Permanent Grazing, and Rural Grazing). This agricultural buffer requirement is intended 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. As proposed, the new residential lots and adjacent sound wall will be setback between 78 and 139 feet from the Farmland zoned property to the west. Accordingly, the proposed design does not meet Title 21's required 200-foot distance. The reasoning for support of a Variance is detailed in **Exhibit A**, Discussion and condition of approval No. 30, requires the reduced-distance buffer easement to include vegetative and material buffering (sound wall).

The Project meets the requirements of Title 19, Title 21 (except for agricultural buffer), and the 2010 General Plan. The project has the potential to add 16 new units of housing units within the Boronda Community Plan area. Therefore, staff recommends the Planning Commission approve the Project as proposed.

DISCUSSION: A synopsis of project review and consistency with regulations are detailed for the Planning Commission's consideration in **Exhibit A**.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines section 15195, Residential Infill Exemption, exempts development projects that meet its criteria of size, location, number of units and availability of affordable housing and can rely on an environmental document for the area that was certified within the last five years. The Project site is not more than four acres, and no single level buildings that exceed 100,000 square feet are proposed. The Project site is considered an infill site because it has been previously developed with residential uses and adjoins existing urbanized uses (medium density residential) on at least 75% of its perimeter. Additionally, the Project site is within one-half mile of a major transit stop (on Boronda Road). The Project would not create more than 100 residential units and, if built, would promote higher density infill housing because the Project has more density than the underlying zoning district (also qualified by a Density Bonus). The Project includes three moderate income level housing units (to be developed at a future date), which meets the affordability criteria that at least 10 percent of the proposed housing is to be sold to families of moderate-income level.

However, the Project does not meet the exemption perfectly because a community-level environmental document has not been certified within the last five years for the Boronda Community Area. An environmental document was certified for the City of Salinas' Economic Development Element in 2017 and it anticipated a residential buildout for in area of the City's Urban Reserve. Additionally, the County of Monterey certified an Environmental Impact Report when it updated its General Plan in 2010.

CEQA Guidelines section 15061(b)(3) allows projects to be exempt from CEQA when it can be found with certainty that there is no possibility that the activity in question may have a significant effect on the environment. In this case, there is no reasonable possibility that the

project will have a project-specific, significant effect on the environment due to unusual circumstances. There are no potential environmental impacts that would result from this project that are not mitigated by design or through established regulations. The CEQA finding of the draft Resolution (**Exhibit B**) details all anticipated potential 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. The draft Resolution finds that the project would not have a potentially significant impact on any of these environmental resources. All potential impacts would be less than significant with adherence to County and State code, and the standard Conditions of Approvals. Additionally, as described above, the Project meets most of the criteria for Residential Infill Exemption, but not all. Therefore, staff recommends the Planning Commission find the Project is exempt from CEQA pursuant to the common-sense exemption, CEQA Guidelines section 15061(b)(3). As proposed, the County complies with State planning efforts to streamline residential infill development by streamlining this subdivision which will add 16 new homes to the Community Area of Boronda.

OTHER AGENCY INVOLVEMENT:

The following agencies or groups within the HCD have reviewed the project:

- Monterey County Regional Fire District
- HCD-Engineering Services
- HCD-Environmental Services
- HCD-Housing Office
- County of Monterey Environmental Health Bureau
- City of Salinas

ADVISORY COMMITTEES:

The project was referred to the Agricultural Advisory Committee (AAC) and the Housing Advisory Committee (HAC); no LUAC exists for this planning area. The AAC generally supported the project with an agricultural easement of less than 200 feet but decided not to vote on the project. Rather, they reviewed the proposed agricultural buffer for the subdivision and made recommendations such as: 1) construct a 7-foot-tall buffer wall along the 20-foot setback line of the existing dwelling's lot (proposed Lot 17), 2) add vegetation buffers and 3) reach out to the area's agricultural operators to exchange information of their activities so that growers can advise of their crop operations and activities to reduce incompatible issues. The final minutes of the AAC review meeting on April 27, 2023 are attached as **Exhibit D**. The version of the subdivision that the AAC reviewed for comment on the proposed agricultural easement was different than the final version that was updated in response to HCD recommendations and submitted September 10, 2023. At the time of the AAC review, a residential lot was proposed at the western edge of the subdivision. When the applicant redesigned the subdivision to better manage stormwater flow on the site, the drainage basin was moved from its original location at the eastern edge of the subdivision to the northwest. A new and larger agricultural buffer easement is offered as the last sheet of the Plans (**Exhibit B**).

The HAC review was at a special meeting on April 10, 2024. The HAC members were asked to review the Applicant's alternative distribution of income level to meet the required allotment of Inclusionary Housing units pursuant to Chapter 18.40 of Monterey County Code. The HAC

voted unanimously to recommend that the Planning Commission accept the applicant's request, and staff recommendation, to condition the project with three moderate-income inclusionary units instead of the one low- and two moderate-income units required by the Inclusionary Housing Ordinance. The HAC concluded, based on the affordability calculations proposed for the updated Inclusionary Housing Administrative Manual, that requiring a low-income unit was not economically viable and could be a constraint to the construction of housing. The HAC did not accept the staff recommendation that the project be conditioned to either provide one workforce-income unit or pay an in-lieu fee. The HAC made this finding based on:

- The applicant's contention that because the County had not codified the requirements of General Plan Land Use Policy LU-2.13 into the Inclusionary Housing Ordinance, it lacked the authority to impose this requirement.
- The applicant also successfully argued to the HAC that the state Department of Housing and Community had informed the County that it had not properly analyzed the potential impacts of the workforce-income requirements of LU-2.13 when it adopted the 5th Cycle Housing Element to determine that it was not a constraint to the construction of housing.

The HAC's recommendation was approved unanimously (5 AYES, 0 NOES). The minutes of the HAC meeting are not final at the time of this writing due to a lack of quorum in later meetings, but the staff liaison to the committee, the Housing Program Manager Darby Marshall, can give oral testimony during the Planning Commission hearing on April 9, 2025.

Prepared by: Mary Israel, Supervising Planner
Reviewed by: Fionna Jensen, acting Principal Planner
Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with the HCD-Planning:

Exhibit A - Discussion

Exhibit B - Draft Planning Commission Resolution to approve the following:

- Draft Conditions of Approval
- Draft Vesting Tentative Map

Exhibit C - Applicant's Letter of Requests, dated May 5, 2024

Exhibit D - Letter of Technical Assistance from State HCD, dated December 22, 2020

Exhibit E - Vicinity Map

Exhibit F - Agricultural Advisory Committee April 27, 2023 Meeting Minutes

cc: Front Counter Copy; Planning Commission; Craig Spencer, HCD Director; Melanie Beretti, AICP, Acting Chief of Planning; Anna Ginette Quenga, AICP, HCD-Principal Planner; HCD-Engineering Services; Environmental Health Bureau; HCD Environmental Services; Monterey County Regional Fire Protection District; Hermalina Gard, Applicant/Owner; Dale Ellis, Anthony Lombardo and Associates, Agent; The Open Monterey Project; LandWatch; The Open Monterey Project; LandWatch (Executive Director); Christina McGinnis, Keep Big Sur Wild; Lozeau Drury LLP; Planning File PLN210223

Exhibit A

This page intentionally left blank.

DISCUSSION

The project site is a four-acre Medium Density Residential parcel within the Boronda Community Area of Monterey County. The subdivision proposes to create 16 new lots for future residential development, a parcel for road and utilities (Parcel 1, 0.93 acres) a Right-of-way dedication to County for Boronda Road (0.03 acres); a parcel for stormwater detention basin (Parcel 2, 0.11 acres), and a Remainder Lot, which will contain the existing single family dwelling and accessory structures. The new lots are proposed at a ratio that County staff and advisory bodies have found appropriate for development. The standard subdivision complies with regulations in Title 19. The ratio also meets the intent of the California Environmental Quality Act (CEQA) infill housing exemption.

Site Suitability

A preliminary soils report (County of Monterey Planning Library No. LIB210239) was submitted and found no groundwater table above a 41-foot depth at the project site and low liquefaction potential. This report concluded that the land has good groundwater recharge and sufficient percolation. Per the prepared Archaeological Report (County of Monterey Planning Library No. LIB220052), no significant archaeological resources were found to have the potential to be impacted as part of the subdivision. Monterey County Regional Fire District staff reviewed the design and advised the placement of two hydrants within the subdivision at the locations they are shown on the draft VTM (above Lot 17 and above Lot 10).

Water Supply and Demand

A hydrogeological report was not required for this subdivision because it is in a Community Plan Area that is served by an established public utility, California Water Service. California Water Services' 2020 Urban Water Management Plan for the Salinas District (dated June 2021) plans for and manages water availability for the subject property and the surrounding area. Also, California Water Service provided a "Can and Will Serve" letter for the proposed subdivision, indicating that it has the capacity to provide the project's water demand. Average single family home residential water use is estimated to be 0.27-acre-feet per year (AFY). With the implementation and build-out of the subdivision, the proposed 16 residential units and one existing residential unit will demand approximately 4.59 AFY. As required by Title 19 section 19.03.15.L, the County Health Department determined that the water supply and health and safety of the water supply are adequate to serve the proposed subdivision. Thus, the County did not require a hydrogeological report in this case because the subject site is on a well-documented water basin. More discussion is provided under *2010 General Plan*, below.

Drainage

The slope summary table on the draft VTM illustrates that 99.9% of the existing lot area is 20% slope or less, 0.003% is between 20% and 30%, and 0.004% is greater than 25% slope. The naturally sloped portion is a drop at the easternmost edge of the property. Drainage from the subdivision will be controlled by improvements, including compacted fill, so that surface water will run toward the drainage basin at the last lot to the west (Parcel 2). Site improvements to allow property drainage would result in an increase in elevations required retaining walls and constructed slopes. The site plan includes a retaining wall of 3 feet to 8 feet immediately after the 3:1 sloped constructed area at edges of Lots 6, 7, 8, and 9. In an effort to aid the offsite drainage issues from these slopes and from APN 261-101-002-000 toward APN 261-101-005-000, the

project proposes to construct an 8-foot wide drainage channel along the northern half of the eastern edge of the subdivision after the retaining wall. The project site is not within a FEMA designated floodplain. There is one utility easement located on the project site; it is a sanitary sewer easement at the southeast corner and an existing 6-inch sanitary sewer main is located in the easement.

Zoning Ordinances

The project complies with the MDR zoning district's requirements for lot size and density. The maximum building site coverage for the MDR zoning is 35%. Setbacks are 20 feet front, 5 feet side, 10 feet rear. These setbacks are drawn on the draft VTM. The smallest lot created in this subdivision is 6,004 square feet in size, which complies with the zoning district's minimum lot size of 6,000. The maximum height is 30 feet for the district, so a two-story residence could be as much as 4,200 square feet in floor area on the smallest lot. The lot sizes in the neighborhood are as small as 6,500 square feet, and most are larger. There is sufficient room for onsite parking, as well. The proposed subdivision is consistent with the design of others in the neighborhood.

The Project is within the "A" Zoning District overlay. The purpose of the district is to provide for some agricultural use of land while placing limits on the number of animals and intensity of agricultural uses in those areas which are not suitable by size, terrain, neighborhood uses or similar constraints for extensive agricultural use. Historical aerial photography was reviewed, which indicated that the open areas of the existing lot were used for horsemanship. All uses are permitted in the district with which the "A" District is combined. No special regulations would prevent this subdivision.

The project site's Urban Reserve zoning overlay indicates that it is in an area anticipated for future annexation into the City of Salinas (City). Therefore, the application was reviewed by the City's Planning and Development Engineering departments. The City Planner's review indicated that there were no design elements particular to this subdivision that would not meet applicable City of Salinas ordinances. If annexed into the City, the foreseeable zoning would allow eight dwelling units per net acre. As discussed above, the net site acreage for the 17 new residential lots is 2.93 acres (Parcels 1 and 2 do not contribute towards density). As proposed, the subdivision's density is less than eight units per acre, as allowed by the City's jurisdiction. Therefore, the subdivision has the potential to comply with the City zoning upon annexation. The City requires an Agrarian Easement on the property. The County's requirement for an Agricultural Buffer easement aligns with this requirement to allow for a smooth transition into City jurisdiction, should annexation occur. The City's Development Engineering offered to review the final improvement plans, which will be attached to the Final Map for Board of Supervisors acceptance. The City Development Engineering office requested that the improvement plans detail curb ramps, streetlights, cluster mailbox, street trees, and a joint trench and that the utility cabinets and transformers be installed underground. When the project's sewer ties to the Boronda system, the City stated that the Boronda system discharges to the City's sanitary sewer. Therefore, the Applicant shall pay City sanitary sewer impact fees when they construct. Lastly, the City Engineer estimated the Salinas traffic fees in the 2021 review.

Agriculture Buffer Variance

During application reviews, HCD staff and the Agricultural Commissioner's Office recommended that the applicant include an easement on the west side of the subdivision to establish a well-defined buffer for the protection of agriculture from the impacts of new residential development. The applicant did not add an agricultural buffer easement to the proposed Vesting Tentative Map but made a presentation to the Agricultural Advisory Committee (AAC) on April 27, 2023 as to why they could not comply with 2010 Monterey County General Plan Policy No. AG-1.2 and Monterey County Code section 21.66.030.F.2. 2010 General Plan Policy AG-1.2 details criteria to help establish an appropriate buffer width based on proposed development, site conditions, weather patterns, anticipated agriculture practices, crop type, machinery, pesticide use, etc. California Government Code section 65860 requires County ordinances to be consistent with the General Plan. This section states that "[i]n the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan... the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended" (Government Code section 65860(c)). Title 21 section 21.66.030 has yet to be amended to reflect the 2010 General Plan Policy AG-1.2 criterion, but it is included in the County's long-range planning work program. In this case, a Variance is proposed to modify the requirements of Title 21 while still meeting Policy AG-1.2. The AAC reviewed a sketch of a proposed easement area, which was only 20 feet wide with a 6-foot tall sound wall added for structural buffering. The AAC generally supported the project with an agricultural easement of less than 200 feet, but they did not take a vote. Rather, they reviewed the proposed agricultural buffer for the subdivision and made recommendations such as: 1) construct a 7-foot-tall buffer wall along the 20-foot setback line of the proposed Parcel 1, drainage parcel, 2) add vegetation buffers and 3) reach out to the area's agricultural operators to exchange information of their activities so that growers can advise of their crop operations and activities to reduce incompatible issues.

The applicant redesigned the proposed VTM and, in doing so, added more area to the northwestern corner, which can serve as an agricultural buffer. The distance from agricultural operations on the west side of Boronda Road to the nearest new residential lot would be 139 feet, and a 6-foot high soundwall is proposed along the width of this lot (Lot 1, Residential). The agricultural buffer easement area would include all of Parcel 2 (Drainage), and no structures would be added to that area, although occasional maintenance of the drainage control basin may be required and would be allowed. Although the existing dwelling is approximately 120 feet from the Farmland parcel boundary across Boronda Road, the Owner/Applicant proposes to construct a 6-foot-tall sound wall 78 ½ feet from the adjacent Farmland parcel boundary to add buffering. The redesigned VTM was not brought back to the AAC because the potential impact to nearby agricultural uses by the subdivision would be reduced by the redesign. The applicant requests that the Planning Commission find that this smaller buffer area and two sound walls be sufficient to meet the agricultural buffer easement requirements and requests a Variance to Title 21 section 21.66.030.F.2. Staff recommends that the Planning Commission support approval of the Variance with findings that privileges inconsistent with the limitations upon other properties in the vicinity would not be given to the applicant because all the development in the vicinity show a less-than-200-foot buffer, and the Medium Density Residential zoning district does not expressly authorize agricultural buffer easements, so there is not a cross-zoning conflict. The third finding for Variance is based on the AAC review which found the adjusted and qualitative

buffering sufficient and, in the hearing, the AAC noted that several other residentially developed parcels along Boronda Road front the same agricultural uses and lack any agricultural buffer easement. The Project includes a condition of approval for vegetation and sound walls to be constructed as described in the attached Agricultural Advisory Committee April 27, 2023 Minutes: a 7-foot wall at the 20ft setback line from Boronda Rd for proposed Lot 1 and, in addition to the 7-foot wall described above, vegetative buffer within the 20 foot setback between Boronda Rd and Lot 1 (Condition No. 30).

2010 General Plan

The project site is located within the Boronda Community Area established in the 2010 General Plan (2010 GP). The Project is consistent with other Land Use Policies LU-1.19, which prioritizes development within Community Areas and is not subject to meeting the criteria of the Development Evaluation System of Policy LU-1.19. The Project is consistent with 2010 GP Land Use Policy LU-2.25, which allows for development of subdivisions in Community Areas prior to adoption of a Community Plan. The project is conditionally consistent with LU-2.12 and 2.13, affordable housing requirements, with a modified proposal that was reviewed by the Housing Advisory Committee for recommendation to the Planning Commission. The ratio and affordability levels are discussed below and in Condition of Approval No. 8. No park area is proposed, and therefore the Quimby Act requirements shall be complied with in the form of in-lieu fees to the County Parks Department (Condition No. 9).

The proposed subdivision and future development will be served by public services, including water, wastewater, fire, police, and public transportation, in compliance with Table PS-1 of the 2010 General Plan. The project site is within the County Water Resource Agency's Zone 2C and, therefore County relied on available reports that address the potential of a long-term sustainable water supply to the Project under policy PS-3.1. Evidence of the project's ability to meet the long-term sustainable water supply criteria under Policy PS-3.2 is found within the California Water Service 2020 Urban Water Management Plan for the Salinas District (dated June 2021). In the Urban Water Management Plan, California American Water analyzed their infrastructure, historical and projected water demands, water supplies, supply reliability and vulnerabilities, contingency planning, and demand management programs, including water conservation planning to assess the groundwater conditions and ensure it can meet its service needs. Based on this analysis, California Water Service's report stated that the available supplies are expected to be sufficient to meet projected demands in all hydrologic conditions. The conservation progress update made in February 2024 (www.calwater.com) shows Salinas is in the green on overall water-use reduction, using 7.5% less water in February 2024 than in February 2020. As described above, the California Water Services provided the project with a "Can and Will Serve" letter, confirming its ability to provide potable water to 16 new residential structures.

5,000 Cubic Yards (CY) of cut and 10,900 CY of fill are anticipated, disturbing 3.3 acres and importing a net of 6,560 CY. Grading quantities are high due to the restructuring of the slope from natural to opposite direction. Condition of Approval No. 22, Construction Management Plan, was applied to the project to allow Public Works and HCD-Engineering Services to review and approval the hauling routes, times, and parking locations of the related trucks.

Most policies in the Greater Salinas Area Plan do not relate to this development because it is within the Boronda Community Area. GS-3.2 does relate to this development in that it requires native vegetation to be used to integrate the man-made environment with the natural environment and to screen/soften the visual impact of new development. The subdivision shall be landscaped in the common areas (Condition No. 24).

Traffic and Roads

A Traffic Study was prepared for this Project by Keith Higgins (January 14, 2022, HCD-Planning Document No. LIB220053). The report concluded that this Project, when analyzed alone, would not generate significant new traffic because it only adds 16 single family homes on a new cul-de-sac street that will be about 700 feet long. The Project's Trip Generation was modeled to be a total of 150 daily trips. The Project was estimated to generate 12 trips occurring during the AM peak hour (3 in, 9 out) and 16 trips occurring during the PM peak hour (10 in, 6 out). Hence, the Project would increase traffic on Boronda Road by about 4% (one car every five minutes) immediately south of the Project. All other segments would experience increases of 2% or less. The traffic report found these increases would be imperceptible.

Cumulative conditions plus the Project were also analyzed in the traffic report. The Traffic engineer's analysis of intersections with potential to be affected by the subdivision resulted in no changes in traffic operations, but the Boronda Road at Calle Del Adobe intersection would marginally meet all-way stop warrants. The Post Drive and El Rancho Way approaches at the Post Drive at Calle De Adobe intersection would operate at LOS F (peak hours of AM and PM) if no further improvements were made. Signalizing this intersection, which is already planned, would bring the LOS up to LOS B during the AM and PM peak hours. The City of Salinas is coordinating the installation of a signal at this intersection. The Project would be responsible for paying its fair-share contribution towards the signal, based on the relative number of trips it adds to the intersection. (Condition No. 10, City of Salinas Traffic Fee).

2010 GP Policy C-4.2 states, "all new road and interior circulation systems shall be designed, developed, and maintained according to adopted County standards or allowed through specific agreements and plans." HCD-Engineering staff and Monterey County Regional Fire District reviewed the subdivision improvements and found the new road, proposed to be called "A Street," complies with all regulations. The entrance is proposed to be built of pervious pavers with an island to allow turn-around, a small median to slow traffic upon entry into the cul-de-sac, and 5-foot sidewalks on both sides and the front. The interior road would be 36 feet wide, allowing 8 feet of limited parking and two 10-foot lanes. Note that Regional Fire District required red curb painting to restrict parking on portions of the sides and the end of the cul-de-sac for emergency access.

Affordable Housing

The County's Affordable/Workforce Housing Incentive Program is intended to promote the implementation of inclusionary housing by offering incentives such as density bonuses, streamlined permitting processes, and modified development standards. Policy LU-2.13 of the 2010 GP requires consistent application of an affordable housing ordinance, which requires new development to provide 6% very low, 6% low, 8% moderate, and 5% Workforce I units for a total project obligation of 25%. Chapter 18.40 of Monterey County Code (Inclusionary Housing)

requires 20% affordable units (8% moderate, 6% low, 6% very low) for all new development projects containing five or more units. With the adoption of GP Policy LU-2.13, the affordability ratio in Policy LU-2.13 became the standard for residential development of five or more units. However, the State HCD issued a letter of technical assistance to County in 2020 that indicated County should not apply affordability requirements above the 20% represented by very low, low, and moderate income level units without having analyzed it as a potential constraint in the preparation of a Housing Element (**Exhibit D**). Since County has not made this analysis, HCD staff recommend that Policy LU-2.13 not be strictly enforced in this case, as it will add more cost. The applicant has not provided specific evidence that the cost of compliance would be a preventative constraint, but they were invited to do so for this hearing.

Title 18 section 18.40.070 requires units to be built on-site unless the applicant demonstrates greater contribution to County's affordable housing needs at an offsite location. In this case, the required affordable units will be located within the subdivision but will be constructed by the developer at a later date. When calculating the percentage of inclusionary housing, the County subtracts existing lots from the total and does not count any non-residentially created lots, such as the proposed road and utility lot or drainage lot. The Project site consists of one existing unit, so the base unit is 16. Using a 20% affordability ratio, the project is required to provide three inclusionary units, which this Project does. The Project, as proposed, would meet this requirement by providing all inclusionary units at the moderate income level. Pursuant to Govt. Code Section 65915(b)(1), the moderate income level units must be built by the developer to qualify for a Density Bonus.

In a letter to the Planning Commission dated May 6, 2024, Anthony Lombardo on behalf of the applicant provided a breakdown of how strict compliance with Chapter 18.40 would be cost preventative with a subdivision of this size. Mr. Lombardo argued that the sales price limitation for very low- or low-income units would result in a loss \$154,200 to \$166,100 on each of those units. The proposed subdivision's size and density (16 new residential lots) is not large enough to allow the applicant/owner to feasibility add the loss from the three affordable units to the price to the 13 market rated units. Therefore, the applicant proposes all 3 affordable housing units be moderate-income level units. The moderate homes would sell at a price that would allow a small profit to the applicant.

Staff brought this proposal to the Housing Advisory Committee (HAC) on April 10, 2024. At the meeting, Mr. Lombardo proposed that the Inclusionary Housing income level distribution for the project be three moderate-income inclusionary units, instead of the one low- and two moderate-income units as required by the Inclusionary Housing Ordinance. Furthermore, Mr. Lombardo pressed for no Workforce Housing requirement, whether in lieu fee or otherwise, because they claim the 5% Workforce requirement of the GP Policy LU-2.13 was not formally adopted into the Title 18 ordinance and that requiring 5% Workforce housing is an impediment to provision of housing. The HAC considered this proposal most reasonable and recommended it to the Planning Commission in a unanimous vote (5 AYES, 0 NOES). The County has not met the need for providing Moderate income level units. Pursuant to Title 18 Section 18.40.050.B, County may make modifications to the calculations of affordability levels based on sufficient evidence. In staff's opinion, the evidence provided by Mr. Lombardo is sufficient and thus recommends the Planning Commission approval of the project with the affordability requirement met by three

moderate units (3 moderate-income units divided by 16 total units equals 18.75%). As stated in Condition No. 8, the three moderate income level homes are required to be constructed prior to the issuance of the building permit for the tenth market rate unit.

Density Bonus

Zoning of the property (MDR/4) allows a maximum of four units per every acre. Based on the total acreage (four acres), the maximum allowed number of lots/units is 16. Title 21 section 21.65.050.C states that applications that provide and maintain at least 10 percent of the base units¹ in a condominium or planned development project to moderate income units are eligible for a density bonus. Pursuant to the table in Title 21 section 21.65.060.C.3, projects that provide 18 percent of moderate units qualify for a maximum density bonus of 13 percent in the number of market rate units allowed in MDR/4 zoning, which results in two bonus units for the Project. Absent the County's Inclusionary Housing Ordinance, the applicant would need to sell two units to moderate-income households (10 percent of the project) to qualify for a five percent density bonus (one additional unit) necessary to develop the existing unit and 16-new units on the four-acre parcel.

In the letter to the Planning Commission dated May 6, 2024, Mr. Lombardo requested that the County grant two concessions to the Project because it dedicates three moderate income units. The requested concessions included:

- 1) Expedited Final Map processing; and
- 2) Waiver of County fees for Final Map processing and inclusionary units.

Government Code Section 65915(d)(2)(B) requires the County only grant two incentives or concessions for projects that include at least 20 percent of the total units for persons and families of moderate income in a development in which the units are for sale. By agreeing to restrict three units for sale to persons or families of moderate-income, the applicant has not reached the 20 percent threshold required to qualify for two incentives or concessions (3 moderate-income units divided by 16 total units equals 18.75% affordability). Therefore, Govt. Code Section 65915(d)(2)(A) applies, and the applicant is only entitled to one incentive or concession.

The project agent confirmed in March 2025 that waiving the final map fees is the preferred concession. Standard Final Map processing fees shall not be applied. When all Final Map documents, including the original Final Map, the Subdivision Guarantee, Tax Clearance Certificate, Road and Drainage Maintenance Agreement, and, in the case that the developer does not directly build these improvements, Subdivision Improvement Agreement and Subdivision security are routed to the Clerk of the Board for signature by the Chair, a map recording fee is the only fee that will be collected for the Recorder's Office. This concession is memorialized as Condition No. 29.

Staff requested clarification on what was meant by their request that County fees be waived for Final Map Processing "and inclusionary units." The agent clarified that they request a waiver of fees associated with the construction of the inclusionary units -- Building, County traffic impact fees and similar fees. Staff finds that, consistent with Board of Supervisors Resolution 2000-342,

¹ Title 21 section 21.65.0303.C defines "base units" as the number of units that would be allowed under the General Plan land use designation and zoning ordinance for the site before calculation of the density bonus.

the HCD Director may wave fees for building permit applications and traffic fees for the inclusionary portion of proposed residential developments. As this is allowed through ministerial action, it does not have to count as an incentive or concession. The HCD Director has agreed to waive fees for the construction of two moderate-income units, not three. The reasoning is that the project has already been incentivized by moving the Inclusionary Housing ratios up to moderate-income-level units, rather than providing one low- and two moderate-income units as required by the Inclusionary Housing Ordinance. Therefore, HCD requires further justification on the financial need for the third moderate income unit's construction fees to be waived. The waiver of fees, not formally a concession, is memorialized in the draft Resolution in general terms but can be finalized through the fee waiver request procedure.

The design and supporting documentation compel staff to recommend the Planning Commission support this project, as it complies with the Title 19 requirements for a standard subdivision as discussed above under subsections Site Suitability, Water Supply and Demand, and 2010 General Plan. Furthermore, the proposed standard subdivision draft VTM was found to comply with the regulations for design and labeling required by Title 19 section 19.03.010. The subdivision requires the establishment of a Homeowners Association, pursuant to Title 19 and required by Condition of Approval No. 19.

Exhibit B

This page intentionally left blank.

EXHIBIT B

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

GARD HERMALINA (PLN210223)

RESOLUTION NO. 25 -

Resolution by the County of Monterey Planning
Commission to:

1. Find the Project qualifies for the common-sense exemption pursuant to CEQA Guidelines section 15061(b)(3) because it meets most requirements of the residential infill exemption pursuant to CEQA Guidelines Section 15195;
2. Approve a Standard Subdivision and Vesting Tentative Map to subdivide a four-acre lot consisting of 16 new lots for future residential development (median size 0.138 acres), a parcel for road and utilities (Parcel 1, 0.93 acres) a Right-of-way dedication to County for Boronda Road (0.03 acres); a parcel for stormwater detention basin (Parcel 2, 0.11 acres), and a remainder lot (approximately 0.6 acre) that retains the existing single family dwelling and accessory structures, and demolition of unpermitted accessory structures prior to final map to close Code Enforcement Case No. CE050196; and
3. Approve a Variance request to reduce the agricultural buffer from 200 to 139 feet on the northwest and 78 feet on the southwest.

Gard, Hermalina at 442 Boronda Road, Salinas, Greater Salinas Area Plan, (Assessor's Parcel Number: 261-101-006-000)

The GARD HERMALINA application (PLN210223) came on for a public hearing before the County of Monterey Planning Commission on April 9, 2025. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The proposed project and/or use, as conditioned, is consistent with the policies of the Monterey County 2010 General

Plan, Greater Salinas Area Plan, Monterey County Subdivision Ordinance (Title 19), Monterey County Zoning Ordinance (Title 21), and other County health, safety, and welfare ordinances related to land use development.

- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in the:
- 2010 Monterey County General Plan (General Plan),
 - Greater Salinas Area Plan,
 - Monterey County Subdivision Ordinance (Title 19), and
 - Monterey County Zoning Ordinance (Title 21 - Inland).
- No conflicts were found to exist. The County received no communications during the course of review of the project indicating inconsistencies with the text, policies, and regulations in these documents. The County finds that the project is consistent with the text, policies, and regulations in the applicable documents above.
- b) The project (hereafter “Project”) includes a Vesting Tentative Map to subdivide a four-acre lot into 16 new residential lots (“Lots 1-16,” median size 0.138 acre), a 0.93-acre road and utility lot (Parcel 1), a 0.11-acre lot for onsite drainage control (Parcel 2), and an approximately 0.6-acre remainder lot, which will retain the existing residential dwelling and accessory structures. The project also requires that the owner/applicant demolish all unpermitted accessory structures prior to final map to close Code Enforcement Case No. CE050196 (Condition of Approval No. 28). The Project would result in a total of 17 residential lots (one of which is already developed). Three of the 16 proposed residential are dedicated for future moderate-income units. Project access would be a new cul-de-sac (“A Street”) constructed by the developer to County standards and will connect to Boronda Road.
- c) 2010 General Plan Policy LU-1.9. The Project has demonstrated Land Use 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. The parcel is within a built-up area designated as ‘Urban’ in the State Census database. Approximately 1/6 of the parcel is developed with a residential structure and related accessory structures. The rest of the parcel is vacant without use, although historic aerial photographs show use related to horsemanship. Consistent with this Policy, the Project would infill a residential parcel surrounded by existing high density residential uses.
- d) 2010 General Plan Policy LU-1.19. 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 Boronda Community Area, so it is not subject to meeting the criteria of the Development Evaluation System of Policy LU-1.19.

- e) 2010 General Plan Policy LU-2.25. 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. California Water Service has provided a will-serve letter indicating they can and will provide water to serve the project. The project will be connected to the Boronda County Sanitation District (Boronda CSD), which connects to the City of Salinas sanitary sewer system. Boronda CSD has provided a letter stating it has the capacity to serve the project. See also Finding 3, evidence “b”.
- f) 2010 General Plan Policy PS-2.8. 2010 GP Policy PS-2.3 requires new development to connect to existing water service providers where feasible. California Water Service will provide potable water to the 16 new residential lots, as confirmed in the provided “can and will serve” letter.
- g) 2010 General Plan Policies PS-2.8 and PS-2.9. 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 and Policy PS-2.9 requires post-construction stormwater controls that are also regulated through the National Pollutant Discharge Elimination System (NPDES). Pursuant to these Policies, a site-specific Preliminary Stormwater Control Plan (SWCP) was required as part of the application submittal. In the Preliminary SWCP (July 13, 2021, revised July 21, 2023 HCD-Planning file PLN210223 application materials), civil engineer Rich Weber discussed the project site’s potential to support the proposed uses with Site Design/Runoff Reduction (PCR #1), Water Quality Treatment (PCR #2), Runoff Retention (PCR #3), and Peak Management (PCR #4) Performance Requirements on site in accordance with California Regional Water Quality Control Board Resolution No. R3-2013-0032. The Project will implement onsite stormwater controls and retention in a drainage basin on proposed Parcel 2. As an administrative designee for 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, HCD-Environmental Services shall monitor the construction and ability of the stormwater controls to retain stormwater, protect water quality and enhance groundwater recharge through the Conditions of Approval Numbers 4 through 7 (Stormwater Control Measures).
- h) 2010 General Plan Policies PS-3.1 and PS-3.9. 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 and supporting evidence). 2010 GP Policy

PS-3.9 requires evidence of a long-term sustainable water supply in terms of yield and quality for all lots that are to be created through subdivision.

- i) 2010 General Plan Policy S-1.7. 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 Investigation (July 13, 2021, HCD-Planning Document No. LIB210239), geotechnical engineer, Andrew Kasunich, discussed the project site's potential to support the proposed uses. The report concluded that concerns about the site include strong seismic shaking, near-surface expansive clay soils, and subsurface seepage. The engineer recommended the need to create adequate foundation support by excavating and re-compacting the upper four feet of soil with engineered fill on the whole site. The geotechnical report also found that strong seismic shaking is expected to occur over the lifetime of the project. Therefore, structures should be designed following the most current California Building Code. Percolation testing revealed the subsurface seepage; the engineer recommended bench drains of drain rock with perforated PVC pipe which is proposed in the VTM. As required by Title 16 Chapter 16.08, all of the engineer's recommendations will be incorporated into the final construction plans of future development.
- j) 2010 General Plan Policy S-5.17. 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. As demonstrated in Evidence "k" below, the subdivision design and additional traffic would not impact existing emergency response routes. As detailed in Finding 3, the local Fire District and County Engineering staff found that the design would not impact existing emergency response routes.
- k) 2010 General Plan Circulation Element Policies. A Traffic Study was prepared for this Project by Keith Higgins (January 14, 2022, HCD-Planning Document No. LIB220053). The report concluded that this Project will not generate significant new traffic when it adds 16 single family homes on a new cul-de-sac street that will be about 700 feet long. The Project's Trip Generation was modeled to be a total of 150 daily trips. The Project was estimated to generate 12 trips occurring during the AM peak hour (3 in, 9 out) and 16 trips occurring during the PM peak hour (10 in, 6 out). Hence, the Project would increase traffic on Boronda Road about 4% (one car every five minutes) immediately south of the project. All other segments would experience increases of 2% or less. The traffic report found these increases would be imperceptible.

The report focused on the Project effects on traffic operations on five nearby intersections and the weekday a.m. and p.m. peak traffic hour

operations on Boronda Road. In the vicinity of the Project in the Boronda community, the street is a two-lane collector with a posted speed limit of 35 miles per hour. Boronda Road extends north to Westridge Parkway, which connects to Davis Road. The key roadways in the project area include Boronda Road, Calle Del Adobe, El Rancho Way, Post Drive, and Westridge Parkway. The function of these intersections was found to be adequate without and with the Project, not going below County thresholds except for two intersections. The side-street operations at the Post Drive at Calle De Adobe intersection currently operate at Levels of Service (LOS) F during a.m. peak traffic. The traffic report recommended County monitor the function of Boronda Road at Calle del Adobe intersection, as it marginally meets the all-way stop warrants. Similarly, the intersection at Calle Del Adobe and Post Drive was found to marginally meet the warrants for rural conditions when only the Project was added. Cumulative conditions plus the Project at Post Drive and El Rancho Way approaches at the Post Drive at Calle De Adobe intersection would operate at LOS F (peak AM and peak PM) without intersection improvements. Signalizing this intersection would bring the LOS up to LOS B during the AM and PM peak hours. HCD-Engineering Services found that the City of Salinas is coordinating the installation of a signal at this intersection. The Project is consistent with the Circulation Element. Policy C-1.1, C-1.2, C-1.3 and C-1.11, C-1.12 are met through the County's Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90 and Countywide Traffic Fee pursuant to General Plan Policy C-1.8 (Condition Nos. 21 and 23). Policy C-1.4 is met through the application of Condition No. 10, as discussed above.

- 1) 2010 General Plan Policy AG-1.2. The project is consistent with Agriculture Policy AG-1.2 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 "of Statewide Importance" is west of the project site. To buffer from the agricultural operation on the Farmland parcel, the Project includes a 139-foot buffer from the closest new residential parcel boundary and a 6-foot-tall sound wall across that boundary as well as a 6-foot-tall sound wall to create a defined buffer between the existing residence at the Project site and the farmland. Although the Agricultural Advisory Committee recommended Planning Commission approval of the Project, there is an inconsistency with the zoning code that is intended to implement Policy AG1.2, Title 21 Zoning Code section 21.66.030.F, which requires a 200-foot agricultural buffer easement. Therefore, the applicant requested a Variance. With a Variance, the project does not need to conform with Title 21 section 21.66.030.F requirement for an agricultural buffer of 200 feet.

Condition of approval No. 30, requires the reduced-distance buffer easement to include vegetative and material buffering (sound wall). See Findings 7, 8 and 9 and supporting evidence.

- m) Inclusionary Housing. Chapter 18.40 of Monterey County Code (Inclusionary Housing, MCC), which was not updated to match the GP Policy, and only requires 20% affordable units (8% moderate, 6% low, 6% very low) for the development of 5 or more units. In this case, Chapter 18.40 would require that three inclusionary units be provided (one low- and two moderate-income units). Policy LU-2.13 of the 2010 GP requires new development of more than 5 units to provide 6% very low, 6% low, 8% moderate, and 5% Workforce I units, for a total project obligation of 25%. With the adoption of GP Policy LU-2.13, the affordability ratio in Policy LU-2.13 became the standard for residential development of five or more units. If Policy LU-2.13 were to be applied, using a 25% affordability ratio, the project would be required to provide three inclusionary units and one Workforce I unit (above inclusionary income levels).

When calculating the percentage of inclusionary housing, the County subtracts existing lots from the total and does not count non-residential lots to be created by the subdivision, like drainage and roadway parcels. The Project site consists of one existing unit, so the unit is subtracted from the total to calculate the number of affordable units required, resulting in 16. If Policy LU-2.13 were to be applied, using a 25% affordability ratio, the project would be required to provide three inclusionary units and one Workforce I unit (exceeding inclusionary income levels of the Zoning Ordinance). The Project proposes to meet MCC Chapter 18.40 by providing three inclusionary units at the moderate-income level (18.75%). The applicant provided an analytic of the loss that is incurred by developers when low- and very-low income levels are required of new development such as the proposed Project. The documents that were submitted to the HAC for consideration are attached to the May 8, 2024 Planning Commission staff report. The HAC recommendation in a unanimous vote (5 AYES, 0 NOES) at a publicly noticed hearing on April 10, 2024 was to support the developer's proposal. The timing at which the developer will cause the three units of moderate-income-level housing to be constructed is prior to the issuance of the building permit for the tenth (10th) market rate unit. See Condition No. 8.

Should the County enforce GP Policy LU-2.13, the applicant would need to construct a Workforce I income level unit or pay an in lieu fee of \$35,266. However, State HCD issued a letter of technical assistance to the County in 2020 that indicated the County should not apply affordability requirements above the 20% represented by very low, low, and moderate income level units without having analyzed it as a

potential constraint in the preparation of a Housing Element. The County has not made this analysis, and thus, Policy LU-2.13 should not be enforced in this case.

- n) Allowed Use in MDR Zoning and Development Standards. The subject property is a four-acre, semi-developed parcel within Boronda Community Area, Greater Salinas Area Plan, and 2010 Monterey County General Plan. The project site is designated and zoned Medium Density Residential (MDR). The MDR designation is appropriate for a range of residential uses and housing types, recreational, public and quasi-public, and other uses that are incidental and subordinate to the residential use and character of the area (General Plan Policy LU-2.33). Pursuant to Title 21 section 21.12.050, the MDR district allows for a range of land uses to be approved with a use permit. This range of uses includes single-family housing, and other uses of a similar nature, density and intensity. The proposed subdivision project is consistent with these types of uses. Lot sizes vary in area and would be between 6,004 square feet and 26,631 square feet. The proposed largest lot (remainder lot) will be occupied by the existing dwelling which is the Applicant/Owner's residence). The average lot size of new residential lots would be 6,370 square feet. The density is just over four units per acre. The project is eligible to a density bonus pursuant to Monterey County Code Chapter 21.65, therefore, the resulting subdivision is within the allowed density for the parcel (see Finding 1, Evidence "o" and Finding 10). The project complies fully with the requirements of the zoning ordinance for lot size and design. The maximum building site coverage for the MDR/4-UR zoning is 35% (pursuant to section 21.12 of Title 21). Setbacks are 20 feet front, 5 feet side, 10 feet rear. Lots are clustered pursuant to MDR zoning code section 21.12.060.A of Title 21. Height maximum is 30 feet for the district, so a two-story residence could be as much as 4,200 square feet in floor area on the smallest lot (6,004 square feet). The proposed subdivision is consistent with the design of others in the neighborhood.
- o) Density Bonus. Zoning of the property (MDR/4) allows a maximum of four units per acre. Based on the total acreage (four acres), the maximum allowed number of lots/units is 16. Title 21 section 21.65.050.C states that applications that provide and maintain at least 10 percent of the base units in a condominium or planned development project to moderate income units are eligible for a density bonus, where "base units" are defined as the number of units that would be allowed under the General Plan land use designation and zoning ordinance for the site before calculation of the density bonus. Pursuant to Title 21 section 21.65.060.C.3, projects that provide 18 percent of moderate units qualify for a maximum density bonus of 13 percent in the number of market rate units allowed in MDR/4 zoning, which results in two bonus units for the Project. Absent the County's Inclusionary Housing Ordinance, the applicant would need to sell two

units to moderate-income households (10 percent of the project) to qualify for a 5 percent density bonus (one additional unit) necessary to develop the existing unit and 16-new units on the four-acre parcel. Government Code Section 65915(d)(2)(B) requires the County to grant two incentives or concessions for projects that include at least 20 percent of the total units for persons and families of moderate income in a development in which the units are for sale. By agreeing to construct and restrict three units for sale to persons or families of moderate-income, the project does not reach the 20 percent threshold required to qualify for two incentives or concessions (three moderate-income units divided by 16 total units equals 18.75% affordability). Therefore, Govt. Code Section 65915(d)(2)(A) applies, and the applicant is entitled to one incentive or concession. The concession that was primarily requested by the applicant is waiving the final map processing fees. Standard Final Map processing fees shall not be applied. This is memorialized in Condition No. 29.

- p) Lot Legality. The subject property is a four-acre part of Tract 1, “part of Rancho el Sausal, 413.42 acres in Volume 129 of Deeds at Page 485, Records of Monterey County. The four-acre lot is shown in the same configuration in 1964 Assessor’s Parcel Map Book 261, page 10. Therefore, the County recognizes the subject parcel as a legal lot of record.
- q) Access and Homeowners’ Association. Pursuant to Title 16, Chapter 16.80, Regulations Relating to Applications Involving Use of Private Roads, the project involves creation of a private road. The purchasers of the new lots would access their properties via a new approximately 700-foot-long cul-de-sac privately constructed as part of the subdivision. Title 16 section 16.80.030.J defines an easement as a form of “private road agreement” between parties concerning the right to use private property as access to another parcel of private property. The Project is conditioned to form a Homeowners Association for road and drainage maintenance, to prepare an operation and maintenance plan for all facilities, and to implement a fee program to fund the cul-de-sac’s operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision (Condition No. 19).
- r) Urban Reserve Review (No Land Use Advisory Committee). The project was not referred to a Land Use Advisory Committee (LUAC) for review because there is no LUAC with jurisdiction for the Greater Salinas area. Because the proposed subdivision is within the UR district outside of City of Salinas, the application was routed to the City of Salinas during application review. The City’s Planning department did not indicate that there were design elements particular to this subdivision that would not meet City ordinances. In separate review, City engineers requested that the improvement plans detail curb ramps, streetlights, cluster mailbox, street trees and a joint

trench and that the utility cabinets and transformers be installed underground. When the project sewer ties to the Boronda system, the City stated that the Boronda system discharges to the City's sanitary sewer. Therefore, the Applicant shall pay City sanitary sewer impact fees when they construct. Lastly, the City Engineer estimated the Salinas traffic fees in the 2021 review.

- s) County staff conducted several virtual site inspections via Google Earth between October 2021 and March 2024 to verify that the project on the subject parcel conforms to the plans listed above.
- t) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in HCD-Planning File No. PLN210223.

2. FINDING:

SITE SUITABILITY – The site is physically suitable for the proposed use.

EVIDENCE:

- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Environmental Services, HCD-Engineering, Public Works, Facilities and Parks Dept.-Parks, the Environmental Health Bureau, (EHB), and the Monterey County Regional Fire District. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. The following reports have been prepared and were used in the analysis of the Project:
 - Geotechnical Investigation (LIB210239) prepared by Andrew Kasunich of Haro, Kasunich & Associates, Salinas, California, July 13, 2021;
 - Preliminary Stormwater Control Plan (within application for PLN210223) prepared by Rich Weber of Whitson Engineering, Monterey, California, June 25, 2021 amended on July 13, 2021;
 - Traffic Impact Analysis (LIB220053) prepared by Keith Higgins, Gilroy, California, January 14, 2022;
 - Preliminary Cultural Resource Reconnaissance of APN 261-101-006-000 (PLN210223) prepared by Susan Morley and Brenna Wheelis, (LIB220053) November 1, 2021.
- c) County staff independently reviewed these reports and concurs with their conclusions.
- d) The westerly 2/3rd of the project site is flat. The easterly 1/3rd slopes gently toward the east to a low-lying natural drainage area on lots to the southeast. 0.004% of the overall area is greater than 25% slope.
- e) The applicant proposes to raise the ground level of all the rear lots to meet the HCD recommendation to allow for any excess stormwater to

drain into County property rather than inundate a private residence on the parcel to the east of the project site, APN 261-101-005-000.

- f) The Vehicle Miles Travelled for the Project was assessed by the Traffic engineer who found an average of 8.5 VMT per capita at the Project. The Project VMT is estimated to be less than the average for the County. Therefore, it will have a less-than-significant impact on traffic pursuant to CEQA.
- g) County staff conducted several virtual site inspections via Google Earth between October 2021 and March 2024 to verify that the project on the subject parcel conforms to the plans listed above.
- h) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN210223.

3. FINDING: HEALTH AND SAFETY – The establishment, maintenance, or operation of the project will not under the circumstances of this 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-Environmental Services, HCD-Engineering, Public Works, Facilities and Parks Dept.-Parks, the Environmental Health Bureau (EHB), and the Monterey County Regional Fire District (Regional Fire District). Conditions have been recommended, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are either available or will be provided. The proposed development subdivision would be served by existing and new water, sewer, storm drain, and reclaimed water lines. California Water Service serves the area and the subject property with potable water. The Boronda Community Services District provides wastewater collection and treatment system to the area and subject property, and have the adequate capacity to provide sewage disposal of the proposed 16 residential lots. When the project sewer ties to the Boronda system, the Boronda system discharges to the City's sanitary sewer. Potable water supply is provided to the Project by California Water Service. The project site is located within the Salinas service area, and the water provided to this area comes from the Salinas Valley Groundwater Basin. The Boronda Community Services District has provided a "can and will serve" letter for the proposed project. See also Finding No. 6 and supporting evidence.
 - c) All Boronda Road frontage improvements will require an encroachment permit from the County which includes specific

requirements and inspections to ensure applicable County standards are met. Conditions of Approval for prior to Final Map require a Construction Management Plan (Condition No. 22) to minimize construction impacts on the neighborhood. Furthermore, the subdivider shall be responsible for all maintenance and operations of the subdivision improvement from the time of installation to the establishment of a Homeowner's Association (Condition Nos. 15, 18 and 19).

- d) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in HCD-Planning File No. PLN210223.

4. FINDING:

NO VIOLATIONS – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. A violation exists on the property which shall be abated through the decision on this project.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is aware of an open violation existing on subject property, Code Enforcement Case No. CE050196. The VTM identifies unpermitted accessory structures, including structures in the side setback of the original parcel, which will be demolished prior to Final Map. In addition, Condition No. 28 has been applied to ensure that this demolition occurs to close the code enforcement case.
 - b) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN210223.

5. FINDING:

SUBDIVISION – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- EVIDENCE:**
- a) Consistency. The project as designed and conditioned is consistent with the 2010 Monterey County General Plan, including the Greater Salinas Area Plan (see Finding 1).
 - b) Design. The lot design is consistent with the Lot Design Standards of Title 19 section 19.10.030. The VTM has been reviewed for lot requirements and other ordinances and General Plan requirements. Lot sizes vary in area and would be between 6,004 square feet and 26,631 square feet and the largest lot is occupied by the existing dwelling (the subdivider's residence). The average lot size of new residential lots would be 6,370 square feet. All lots are clustered pursuant to Title 21 section 21.12.060.A. Development standards are met, as discussed in Finding 1.
 - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Findings 1 and 2, and supporting Evidence).
 - d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat. There is a drainage ditch that is in the center of the Boronda Community and some drainage improvements on a parcel to the Northeast of the Project offer a drainage basin. The subdivision improvements draft plan show development of a reinforced drain channel on the eastern edge of the subdivision are intended to direct stormwater flows that are not able to be captured onsite (due to the areas of steep slope that will remain sloped). There are no riparian habitats, fish or wildlife habitat that are indicated on County GIS at the project site. Drainage offsite involves manmade construction/maintenance.
 - e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding 3).
 - f) Water Supply. Title 19 section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. Sections 19.03.015.L and 19.07.020.K require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long-term water supply with the project Finding Nos. 5 and 6 describe how the project meets Code and Policy requirements.
 - g) Sewage Disposal. Sewage disposal services, in accordance with Title 19 sections 19.03.015.K and 19.07.020.J would be the same as the originally proposed project. The wastewater collection and treatment

- h) system has adequate capacity for sewage disposal, and will be serviced by Boronda CSD. (See Finding 3).
- Easements. Although no easements are recorded with the grant deed of the property (Document No. 2014053774; recorded October 18, 2014), the civil engineer for the Project identified one utility easement located on the project site in the form of a sanitary sewer easement at the southeast corner and an existing 6-inch sanitary sewer main is located in the easement. HCD-Engineering Services added a Condition of Approval requiring the owner/Applicant to provide for the easements on the Final Map (Condition No. 20).
- i) Traffic. A Traffic Impact Analysis was prepared for the Project by Keith Higgins, Traffic Engineer, in January 2022. The Project's Trip Generation was modeled to be a total of 150 daily trips. The Project was estimated to generate 12 trips occurring during the AM peak hour (3 in, 9 out) and 16 trips occurring during the PM peak hour (10 in, 6 out). Hence, the Project would increase traffic on Boronda Road about 4% (one car every five minutes) immediately south of the project. All other segments would experience increases of 2% or less. The traffic report found these increases would be imperceptible. The report concluded that existing, Project plus cumulative effects would result in the Post Drive and El Rancho Way approaches at the Post Drive at Calle De Adobe intersection peak operation at LOS F (AM, PM). Signalizing this intersection would bring the LOS up to LOS B during the AM and PM peak hours. The project would be responsible for paying its fair-share contribution towards the signal, based on the relative number of trips it adds to the intersection (Condition No. 10).
- j) See also Finding 1, Evidence "c."
- Affordable Housing. The Project as proposed would meet this requirement by providing all inclusionary units at the moderate income level. The applicant provided a breakdown of how perfect compliance with Chapter 18.40 would be cost preventative with a subdivision of this size. Staff brought the proposed alternative compliance with the Code to the Housing Advisory Committee on April 10, 2024. The applicant's proposed Inclusionary Housing income level distribution for the project is three moderate-income inclusionary units instead of the one low- and two moderate-income units required by the Inclusionary Housing Ordinance and no Workforce Housing requirement, whether in lieu fee or otherwise, because the 5% Workforce requirement of the GP Policy LU-2.13 was not formally adopted into the Title 18 ordinance and that requiring 5% Workforce housing is an impediment to provision of housing. The HAC considered this proposal most reasonable and recommended it to the Planning Commission in a unanimous vote (5 AYES, 0 NOES). The three moderate income level homes are required to be constructed prior to the issuance of the building permit for the tenth market rate unit (Condition No. 8). See also Finding 1, Evidence "d" and "m."

- k) Parks and Recreation. The project has been reviewed for site suitability by the Public Works, Facilities and Parks Dept.-Parks, there has been no indication from these departments that the site is not suitable for the proposed development. Section 19.12.010 of Title 19/Quimby Act requires subdivisions of 50 parcels or less to pay an in-lieu fee. The owner/Applicant requested the Chief of Parks determine the fee in accordance with provisions contained in Section 19.12.010. Staff provided the fee amount of \$8,719 which is also stated within Condition No. 9.
- l) The project planner reviewed the application materials, plans, and County GIS records to verify that the proposed project on the subject parcel conforms to the applicable plans and County codes and will not adversely impact the neighborhood character or known scenic/visual resources. The VTM includes some proposed new trees and the Project is conditioned to include a Landscape Plan to be completed (Condition No. 24). County staff conducted several virtual site inspections via Google Earth and a site visit between October 2021 and March 2024 to verify that the proposed project would be consistent with the residential and agricultural uses in the surrounding area.
- m) The application, vesting tentative map, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN210223.
- n) Based on the evidence described above, the proposed up to standard subdivision and uses are consistent with the surrounding residential and agricultural neighborhood character (i.e., subdivision improvement design features) and there is no reason for the standard subdivision to be denied.

- 6. FINDING: LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM** – The project location has a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development as required by General Plan Policies PS-3.1 and PS-3.2, respectively.
- EVIDENCE:**
- a) The property's existing water use is limited to the single family dwelling, which uses 0.27 acre-feet per year (AFY), on average. The new residential subdivision will demand additional potable water. As proposed, the 4-acre subdivision, when fully built out with 17 single-family residences (one of which already exists), would have an estimated water demand of approximately 4.59-acre AFY.
 - b) The Project's water supply would be provided by the California Water Service company. The project site is located within the Salinas District and would provide potable water to the site from wells located in the Salinas Valley groundwater basin. The California Water Service wells and the project site are located in the Monterey County Water Resources Agency benefit assessment Zone 2C, and the project applicant/owner has been paying the Zone 2C assessment.

- c) California Water Service, as the water provider, is a regulated public utility that is mandated to provide water that meets public health standards and thus has adequate water quality. The criteria required by PS-3.2(a) is satisfied.
- d) Potable water would be provided by California Water Service via its entitlements. This satisfies the criteria of PS-3.2(b), which points to the authorized production capacity of a facility operating pursuant to a permit from a regulatory agency. California Water Service projected that, under all hydrologic conditions, its groundwater supply for the Salinas District will fully meet future demands through 2040. California Water Service has also provided a “can and will serve” letter for the proposed project that indicates the applicable water purveyor for the site is able to provide water supply for the proposed project based on its existing facilities.
- e) California Water Service has the technical, managerial, and financial capability to provide water to the subject site consistent with PS-3.2(c). California Water Service has a proven record and has demonstrated its technical, managerial and financial capabilities to deliver water.
- f) PS-3.2(d) requires consideration of the rights to water from the source. In this case, California Water Service’s Salinas District 2020 Urban Water Management Plan (dated June 2021) provides detailed information on the Salinas District’s historical and projected water demands, water supplies, supply reliability and vulnerabilities, contingency planning, and demand management programs, including water conservation planning. California Water Service projected that its groundwater supply for the Salinas District will fully meet future demands through 2040 under all hydrologic conditions.
- g) General Plan Policy PS-3.2(e) and (g) state:
 - e. *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; and to those resources and species.*
 - g. *Completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions.*

Although the Salinas Valley Groundwater Basin is currently in overdraft, actions taken by both California Water Service and Monterey County Water Resources Agency (WRA), including conservation, system improvements, and future projects are projected to continue to provide for a reliable water supply. Relevant efforts include the Salinas Valley Water Project, Conservation Master Plan, and Greater Monterey County Integrated Regional Water Management Program. California Water Service’s website (www.calwater.com) shares the Conservation Progress Update for February, 2024. The Salinas District has reduced overall water use by 7.5% since 2020. Therefore, cumulative impacts of development of the infill development that this Project exemplifies has been analyzed and shows

the ability to balance. New projects under Zone 2C and best practices are renewing or sustaining the basin function. The criteria “e” and “g” are met in this case.

- h) Substantial evidence related to proof of a sustainable water supply for the project is provided in the following documents, which are incorporated herein by reference:
 - California Water Service 2020 Urban Water Management Plan for the Salinas District (dated June 2021);
 - California Water Service’s Conservation Progress Update (www.calwater.com/conservation/conservation-progress-update); and
 - California Water Service’s will-serve letter.
- i) The proposed project subdivision is new development within benefit assessment Zone 2C of the WRA which provides funding for water projects that address seawater intrusion in the Salinas Valley groundwater basin. The property owners have been paying annual assessments to receive benefits associated with water projects that improve water supply and water quality.
- j) Sustainable Groundwater Management Act of 2014 (SGMA). The State of California passed legislation in 2014 to provide for the sustainable management of basins at a local level by providing local agencies with the authority, and with technical and financial assistance, to sustainably manage groundwater. SGMA uses California Groundwater Bulletin 118 (2016 Update) to determine a category for each groundwater basin. California Water Service extracts groundwater from two hydraulically connected sub-basins of the groundwater basin known as the Pressure Subarea and the East Side Subarea. These aquifers, named for their relative depths, are known as the “180-foot”, the “400-foot”, and “900-foot” aquifers. The State has designated the 180-foot and 400-foot aquifers as critically over-drafted. The Act requires that aquifers identified as being in critical overdraft have Groundwater Sustainability Plans (GSPs) adopted by 2020 and that improvements/actions required by that plan be operational by 2040. The Act also requires that aquifers identified as a Medium or High Priority Basin, but not in critical overdraft, have Groundwater Sustainability Plans adopted by 2022 and that improvements/actions required by that plan be operational by 2042. The groundwater basin is identified as a High Priority Basin, and the 180-foot and 400-foot aquifers of the Pressure Subarea and the East Side Subarea sub-basins are identified as in critical overdraft. Therefore, a plan must be adopted by 2020 and actions to bring the basin into a sustainable state, as defined in the local GSP, must be operational by 2040.
- k) A Groundwater Sustainability Agency, the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA), was formed in 2017 for the area within which the project is located. The SVBGSA is

charged with achieving groundwater sustainability through the development and implementation of Groundwater Sustainability Plans (GSPs) under this Act. The SVBGSA has been preparing GSPs for this area (<https://svbgsa.org>) to meet its legislative mandate to bring the basin into balance and to have the GSP adopted for the Pressure Subarea and the East Side Subarea sub-basin areas by 2020. In January 2020, the Salinas Valley Basin Groundwater Sustainability Agency adopted a Groundwater Sustainability Plan for the 180/400 aquifer sub-basin. Therefore, with a GSP in place, the appropriate management agency and Plan provides for assurance of project and conservation measures to maintain basin water balance within the State's regulatory environment.

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 property adjacent and to the west (227-011-014-000) is zoned Farmland and governed by Title 21, Chapter 21.30. Chapter 21.66 includes a provision for agricultural buffers on properties that are developed with uses that have the potential to conflict with uses typical for Farmland-zoned parcels. Title 21 section 21.66.030.F requires that new residential development adjacent to agricultural areas share be required to establish a well-defined buffer zone within the area to be developed 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 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 existing dwelling could not be within the agricultural buffer easement. Therefore, given the constraint of existing dwelling in use, it is impossible to complete the Project without a Variance from these agricultural buffer requirements.

- b) The site is in the Boronda Community Area (2010 General Plan Figure CA1), an area that is a priority for development in the unincorporated areas of Monterey County. The property is zoned for Medium Density Residential use, and the proposed medium density residential use is therefore a better fit for the zoning district than the existing single-family dwelling. Furthermore, the project is within the Urban Reserve district. City of Salinas expects this area to have a density of at least eight units per acre as part of future annexation. At the proposed scale and density, the proposed subdivision's new lots meet the City's foreseeable density requirement. It is not possible to design a medium-density subdivision 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 Medium Density Residential-Urban Reserve.

- c) 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” (Title 21 section 21.66.030.F.2.a). Sufficient buffering through a combination of structural and effective distance is proposed. Condition of approval No. 30 requires the reduced-distance buffer easement to include vegetative and material buffering (sound wall).
- d) The project was referred to the Agricultural Advisory Committee (AAC) for review of the proposed agricultural buffer for the subdivision and recommendations on April 27, 2023. The AAC generally supported the project with an agricultural buffer easement of less than 200 feet, but they did not take a vote. The AAC’s recommendations were to 1) construct a 7-foot-tall buffer wall along the 20-foot setback line of the existing dwelling’s lot (proposed Lot 17), 2) add vegetation buffers and 3) reach out to the area’s agricultural operators to exchange information of their activities so that growers can advise of their crop operations and activities to reduce incompatible issues. The VTM was revised following this meeting to include a larger buffer distance than previously proposed and incorporated a 6-foot-tall buffer wall long the western boundary of Lot 17 (Remainder Parcel) and Lot 1 (first new residential lot).
- e) 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 PLN210223.

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 APNs 261-092-001-000, 261-092-019-000 and 261-091-001-000 to the south on Boronda Road and 261-101-012-000 and 261-101-013-00 to the north on Boronda Road, are built to the Medium Density Residential Zoning District setbacks and do not have an agricultural buffer easement.
 - b) 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 PLN210223.

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 Medium Density Residential zoning districts (Title 21, Chapter 21.12) do not expressly authorize agricultural buffer easements.
 - b) The project use is allowed in Medium Density Residential zoning districts with the entitlement of a Standard Subdivision.
 - c) In a publicly noticed meeting of the Agricultural Advisory Committee (AAC) on April 27, 2023, the proposal to limit the size of the agricultural buffer easement was reviewed and recommendations were made. The AAC generally supported the project with an agricultural buffer easement of less than 200 feet, but they did not take a vote.
 - d) 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 PLN210223.
10. **FINDING:** **DENSITY BONUS** – Title Chapter 21.65 implements Government Code sections 65915 through 65917 and requirements for allowance of density bonus 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 qualify with density bonus requirements.
- EVIDENCE:**
- a) Zoning of the property (MDR/4) allows a maximum of four units per every acre. Based on the total acreage (four acres), the maximum allowed number of lots/units is 16. The proposed development is more dense (17). To achieve the proposed density, the applicant has requested a density bonus of 5%. To qualify for a 5% density bonus, the applicant must agree to restrict sale at least 10% of the pre-density bonus units to moderate-income households.
 - b) As proposed, more than 10% of the pre-density bonus units will be restricted for sale to moderate-income households. Density bonus units are not additive to units required by Inclusionary Housing Ordinance.
 - c) By applying the density bonus, one additional lot/unit is included in the subdivision (total of 17 residential lots, 16 allowed by-the MDR zoning ordinance).
 - d) The Density Bonus was applied so that the VTM is consistent with the zoning. Although the applicant requested two concessions, they are only eligible for one. County staff and the applicant have agreed that waiver of fees associated with Final Map processing is the preferred concession as it is limited to one. This is granted and memorialized as Condition No. 29. The second request included a waiver of fees for construction of the inclusionary units and any similar Building and Traffic fees. Although the project does not qualify for a second concession as designed, Board of Supervisors Resolution 2000-342 outlines a ministerial process for the HCD Director to wave fees for

building permit applications for the inclusionary portion of proposed residential developments and traffic fees for affordable housing projects. As this is allowed through ministerial action, it does not have to count as an incentive or concession. At the time of hearing, the HCD Director has agreed to waive fees for construction of two moderate income units, not three. The reasoning is that the project has already been incentivized by moving the Inclusionary Housing ratios up to moderate income level units, only. Therefore, HCD requires further justification on the financial need for the third moderate income unit's construction fees to be waived. HCD awaits a submittal to the Director for additional review.

11. FINDING:

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

EXEMPT – The project is exempt from environmental review and no unusual circumstances were identified to exist for the proposed project. It can be seen with certainty that there is no possibility that the subdivision may have a significant effect on the environment.

EVIDENCE:

- a) The Project meets the common-sense exemption pursuant to CEQA Guidelines section 15061(b)(3). This section states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. There is no reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. In this case, common-sense exemption is also based on the assessment that the Project meets most requirements of the residential infill exemption pursuant to CEQA Guidelines Section 15195.
- b) The project is a standard subdivision of a four-acre lot with an existing dwelling and accessory buildings into 16 new residential lots (a 2.93 acre area resulting in lots with a median of 0.138 acres), a 0.93-acre road and utility lot, a 0.11-acre lot for onsite drainage control and a 0.6 acres remainder lot with an existing dwelling unit in an urbanized location with similar development on three sides. The project also includes a Variance to reduce the agricultural buffer from 200 to 139 feet on the northwest and 78 feet on the southwest.
- c) The site qualifies as “infill” based on the definition stated in Article 12.5, Exemptions of Agricultural Housing, Affordable Housing, and Residential Infill Projects. Section 15191(e)(1 and 2) identifies infill as previously developed for qualified urban use or all immediately adjacent parcels are developed with existing qualified urban uses. The subject site is developed as residential use, which is one of the qualified urban uses per Section 15191(k) definition.
- d) The residential infill exemption (CEQA Guidelines Section 15195) requires that community-level environmental review for the Boronda area has been certified within the last five years (15195(a)(1) and related to 15195(b)(2)). The 2010 GP EIR that designated the Boronda

area as a Community Plan area (with priority for development), is over five years old. For this reason, the proposed subdivision cannot qualify for statutory exemption pursuant to residential infill.

- e) The following thresholds that trigger exception from the residential infill exemption are not crossed (CEQA Guidelines section 15195(b)):
- *the site of the project is not more than four acres in total area;*
 - *the project does not include any single level building that exceeds 100,000 square feet;*
 - *the project is a residential project on an infill site;*
 - *the project is within one-half mile of a major transit stop;*
 - *the project does not contain more than 100 residential units;*
 - *the project promotes higher density infill housing such that the density of the project is higher density than the average density of the residential properties within 1,500 feet;*
 - *The project meets the following requirements regarding availability of affordable housing: The project would result in housing units being made available to not less than 10% moderate, 10% low or 5% very low income families OR pays appropriate in-lieu fees pursuant to local Inclusionary Housing Ordinance.*

The proposed standard subdivision is of a four-acre lot and the potential for any new dwelling to exceed 100,000 square feet in size is barred by the sizes of the lots (maximum sized lot is 9,951 square feet in size with undevelopable areas due to constructed slope of 33% and maximum density limit per the MDR Zoning District of 35%). The project is infill in Boronda Community Area. There is a transit stop 0.4 miles away at Calle del Adobe and Addington which has a bus arriving every 32 minutes and arrives at the Salinas Transit Center in 20 minutes. There is potential for 16 additional units to be constructed with implementation of the standard subdivision, which is substantially fewer than the 100-unit threshold. Finally, the project promotes higher density (4.25 units per acre) infill than the original lot, which was developed at a density of one unit per four acres. Sum density of all the residential lots within 1,500 feet of the subject parcel is 3.46 units per acre. With the density bonus, density is both higher than the neighborhood sum density and higher than what MDR/4 zoning allows. Finally, the proposed subdivision includes a proposal for three moderate-income level inclusionary housing lots. This is 18.75% of the new housing produced by the Project, more than the 10% required by CEQA Guidelines section 15195(b).

Pursuant to CEQA Guidelines section 15195(b), a project that otherwise meets the criteria set forth above is not exempt from CEQA if any of the following occur:

- *There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. (Discussed in Evidence "e," below).*

- *Substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project have occurred since community-level environmental review was certified or adopted. (Discussed in Evidence “f,” below).*
 - *New information becomes available regarding the circumstances under which the project is being undertaken and that is related to the project that was not known, and could not have been known at the time that community-level environmental review was certified or adopted. (Discussed in Evidence “f,” below).*
- f) There are no unusual circumstances of this subdivision that have reasonable possibility to produce a specific, significant effect on the environment. The parcel does not contain scenic resources and the activity of the project will not degrade the existing visual character or quality of the site or its surroundings and glare shall be controlled through the review of development on individual new lots. The parcel does not convert farmland, conflict with Williamson Act or include any forest lands. Air quality and greenhouse gases are regulated through adherence with Monterey Bay Air Resources District standards during subsequent ministerial permitting and there is no potential for the subdivision to conflict with or obstruct implementation of the Air Quality Management Plan. The MBARD CEQA Air Quality Guidelines include project standard conditions and best management practices that will be followed during construction. There are no biological, cultural, historical, or other resources on the parcel or that are located where they could be harmed by the subdivision Project. The Project does not have potential to expose people to potential substantial adverse effects related to earthquakes, soil erosion or other soil-related risks because the Project shall adhere to the Geotechnical Report recommendations. There is no impact from the Project creating hazards or involving hazardous materials that would not be very small quantities with controls followed through adherence with Environmental Health regulations during subsequent permitted activities of grading and construction. There is no impact to water quality standards or drainage as designed and conditioned for Regional Post-construction requirements, related Conditions of Approval 4-7 and monitoring thereof. The project is not within a 100-year flood hazard area, near a dam or levee, or subject to seiche, tsunami or mudflow. Furthermore, the project’s potential to impact groundwater is addressed through the WRA Zone 2C program and the activities of the GSA and the California Water Service. As infill between two existing residential areas, the Project would infill to unify an established community. The Project is consistent with the 2010 GP and does not conflict with any Land Use or Planning codes. There are no impacts to Mineral Resources. The Monterey County section 10.60.030 noise regulations are in place to regulate noise related to uses, which are anticipated to

be normal residential use noise. Furthermore, the Project shall have a Homeowners Association which may also further limit the neighborhood activities. The Project condition of approval requiring a Construction Management Plan (Condition No. 22), which sets a contact person for any noise complaints. The Project does not induce substantial population growth or displace substantial numbers of existing housing or people. The 16 new residential lots (median size of 0.138 acres) will be infill within a Community Area that is adjacent to a City and will not displace a house or people. When compared to the community and City population, the potential increase of roughly 64 new persons (16 units of 4 person household) is insignificant. There would not be a physical impact associated with new or altered governmental facilities such as fire protection, police protection, schools, parks, or other public facilities. All the public services are in place in Boronda. A sewer capacity study was performed for the Project which concluded that there is sufficient capacity in the existing system to support the Project. A Can-and-will-serve letter was provided from the water purveyor, California Water Service. Sufficient police and fire protection serve the area. There is a park within 0.75 mile of the location. Recreation facilities and parks would not be impacted or deteriorated by the Project. No parks, trail easements, or other recreational facilities would be impacted and the demand for such facilities would not be significantly increased. Utilities and service systems were assessed during Project application review including review of a draft Stormwater Control Plan. Conditions of Approval were added to ensure the applicable Regional Water Quality Control Board requirements are met (Condition Nos. 4-7). Water supply and wastewater treatment capacity were reviewed and both were found sufficient to serve the Project without requiring new facilities or entitlements (see also Finding 1, 2 and 6). The Project will be served by the Monterey Peninsula landfill which has demonstrated capacity for service to approximately 2120. Traffic was analyzed and the Project's 150 daily trips were not found to conflict with the performance of the circulation system, taking into account the ability of the Project to conform with payments of applicable transportation fees and specific fees to City of Salinas to address one intersection impact when measured with Project and cumulative impact. There would be no conflict with the Regional Transportation Plan for Monterey County or the Transportation Agency for Monterey County's standards established for County roads or highways. There would be no resulting change to air traffic patterns due to the Project that is not mitigated by planned traffic signalization (led by the City of Salinas). There would be no increase in hazards due to the design of the cul-de-sac as it enters onto Boronda Road in an area with 35 MPH speed limit. The Project would not result in inadequate

emergency service because the traffic impact on the nearby circulation system was found to be insignificant. The Project does not conflict with plans or programs regarding public transit, bicycle, or pedestrian facilities. All Boronda Road frontage improvements will require an encroachment permit from the County which includes specific requirements and inspections to ensure applicable County standards are met. Finally, a Vehicle Miles Travelled assessment made by a Traffic engineer found an average of 8.5 VMT per capita at the Project. The engineer cited an estimated County threshold for significant VMT as 9.7, following VMT tables based on the “Technical Advisory on Evaluating Transportation Impacts in CEQA,” issued by the Office of Planning and Research (OPR) in 2018. The Project VMT is estimated to be less than the average for the County in reference to the VMT threshold guidance from OPR. Therefore, the Project will have a less-than-significant impact on traffic pursuant to CEQA. In sum, no adverse environmental effects were identified during staff review of the development application.

- g) The last community-level review under CEQA was the 2010 General Plan EIR. There have been no substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project that have occurred since the 2010 GP FEIR was certified and the 2010 GP was adopted. The Boronda Community Area has not been built out in a manner inconsistent with what was anticipated in the 2010 GP EIR. Furthermore, there has not been new information regarding the circumstances of the subject site or Boronda since the 2010 GP EIR was certified.
- h) 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 PLN210223.

- 12. FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** Title 21 Section 21.80.040 provides that this decision on the Project is appealable to the Board of Supervisors.

DECISION

NOW, THEREFORE BE IT RESOLVED, based on the above findings and evidence and the administrative record, that the Planning Commission:

1. Finds the Project is covered by the common-sense exemption pursuant to CEQA Guidelines section 15061(b)(3);
2. Approves a Vesting Tentative Map to subdivide a four-acre lot into 16 residential lots (median size 0.138 acres), a road and utility parcel (0.93 acres), a drainage parcel (0.11 acre), and an approximately 0.6-acre remainder lot that retains the existing residential dwelling

unit, and demolition of unpermitted accessory structures to close Code Enforcement Case No. CE050196; and

3. Approves a Variance request to reduce the agricultural buffer from 200 to 139 feet on the northwest and 78 feet on the southwest.

PASSED AND ADOPTED upon motion of Commissioner _____, seconded by Commissioner _____, and carried this 9th day of April, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Melanie Beretti, AICP
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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 building permits and must comply with the Monterey County Building Ordinance in every respect.

The Zoning Ordinance (Title 21) 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 Monterey County HCD-Planning and HCD-Building Services in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless the Final Map is filed within this period.

County of Monterey HCD Planning

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

PLN210223

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Standard Subdivision permit (PLN210223) allows a Standard Subdivision and Vesting Tentative Map to subdivide a four-acre lot into 16 residential lots ("Lots 1-16," median size 0.138 acre), a road and utility parcel (Parcel 1, 0.93 acre), a drainage parcel (Parcel 2, 0.11 acre), and a remainder lot (approximately 0.6 acre) that retains the existing residential dwelling unit, and demolition of existing unpermitted structures to clear code violation no. CE050196. The project also meets Density Bonus requirements. The property is located at 442 Boronda Rd, Salinas (Assessor's Parcel Number 261-101-006-000), Greater Salinas 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 ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Standard Subdivision permit (Resolution Number _____) was approved by the Planning Commission for Assessor's Parcel Number 261-101-006-000 on April 9, 2025. The permit for subdivision of a four-acre lot with an existing dwelling and accessory buildings into seventeen residential lots plus one lot for onsite drainage control and a variance request for agricultural buffer of less than 200 feet was granted subject to 30 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 Prior to the issuance of grading and building permits, certificates of compliance, or
Monitoring commencement of use, whichever occurs first and as applicable, the Owner/Applicant
Action to be shall provide proof of recordation of this notice to the HCD - Planning.
Performed:

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

Responsible Department: Planning

Condition/Mitigation If, during the course of construction, cultural, archaeological, historical or
Monitoring Measure: 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 The Owner/Applicant shall adhere to this condition on an on-going basis.

Monitoring
Action to be
Performed:

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 RMA - 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. CALIFORNIA CONSTRUCTION GENERAL PERMIT

Responsible Department: Environmental Services

Condition/Mitigation CALIFORNIA CONSTRUCTION GENERAL PERMIT

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.

5. STORMWATER CONTROL PLAN (PR2-4)

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: STORMWATER CONTROL PLAN (PR2-4)
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 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. 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 the geotechnical recommendations. (HCD-Environmental Services)

Compliance or Monitoring Action to be Performed: 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. Prior to issuance of any grading or construction permits, the applicant shall submit certification from a licensed practitioner that they have reviewed and approved the stormwater control plan for conformance with the geotechnical recommendations.

6. 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.
A copy of the standard Agreement can be obtained at HCD – Environmental Services.

7. 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.

8. H0SP01 -- INCLUSIONARY HOUSING REQUIREMENT

Responsible Department: Economic Development

Condition/Mitigation Monitoring Measure: This application is subject to Ordinance 5175. The Applicant has also requested a 5% density bonus, which requires 2 moderate-income units. The Ordinance requires the applicant to provide three (3) on-site Inclusionary Units. Prior to the recordation of the Final Map, the applicant shall execute an Inclusionary Housing Master Developer Agreement with the County, and in a form acceptable to the County, that specifies the Inclusionary and Affordable Housing Requirements. The Inclusionary Housing Master Developer Agreement shall be recorded concurrent with the Final Map. The Inclusionary Housing Master Developer Agreement will require the applicant to construct and sell three (3) Inclusionary Units to moderate-income households at an affordable price determined by the County prior to the issuance of the building permit for the tenth (10th) market rate unit. Sale of the first two moderate-income units shall satisfy the requirements for obtaining the density bonus increase sought by the Applicant. The County is not applying General Plan Land Use Policy LU-2.13.d. to this project because the state has opined that without a proper analysis, the policy could be considered a constraint to housing production.

Compliance or Monitoring Action to be Performed: Prior to or concurrent with the Final Map, Applicant/owner shall execute an Inclusionary Housing Master Developer Agreement with the County, and in a form acceptable to the County, that specifies the Inclusionary Housing Requirements.

Applicant shall construct and sell three homes to moderate-income households at an affordable price determined by the County prior to the issuance of the building permit for the tenth (10th) market rate unit.

9. PKSP1 RECREATIONAL REQUIREMENTS

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The Applicant shall comply with the Recreation Requirements contained in Section 19.12.0 I of the Subdivision Ordinance Title 19, Monterey County Code, and Section 21.10.070 B of the Zoning Ordinance Title 21, as approved by the Chief of Parks. The Parks Division shall require a minimum dedicated recreational area of at least 3% of the subject project. The value of the improvements together with any recreational equipment located thereon shall be a credit against the payment of recreational in lieu fees imposed in accordance with Section 19 .12.0 I O (G) and (I) 2. of the Subdivision Ordinance, Title 19. (Parks)

Compliance or Monitoring Action to be Performed: Prior to the Recordation of the Final Map, the owner/applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code, as approved by the Chief of Parks. The owner/applicant shall dedicate a minimum of 3% of the parcel to active, functional recreational purposes including, but not limited to: tot lots, play field lots, playground s , neighborhood parks, and even "recreational community gardening, which consists of the cultivation by persons other than, or in addition to, the owner of such land, of plant material not for sale."

2. locate the area to be dedicated, and where appropriate, the siting and conceptual design of the park facilities to be dedicated or used in lieu of fees;

3. provide the approximate time when the development of the park or recreational facility shall commence;

4. provide the value of the recreational improvements which shall be a credit against the payment of recreational fees.

If the subdivider does not have recreational areas included in the subdivision, prior to the recordation of the Final Map, the owner/applicant shall pay recreational in-lieu fee based on the following standard:

.003 (acres/person) X 3.0 (persons/dwelling unit) X

16 (single- family detached) =0.144 acres of land, or 6,272.64 sq. ft. of land (required for dedication).

The in-lieu fee is then based on the 0.144 acres of land required for dedication divided by 4.04 (total subject parcel(s) acreage = 3.56% (acreage as a % of the total acreage) X \$244,615.54 (fair market value of the land) = \$8,719 (FEE-IN-LIEU OF DEDICATED LAND).

10. PWSP002 - NON-STANDARD CONDITION - CITY OF SALINAS TRAFFIC FEE

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay towards the City of Salinas (City) Traffic Fee Ordinance (TFO) program. 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 to the City of Salinas the traffic mitigation fee. Owner/Applicant shall submit proof of payment to Monterey County HCD- Engineering Services.

11. PWSP0007 - OPERATIONS AND MAINTENANCE PLAN

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prepare an Operation and Maintenance Plan (OMP) for all HOA facilities subject to the approval of the Director of Public Works. Said OMP shall include a detailed inventory of all facilities, operating requirements of each item, schedules, and proposed maintenance strategies for perpetuation of the facilities. The OMP shall take into account the phasing of the project over time and the financial needs for completion of the work on schedule. The OMP shall include an estimated cost for completion of the operating and maintenance strategy requirements, capital replacement, and an operating reserve over time for completion of each phase of the development and at completion of the development. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map, Applicant's Engineer shall prepare an OMP.

12. PW0001 – FRONTAGE IMPROVEMENTS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Construct curb, gutter, driveway connections, sidewalk, and paveout, together with required drainage facilities, along the frontage of Boronda Road. The design and construction is subject to the approval of PWF&P. Encroachment Permits are required for all work within the public right-of-way.

Compliance or Monitoring Action to be Performed: Owner/Applicant shall submit design HCD – Engineering Services for review and approval, obtain an encroachment permit from HCD. Improvement to be complete prior to issuance of building permits for any residential unit in the subdivision in accordance with the Subdivision Improvement agreement and to the satisfaction of the Department of Public Works. (Public Works).

13. PW0008 – DEDICATION (STREET AND RIGHT-OF-WAY)

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Dedicate to the County of Monterey, an easement 5 feet in width along the property's entire frontage along Boronda Road for road right-of-way purposes.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map, Surveyor shall include the offer of dedication in the Owner's Statement.

14. PW0015 – UTILITY'S COMMENTS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Submit the approved tentative map to applicable utility companies. Subdivider shall submit utility company recommendations for required easements, if any, to the HCD-Engineering Services.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, Owner/Applicant/Subdivider shall provide a copy of the approved tentative map to all applicable public utility companies for review. Subdivider shall submit utility comments to the HCD-Engineering Services.

15. PW0016 - MAINTENANCE OF SUBDIVISIONS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Subdivider shall be responsible for all maintenance and operations of subdivision improvements from the time of installation until: a) acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement agreement, and b) a homeowners association (HOA) or other agency with legal authorization to collect fees sufficient to support the services, is formed to assume responsibility for the services. (Public Works)

Compliance or Monitoring Action to be Performed: Subdivider shall be responsible to maintain and operate improvements until maintenance and operation is assumed by another entity (ongoing). (Public Works)

16. PW0020 - PRIVATE ROADS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Designate all subdivision roads as private roads.

Compliance or Monitoring Action to be Performed: Subdivider's Surveyor shall designate private roads on final map

17. PW0021 - ROAD NAMES

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Submit all proposed road names to the Department of Housing and Community Development for approval by County Communications.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map Subdivider shall submit proposed road names to HCD. HCD-Engineering Services will submit to County Communications for Approval

18. PW0023 IMPROVEMENT PLANS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Submit improvement plans to HCD - Engineering Services for review and approval. Design is subject to approval by PWF&P. The roads be constructed in accordance with the typical section shown on the tentative map. (Public Works)

Compliance or Monitoring Action to be Performed: Improvement plans and bonds to be provided prior to recordation of final map. Improvement to be constructed prior to issuance of any building permit in the subdivision and in accordance with subdivision improvement agreement. Improvements to be bonded prior to recordation of final map. (Public Works)

19. PW0030 - HOMEOWNERS ASSOCIATION

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Form a homeowners association for road and drainage maintenance. Prepare an operation and maintenance plan for all facilities. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map, Subdivider shall submit documentation of formation of homeowners association or other entity to maintain roads and drainage improvements.

20. PW0036 - EASEMENTS AND RIGHT-OF-WAY

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements and rights of way. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, Subdivider's Surveyor shall include all existing and required easements or rights of way on Parcel Map.

21. 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. (Public Works)

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.

22. 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. (Public Works)

Compliance or Monitoring Action to be Performed: 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.

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

23. 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.

24. PD012 -- LANDSCAPING (SUBDIVISION)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: PD012 – LANDSCAPING
The site shall be landscaped. Applicant/owner shall submit a Landscape Package Application in accordance with MCC Chapter 16.63 as required in Section 16.63.050 or Section 16.63.060, and subject to review and approval by the Chief of Planning. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits including grading, a Landscape Package shall be submitted to HCD for review and approval. Landscape Package shall be considered complete if it complies with Section 16.63.120.

Prior to final inspection, the landscaping shall be installed in accordance with the provisions of the approved Landscape Package. Compliance with the approved Landscape Package shall be verified by inspections in accordance with Section 16.63.120.

25. 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

26. PD005(A) - NOTICE OF EXEMPTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption. (HCD-Planning)

Compliance or Monitoring Action to be Performed: After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning.

27. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

28. PDSP001: DEMOLISH UNPERMITTED STRUCTURES ON REMAINDER PARCEL PRIOR TO FINAL MAP

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: There is a code violation case on the part of the parcel proposed for subdivision that will be a remainder parcel. The code violation case, CE050196, relates to accessory structures over 24 square feet that were constructed without benefit of permits in the setback. The violation was in process of being closed through Stipulated Agreement and a Construction Permit (11CP00299) for demolition. Some structures were demolished and others not, and those structures in the setback were later rebuilt. County would normally refuse to process permits on any APN where code violations exist unless the action of the planning permit is remedy to the violation. In this case, as the project is a subdivision guided by the CA Subdivision Map Act and the violation is limited to the area of remainder parcel, the subdivision can proceed. It is explicitly stated in the Project Description that the action includes demolition of unpermitted structures. The unpermitted structures shall be demolished prior to final map and the code enforcement case shall be closed and all fees paid prior to final map. Government Code Section 66424.6(a): When a subdivision, as defined in Section 66424, is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing. Alternatively, the subdivider may omit entirely that portion of any unit of improved or unimproved land which is not divided for the purpose of sale, lease, or financing. If the subdivider elects to designate a remainder, the following requirements shall apply:

(1) The designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required.

(HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to final map, all unpermitted structures shall be demolished and code enforcement case CE050196 shall be closed and all associated fees paid.

29. PDSP002: DENSITY BONUS CONCESSION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: By agreeing to restrict three units for sale to persons or families of moderate-income, the applicant has reached the 10 percent threshold required to qualify for one incentive or concessions (3 moderate-income units divided by 16 total units equals 18.75% affordability). Therefore, Govt. Code Section 65915(d)(2)(A) applies and the applicant's specified concession is for Final Map processing fees to be waived.
(HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to Final Map, owner/applicant shall provide County staff with all required reports per the condition compliance for the project and a final version of all standard Final Map processing documents and provide recording fees for the Recorder's Office. HCD and Public Works processing fees will be waived.

30. PDSP003: AGRICULTURAL EASEMENT AND BUFFERING

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A less-than-200 foot agricultural easement is allowed for this subdivision with a Variance. The easement shall also serve to buffer neighboring agricultural fields pursuant to the 2010 General Plan Agricultural Element Policy AG-1.2 which calls for an Agricultural Buffer between agricultural and non-agricultural uses. A proposed easement deed shall be submitted to, and approved by, the Director of HCD-Planning and the Agricultural Commissioner's Office and accepted by the Board of Supervisors prior to recording the final map or prior to the issuance of grading and building permits. The Project shall include construction of a 7-foot sound wall at the 20-foot front setback line on Parcel 1, drainage parcel. The Project shall include vegetative buffering in Parcel 1.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to recording the final map, the Owner/Applicant shall submit the appropriate agricultural buffer easement deed to HCD and the Agricultural Commissioner's Office for review and approval.

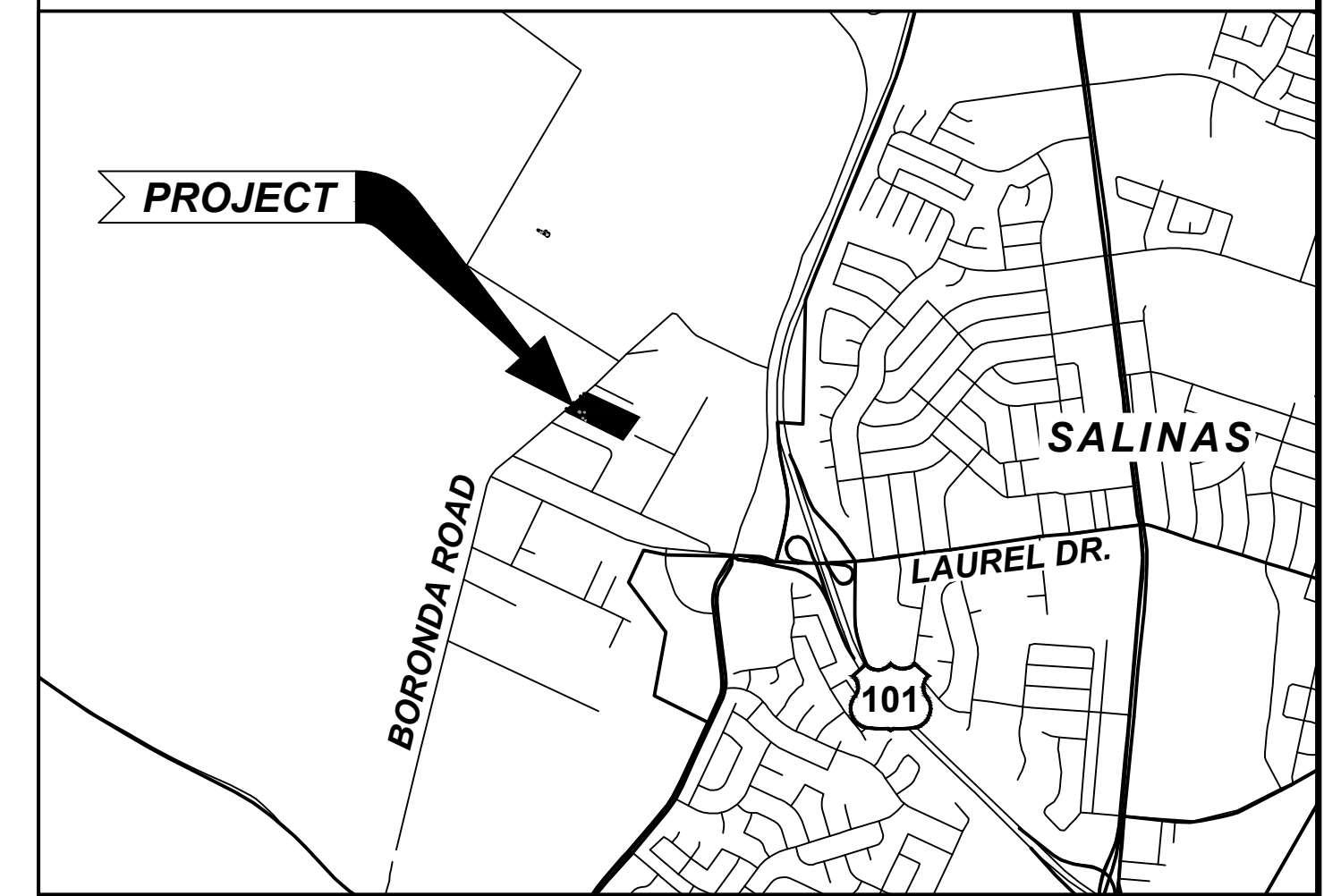
Prior to final inspection of the first related permit the Owner/Applicant shall record the deed and map showing the approved easement. Submit a copy of the recorded deed and map to HCD-Planning.

442 BORONDA ROAD VESTING TENTATIVE MAP

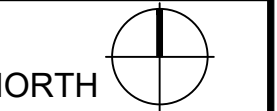
PROPOSED SUBDIVISION OF A PART OF RANCHO EL SAUSAL, BEING A PART OF THAT CERTAIN 413.42 ACRE TRACT DESCRIBED AS "TRACT 1" IN DECREE OF DISTRIBUTION OF ESTATE OF EUGENE SHERWOOD, FILED IN VOLUME 129 OF DEEDS AT PAGE 485, RECORDS OF MONTEREY COUNTY, CALIFORNIA

JULY 20, 2023

VICINITY MAP



SCALE: 1" = 2000'



SHEET INDEX

SHEET NO.	DESCRIPTION
T-1	INDEX, LEGEND, VICINITY MAP AND NOTES
T-2	SITE PLAN

SITE SUMMARY

DESCRIPTION	ACRES	USE
PARCEL 1 (ROAD & UTILITIES)	0.93	PRIVATE ROAD & PUBLIC UTILITIES
PARCEL 2 (BASIN)	0.11	STORMWATER BASIN
RIGHT OF WAY DEDICATION	0.03	COUNTY RIGHT OF WAY
LOTS 1-16	2.34	RESIDENTIAL MEDIUM DENSITY
REMAINDER LOT	0.59	RESIDENTIAL MEDIUM DENSITY
TOTAL PROJECT AREA:	4.00	

SLOPE SUMMARY

EXISTING SLOPE GRADIENTS		
RANGE	AREA (SF)	% SITE
0-19.9%	174,149	99.99%
20%-30%	586	0.003%
>25%	354	0.002%
>30%	300	0.002%

SLOPE DENSITY FORMULA DOES NOT APPLY TO MDR ZONING DISTRICTS PER SECTION 20.64.180

PROJECT TEAM

OWNER/APPLICANT

DAMIAN NAVA
14 FRESA PLACE
SALINAS, CA 93905

CIVIL ENGINEER

WHITSON ENGINEERS
6 HARRIS COURT
MONTEREY, CA 93940

RICHARD WEBER, RCE 55219
(831) 649-5225

JOINT UTILITY

GIACALONE
5820 STONERIDGE MALL RD
SUITE 345
PLEASANTON, CA 94588

SERINA PONCE
(925) 467-1740

PROJECT CONSULTANT/LEGAL

ANTHONY LOMBARDO & ASSOCIATES
144 W GABILAN STREET
SALINA CA, 93901

DALE ELLIS
(831) 751-2330

ARCHITECT/PROJECT COORDINATOR

ROBERT McCAFFREY
P.O. BOX 1776
MARINA, CA 93933

(831) 384-0224

GEOTECHNICAL ENGINEER

HARO KASUNICH & ASSOCIATES INC.
116 E LAKE AVENUE
WATSONVILLE, CA 95076

ANDREW KASUNICH
(831) 722-4175

LANDSCAPE ARCHITECT

BFS LANDSCAPE ARCHITECTS
425 PACIFIC STREET
SUITE 201
MONTEREY, CA 93940

JAMES BISHOP
(831) 646-1383

MORTGAGE/REAL ESTATE

TERRY NANCE
306 1ST STREET
PACIFIC GROVE, CA 93950

(831) 657-9239

ABBREVIATIONS / LEGEND

DESCRIPTION	PROPOSED	EXISTING
PROPERTY LINE		---
LOT LINE		---
LOT NUMBER	3	39
EASEMENT LINE	---	---
SETBACK LINE	---	---
CURB AND GUTTER		
CONCRETE SIDEWALK		
WATER MAIN	8" W	EX 8" W
STORM DRAIN MAIN	18" SD	
SANITARY SEWER MAIN	8" SS	EX 8" SS
JOINT TRENCH		
DIRECTION/SLOPE OF FLOW	0.5%	
SPOT ELEVATION	x 28.5	
MANHOLE		
FIRE HYDRANT		
CATCH BASIN		
STORM DRAIN OUTFALL		
UTILITY CONNECTION POINT		
RIPRAP		
RETAINING WALL		

SUBDIVISION NOTES

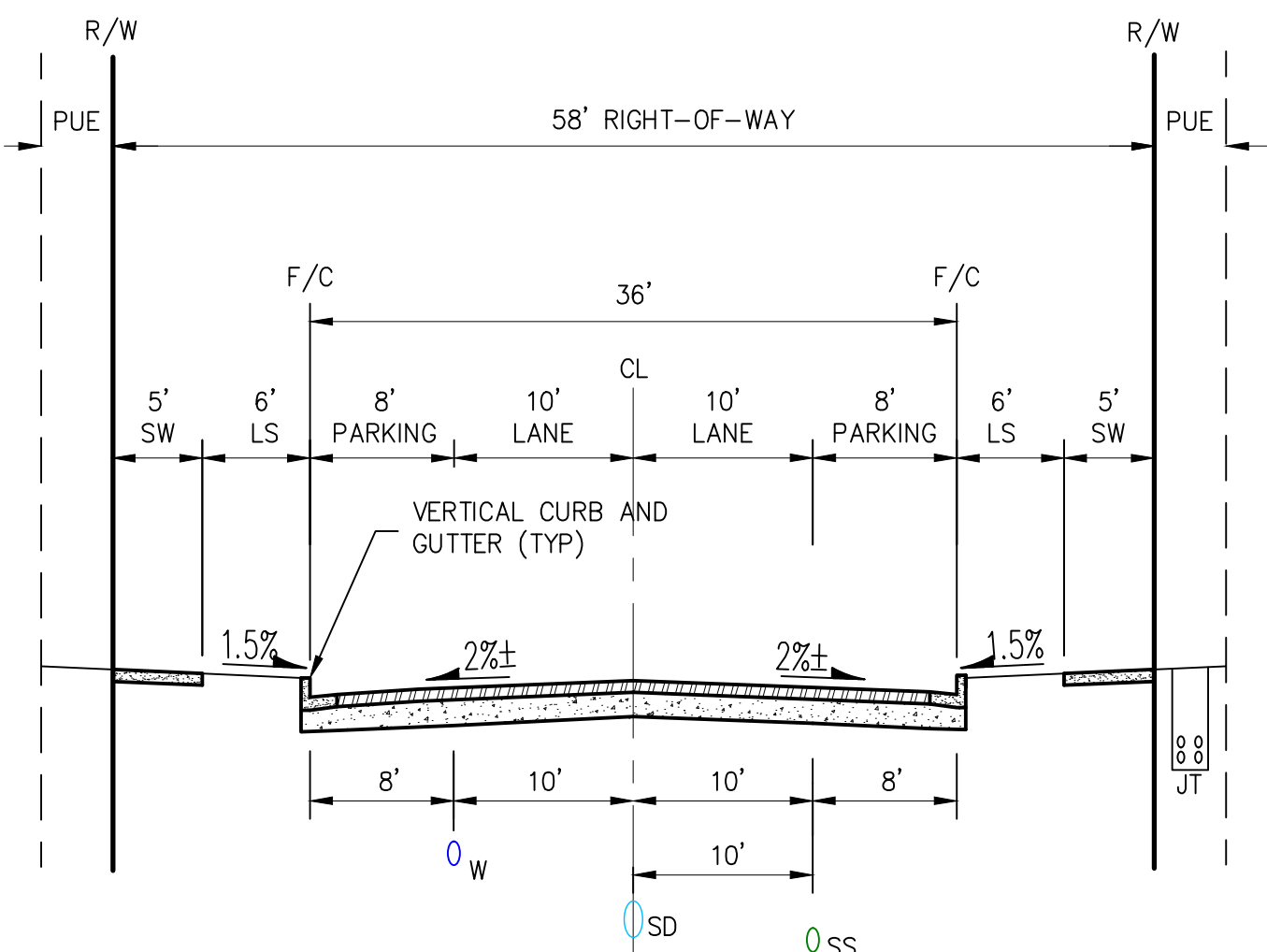
PROPERTY DATA
ASSESSOR'S PARCEL NO.: 261-101-006
GENERAL PLAN LAND USE: GREATER SALINAS AREA PLAN/COMMUNITY PLAN
EXISTING ZONING: MDR/4-A-UR
PROPOSED ZONING: SAME AS EXISTING
EXISTING LAND USE: FARMING/VACANT LOT
PROPOSED LAND USE: SINGLE FAMILY LOTS
CONTOUR INTERVAL: 1 FOOT
SITE AREA: 4.00 ACRES

UTILITIES
STORM DRAIN: MONTEREY COUNTY
WATER: CALIFORNIA WATER SERVICE COMPANY
SANITARY SEWER: MONTEREY COUNTY BORONDA SANITATION DISTRICT
GAS & ELECTRIC: PG&E
TELEPHONE: AT&T
CABLE: QUANTA

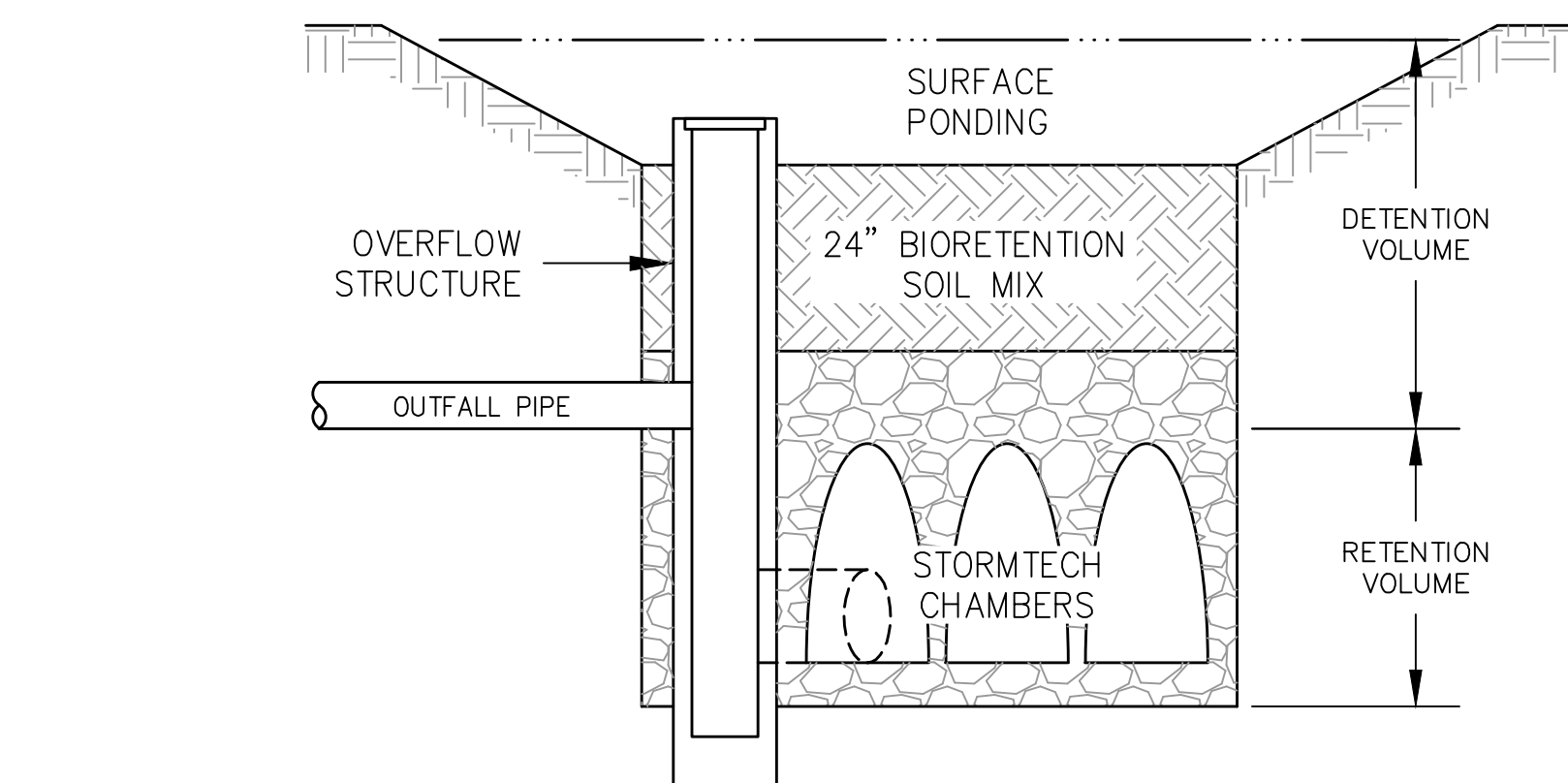
AREA (SEE SITE SUMMARY TABLE)
GROSS SITE AREA: 4.00 AC
RIGHT-OF-WAY DEDICATION: 0.97 AC (PUBLIC STREETS)
ROAD AND UTILITY PARCEL: 1.14 AC
PROPOSED UNITS: 17 SINGLE FAMILY HOMES

GROSS DENSITY: 4.2 DU/AC
AVERAGE SINGLE FAMILY LOT SIZE: 6,099 SF

- NOTES**
- FINAL MAPS FOR THIS PROJECT MAY BE RECORDED IN PHASES IN ACCORDANCE WITH ARTICLE 4, SECTION 66456.1 OF THE SUBDIVISION MAP ACT.
 - UTILITY LOCATIONS, STREET GRADES, AND LOT DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL ENGINEERING DESIGN AND HOUSE PLOTTING.
 - STREET IMPROVEMENTS TO BE INSTALLED PER MONTEREY COUNTY STANDARDS UNLESS OTHERWISE SHOWN HEREON. STREETS TO BE PUBLIC OWNED AND MAINTAINED UNLESS OTHERWISE DESIGNATED.
 - ALL GRADING AND EROSION CONTROL WILL BE DONE IN CONFORMANCE WITH THE RECOMMENDATIONS AND CONDITIONS OF THE GEOTECHNICAL ENGINEER AS CONTAINED IN REPORTS OR SUPPLEMENTAL REPORTS REGARDING THIS PROJECT AND MONTEREY COUNTY ORDINANCE #2535 AND E #2805
 - PROPERTY IS LOCATED IN ZONE X (OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FIRM 06053C0088G DATED APRIL 16, 2009.
 - EXISTING ON-SITE TOPOGRAPHY IS BASED ON A SURVEY BY WHITSON ENGINEERS DATED DECEMBER 15, 2020.



TYPICAL STREET
NOT TO SCALE



1 TYPICAL BASIN DETAIL
NOT TO SCALE

VESTING TENTATIVE MAP 442 BORONDA ROAD

PROPOSED SUBDIVISION OF A PART OF RANCHO EL SAUSAL, BEING A PART OF THAT CERTAIN 413.42 ACRE TRACT DESCRIBED AS "TRACT 1" IN DECREE OF DISTRIBUTION OF ESTATE OF EUGENE SHERWOOD, FILED IN VOLUME 129 OF DEEDS AT PAGE 485, RECORDS OF MONTEREY COUNTY, CALIFORNIA



Whitson
ENGINEERS

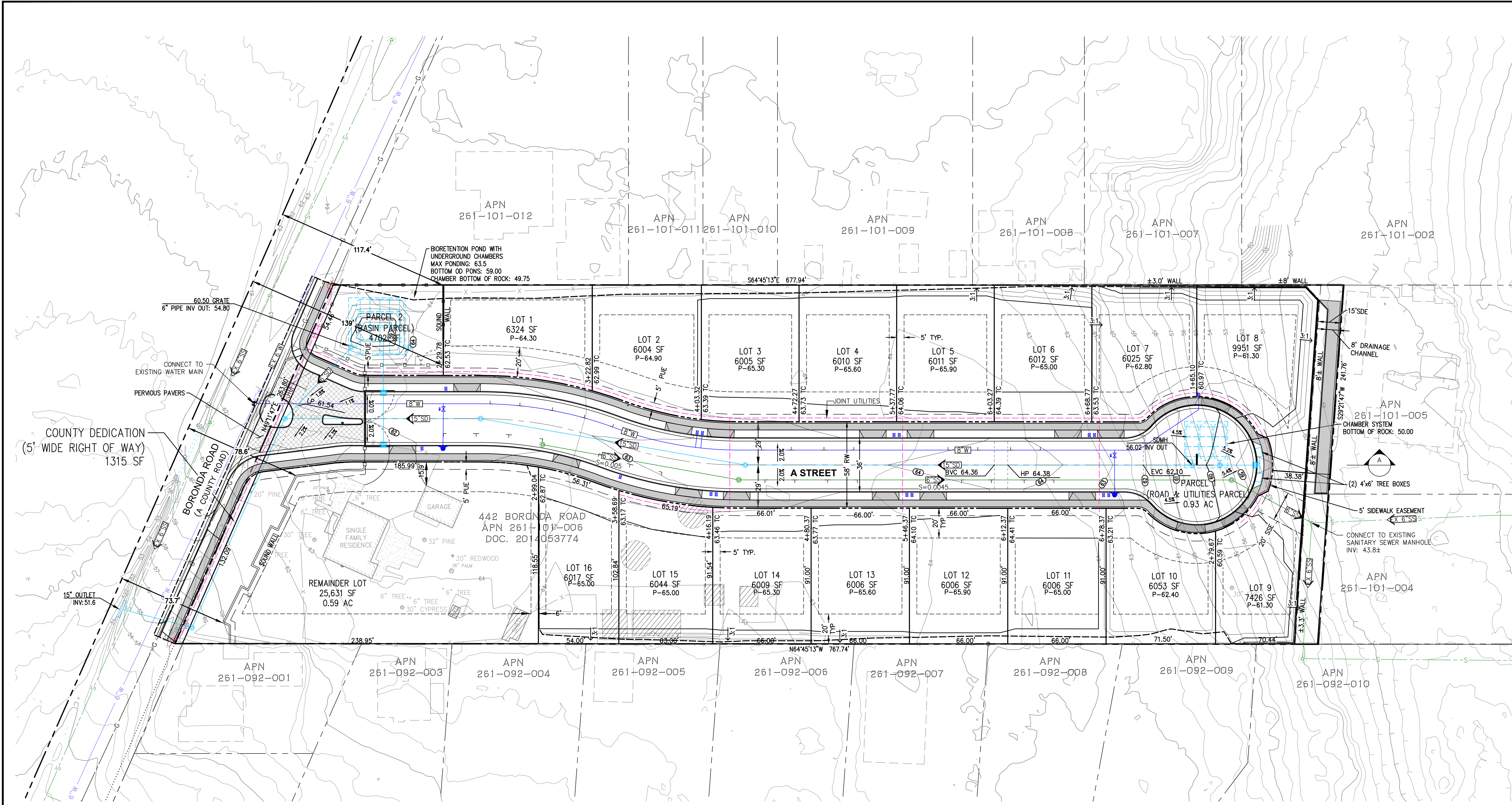
Civil Engineering · Land Surveying
6 Harris Court, Monterey, California
831.649.5225 whitsonengineers.com

DATE: JULY 20, 2023

PROJECT: 4295.00

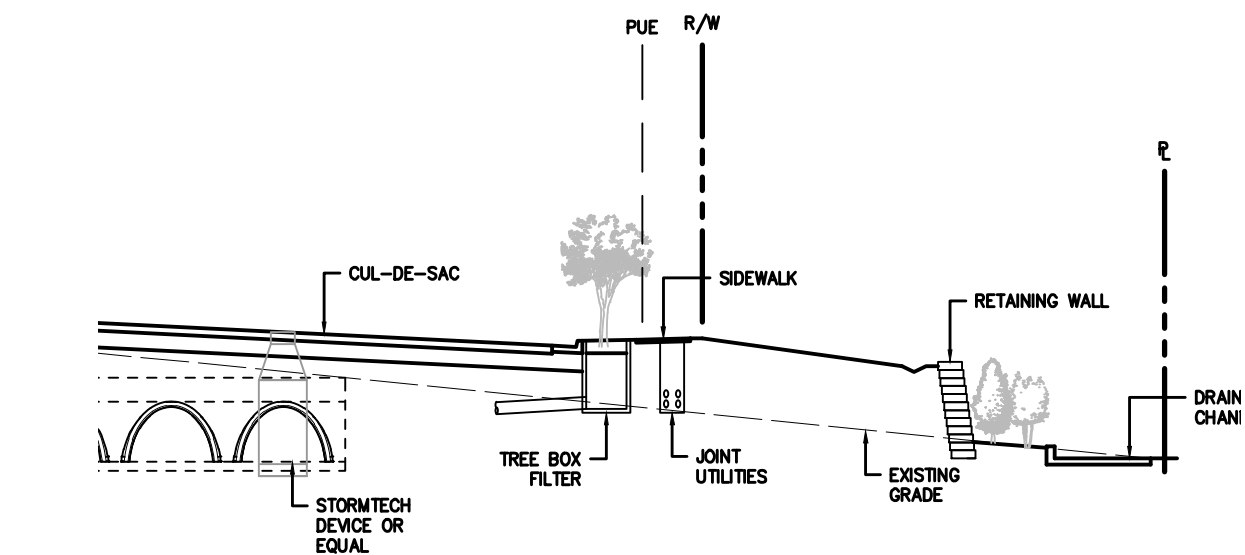
SHEET

T-1
OF 2



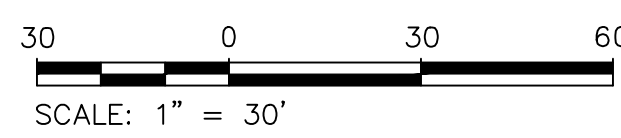
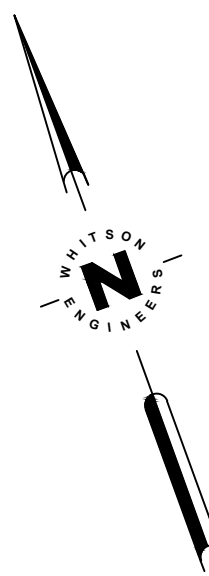
ESTIMATED EARTHWORK SUMMARY		
DESCRIPTION	OUT (CY)	FILL (CY)
ROUGH GRADING	2,500	9,500
ONSITE FILL SHRINKAGE (15%)	-	1,400
FOUNDATION SPOILS	320	-
UTILITY TRENCH SPOILS	1,000	-
STORM CHAMBERS + SD	1,140	-
TOTAL	4,960	10,900
NET	6,560	IMPORT
ESTIMATED AREA OF DISTURBANCE	3.3 ± AC	

1. FOUNDATION SPOILS BASED ON 20 CY PER HOUSE



A SECTION A
1"=10'

PRIOR TO THE RECORDATION OF THE FINAL MAP, ALL EXISTING IMPROVEMENTS SHALL BE REMOVED WITH THE EXCEPTION OF SINGLE FAMILY RESIDENCE AND THE DETACHED GARAGE ON THE REMAINDER LOT.



SITE PLAN

VESTING TENTATIVE MAP

442 BORONDA ROAD

PROPOSED SUBDIVISION OF A PART OF RANCHO EL SAUSAL, BEING A PART OF THAT CERTAIN 413.42 ACRE TRACT DESCRIBED AS "TRACT 1" IN DECREE OF DISTRIBUTION OF ESTATE OF EUGENE SHERWOOD, FILED IN VOLUME 129 OF DEEDS AT PAGE 485, RECORDS OF MONTEREY COUNTY, CALIFORNIA

**Whitson**
ENGINEERS

Civil Engineering · Land Surveying
6 Harris Court, Monterey, California
831.649.5225 whitsonengineers.com

DATE: JULY 20, 2023

PROJECT: 4295.00

Fig. 21, 2023 - A. 20m
1: Monterey Project V003 - 442 Boronda Road/CA/PLANNING/100-100-000-000.dwg

Exhibit C

This page intentionally left blank.

ANTHONY LOMBARDO & ASSOCIATES

A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

May 6, 2024

Our File No: 5344.000

Martha Diehl, Chair
Monterey County Planning Commission
1441 Schilling Place
Salinas, CA 93901

RE: Gard/PLN210223

Dear Chair Diehl and Members of the Commission:

We represent Mr. Damian Nava the applicant for the Gard subdivision. Your Commission is scheduled to hear this application on May 8th.

The applicant is in general agreement with the conditions recommended by the staff. The Commission will see in this letter that there are some discrepancies between the project described and analyzed by the staff in their report and as we describe in this letter. The discrepancies lie largely in the administration of the inclusionary housing requirements. These are similar to the issues raised and discussed for the River View project.

PROJECT DESCRIPTION

The applicant proposes to divide the property (4.00 acres, gross) to create 16 single family residential lots and a 0.59-acre remainder parcel. The remainder parcel is the Gard homesite and will be retained by the Gards. The State Map Act is clear that a designated remainder parcel is not considered to be part of the subdivision. Three of the sixteen lots will be for moderate income homes. The net developable area is 3.41 acres including future dedication for Boronda Road, the private subdivision road, and the stormwater basin. The net density of the subdivision is 4.7 units per acre. The subdivision will include a private road, all required improvements to retain storm water and other runoff on site, soundwalls along Boronda Road and a play area for the subdivision residents.

The property is zoned "MDR/4-A-UR (Medium Density Residential, 4 units per acre)". The property is within the Boronda Community Plan area.

REQUIRED INCLUSIONARY CONTRIBUTION

The staff is basing their calculation of the inclusionary requirement based on 25% of 17 lots, which would include the remainder parcel. The project which requires the inclusionary contribution is 16 lots.

Monterey County Code Section 18.40.060 A requires that: “All *residential development* consisting of five (5) or more units or lots...shall *provide inclusionary units* on-site or off-site”, Monterey County Code Section 18.40.040 defines residential development to mean “any project requiring any subdivision of land [that will] *create three or more new or additional dwelling units and/or lots.*” The County Code is clear. The Inclusionary Housing Ordinance defines residential development to be “new or additional dwelling units and/or lots.” This project creates 16, not 17, new lots.

The applicant proposes 13 market rate units, 3 moderate income units, and payment of an in-lieu fee for any fractional unit requirement. The affordable housing requirements for this project should be calculated, per the County Inclusionary Housing Ordinance and Administrative Manual, at 20% of the market rate units.

We continue to disagree that the 2020 General Plan Policy LU-2.13¹ is applicable to this project. Policy LU-2.13 clearly anticipates there will be an implementing amendment to the Inclusionary Housing Ordinance. That has not happened.

The County cannot, at this time, impose a 25% requirement. The County was advised of this fact in State HCD’s letter of December 12, 2020² (Exhibit A):

“the County is obligated to provide an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels. (Gov. Code, § 65583, subd. (a)(5).) Where such constraints are identified, the County must further address, and where legally possible, remove governmental constraints affecting the maintenance, improvement and development of housing. (Gov. Code, § 65583, subd. (c)(3),”

The analysis which, which according to State law and State HCD³, the County is “obligated” to perform, has not been done, considered by the Planning Commission, approved by the Board of Supervisors, or certified by State HCD.

¹ “The County shall assure consistent application of an Affordable Housing Ordinance that requires 25% of new housing units be affordable to very low, low, moderate, and workforce income households...”

² The State HCD letter was in response to a question of the applicability of the 35% requirement in the General Plan’s Development Evaluation System. The circumstances are the same for the 25% requirement. If the State required analysis has not been done, the rate cannot be increased.

³ We have asked State HCD to review these questions. While State HCD has expressed some “substantial reservations” about the County’s methodology, they have not yet provided a written response. County HDC, as we understand it, has also reached out to Stahr HCD.

The applicants propose a project of 13 market rate and 3 moderate income units. The 3 planned moderate-income units should not be included for the purpose of calculating the number of affordable units required. To count them would be to impose inclusionary requirements on inclusionary units. In essence, the applicants would pay a tax on the tax they are already paying.

The base for calculation should then be 20% of 13 lots (the net increase in market rate lots). This would result, based on the current Inclusionary Housing Ordinance and Administrative Guidelines, in a 2.6-unit obligation. As previously stated, the applicants intend to build 3 moderate-income units.

We met with the Housing Advisory Committee (HAC) on April 10th to discuss the proposal. At the conclusion of the meeting, the HAC unanimously voted to recommend that the 20% contribution rate be utilized given the County had not amended the Inclusionary Housing Ordinance to require a 25% contribution. The HAC also supported pricing the inclusionary units at the moderate-income level.

The applicant proposes to construct three moderate income units. The sales price limitation for very low or low income units would result in a loss per unit of \$154,200 to \$166,100 on each of those units. This is small project that does not have the ability to add that loss to the price to the 13 market rated units while the moderate homes would sell at a price which would allow a small profit to the applicant.

THE PROJECT IS ENTITLED TO TWO DEVELOPMENT INCENTIVES

County zoning ordinance Section 21.65.060 C states: “A housing development *qualifying* for a density bonus is entitled to *at least* one incentive in addition to the density bonus.” As written, a project only has to qualify for a density bonus. It does not have to implement a density bonus. A project which provides a 20% contribution at the moderate-income level qualifies for a density bonus and, in turn, is entitled to two incentives (Monterey County Code 21.65.070 A).

The applicants request two incentives:

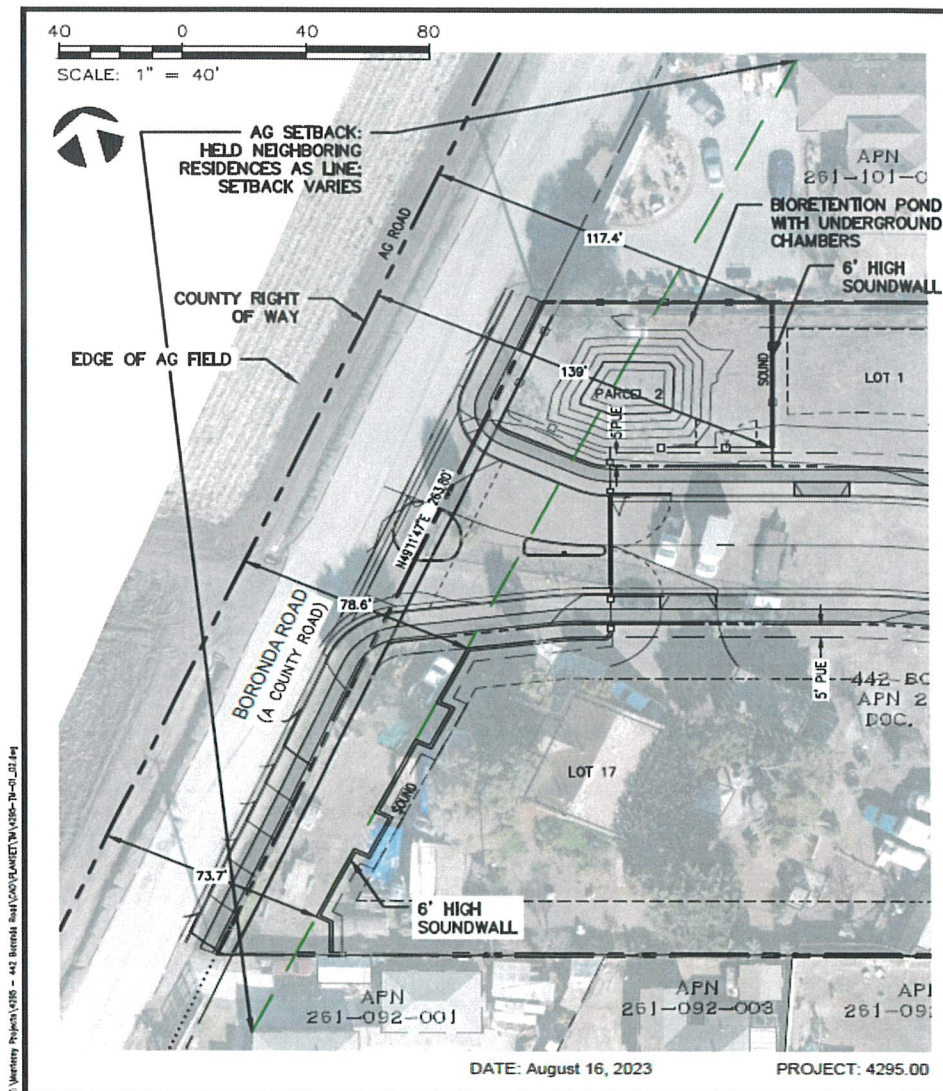
Expedited processing of the final map and related documents: It is not unusual for the processing of a final map to take up to one year. This is due in part to staffing levels, multiple projects, and competing priorities. An incentive of expedited processing will substantially shorten the processing time, reduce holding costs, and allow construction to begin more quickly than under normal processing.

Waiver of County fees for the final map and inclusionary units. In conjunction with the expedited processing, the reduced fees will help the project’s financial viability.

AGRICULTURAL BUFFER

The property across Boronda Road is zoned Farmlands, 40 acre minimum. The applicant proposes a buffer of 117 feet from the zoning boundary to the nearest proposed property line. The buffer affects one lot only. That lot will have a greater setback than most residences along Boronda Road and more than the residences on the adjoining properties. The specific lot will be separated by a heavily landscaped area and 6-foot wall. The balance of the subdivision meets the 200-foot requirement.

Proposed Agricultural Buffer



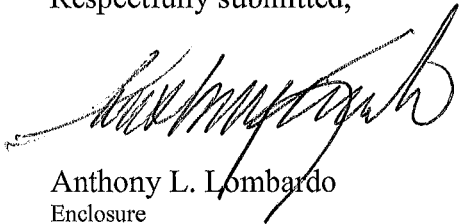
CONCLUSION

Providing a low-income unit will result in a loss of \$154,200 to \$166,100 to the applicant or add about \$37,000 to each market rate unit. The project is a small subdivision with limited ability to spread that loss across the 13 market rate homes. The applicants are local residents. They are not large developers with corporate income to support those losses. The County HAC recognized the potential adverse financial impact and recommended that the inclusionary units be allowed as moderate income. The HAC also supported the use of the 20% contribution as set forth in the current Inclusionary Housing Ordinance.

By approving three moderate units and the two requested incentives, the project viability increases, the timeline for building the units can be accelerated, and the homes can be available sooner. Therefore, we respectfully request that the Planning Commission:

1. Determine that the appropriate Inclusionary Housing requirement is 20% of 16 lots/units.
2. Direct the staff to edit the Findings, Evidence, and Conditions to reflect that determination.
3. Approve the Gard (Nava) Subdivision as submitted with the edits noted above.

Respectfully submitted,



Anthony L. Lombardo
Enclosure

cc: Client
Darby Marshal
Mary Israel

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



December 22, 2020

Carl P. Holm, Director
Resource Management Agency (RMA)
County of Monterey
1441 Schilling Place
Salinas, CA 93901

RE: Leonard McIntosh Housing Project – Letter of Technical Assistance

Dear Carl P. Holm:

The California Department Housing and Community Development (HCD) understands that on January 12, 2021, the Monterey County Board of Supervisors will be hearing an appeal related to Leonard McIntosh's application for 15 apartment units in the Laguna Seca Office Park. The purpose of this letter is to express HCD's concern related to the ad hoc application of a 35-percent inclusionary requirement that was not analyzed as a potential governmental constraint in Monterey County's housing element of the general plan.

The applicant is proposing a 15-unit apartment project, which includes the current county-wide 20-percent inclusionary requirement. (Mont. County Code, § 18.40.070.) As proposed for this 15-unit project, the requirement is satisfied with one unit that will be affordable to very low-income households and one unit to moderate-income households. On September 30, 2020, the Planning Commission approved the project with an ad hoc condition that it provide 35-percent inclusionary units on the site. HCD understands the reasoning for this increased inclusionary requirement is because the project is in the Laguna Seca Office Park, which is outside the County's Community Areas, Rural Centers, and Affordable Housing Overlay districts. General Plan Land Use Element Policy LU-1.19, adopted October 26, 2010, required the County to the establish a Development Evaluation System (DES) for areas not covered by Community Areas, Rural Centers and Affordable Housing Overlay districts. In addition to other requirements, the DES system would require a 35-percent inclusionary provision for projects of five or more units. HCD understands that while Monterey County has considered drafts of the DES system over the past decade, it has never finalized or adopted the final system or the municipal code provisions that would authorize it. As recently as August 2020, in fact, the County declined to adopt an ordinance that would have added Chapter 21.92 to implement a DES system. The applicant is appealing the Planning Commission's decision to apply the yet-to-be-adopted standards on an ad hoc basis.

EXHIBIT A

While Program LU-1.19 was included as part of the land use element since 2010, the 35-percent inclusionary requirement or the DES were neither analyzed nor mentioned in the housing element adopted by the County four years later on January 26, 2016, and subsequently reviewed by HCD for substantial compliance with State Housing Element Law pursuant to Government Code section 65585, subdivision (b). Further, the County is obligated to provide an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels. (Gov. Code, § 65583, subd. (a)(5).) Where such constraints are identified, the County must further address, and where legally possible, remove governmental constraints affecting the maintenance, improvement and development of housing. (Gov. Code, § 65583, subd. (c)(3).) As the DES would impose a 35-percent inclusionary requirement, or perhaps even higher percentage depending on the County's final action, the DES clearly creates a constraint that must be analyzed under these provisions. Should the County adopt such a 35-percent inclusionary requirement and/or adopt the DES, the County must revise the current 5th cycle housing element to include a description and analysis of the 35-percent inclusionary requirement and DES framework, the constraints that this requirement will impose, the mechanisms and policies that will be utilized to address the constraint, all of which must be submitted to HCD for review prior to its adoption. (Gov. Code, § 65585, subd. (b).)

In addition, the proposed DES policy and implementing ordinance must be analyzed for consistency with Housing Element Goal H-4 prior to its adoption and implementation. (Housing Element, p. 139.) Goal H-4 commits the County to reducing and removing government constraints to housing production and opportunity when feasible and legally permissible. (Housing Element, p. 139.) The County must ensure that DES system and ordinance, including the 35-percent inclusionary process, is evaluated for consistency with Goal H-4 and will not constrain housing projects outside the Community Areas, Rural Centers, and Affordable Housing Overlay districts. According to the applicant for the 15-unit project at the Laguna Seca Office Park, and its banker, applying the 35-percent requirement to the 15-unit project may render the project financially infeasible. (See Lombardo Letter to County of Monterey, dated September 25, 2020 and attached email of same date from Pinnacle Bank.)

In sum, if the County intends to implement Program LU-1.19, the County will need to analyze DES system, including the 35-percent inclusionary mandate, as potential constraints on the development of housing for all income levels, specifically on housing supply and affordability, prior to its adoption. However, if the Program LU-1.19 is not implemented prior to revision of the County's 6th cycle housing element, which is due on or about December 15, 2023, at a minimum the policy must be included and analyzed at that time for potential constraints to the development of housing.

As a reminder, HCD is required to review any action or failure to act by a city, county, or city and county that it determines is inconsistent with an adopted housing element or

Government Code section 65583, including any failure to implement any program actions included in the housing element. (Gov. Code, § 65585, subds. (i) and (j).) If HCD finds that the action or failure to act does not substantially comply with applicable law, HCD may revoke its May 10, 2016 finding that the County's housing element complies with State Housing Element Law. Furthermore, HCD may notify the Office of the Attorney General if HCD finds that any local government has taken an action in violation of Housing Element Law, Housing Accountability Act, No Net Loss Law, Density Bonus Law, and Fair Housing Law.

HCD supports the County's approval of the housing during this critical housing crisis, including the Leonard McIntosh project, and hopes for a speedy resolution of this matter. HCD remains committed to supporting the County in achieving its housing objectives across all income categories. Please feel free to contact Fidel Herrera, of our staff, at fidel.herrera@hcd.ca.gov with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" written in a larger, more prominent script than the last name "West".

Shannan West
Land Use and Planning Unit Chief

cc: Anthony L. Lombardo
Cody Phillips

Exhibit D

This page intentionally left blank.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



December 22, 2020

Carl P. Holm, Director
Resource Management Agency (RMA)
County of Monterey
1441 Schilling Place
Salinas, CA 93901

RE: Leonard McIntosh Housing Project – Letter of Technical Assistance

Dear Carl P. Holm:

The California Department Housing and Community Development (HCD) understands that on January 12, 2021, the Monterey County Board of Supervisors will be hearing an appeal related to Leonard McIntosh's application for 15 apartment units in the Laguna Seca Office Park. The purpose of this letter is to express HCD's concern related to the ad hoc application of a 35-percent inclusionary requirement that was not analyzed as a potential governmental constraint in Monterey County's housing element of the general plan.

The applicant is proposing a 15-unit apartment project, which includes the current county-wide 20-percent inclusionary requirement. (Mont. County Code, § 18.40.070.) As proposed for this 15-unit project, the requirement is satisfied with one unit that will be affordable to very low-income households and one unit to moderate-income households. On September 30, 2020, the Planning Commission approved the project with an ad hoc condition that it provide 35-percent inclusionary units on the site. HCD understands the reasoning for this increased inclusionary requirement is because the project is in the Laguna Seca Office Park, which is outside the County's Community Areas, Rural Centers, and Affordable Housing Overlay districts. General Plan Land Use Element Policy LU-1.19, adopted October 26, 2010, required the County to the establish a Development Evaluation System (DES) for areas not covered by Community Areas, Rural Centers and Affordable Housing Overlay districts. In addition to other requirements, the DES system would require a 35-percent inclusionary provision for projects of five or more units. HCD understands that while Monterey County has considered drafts of the DES system over the past decade, it has never finalized or adopted the final system or the municipal code provisions that would authorize it. As recently as August 2020, in fact, the County declined to adopt an ordinance that would have added Chapter 21.92 to implement a DES system. The applicant is appealing the Planning Commission's decision to apply the yet-to-be-adopted standards on an ad hoc basis.

While Program LU-1.19 was included as part of the land use element since 2010, the 35-percent inclusionary requirement or the DES were neither analyzed nor mentioned in the housing element adopted by the County four years later on January 26, 2016, and subsequently reviewed by HCD for substantial compliance with State Housing Element Law pursuant to Government Code section 65585, subdivision (b). Further, the County is obligated to provide an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels. (Gov. Code, § 65583, subd. (a)(5).) Where such constraints are identified, the County must further address, and where legally possible, remove governmental constraints affecting the maintenance, improvement and development of housing. (Gov. Code, § 65583, subd. (c)(3).) As the DES would impose a 35-percent inclusionary requirement, or perhaps even higher percentage depending on the County's final action, the DES clearly creates a constraint that must be analyzed under these provisions. Should the County adopt such a 35-percent inclusionary requirement and/or adopt the DES, the County must revise the current 5th cycle housing element to include a description and analysis of the 35-percent inclusionary requirement and DES framework, the constraints that this requirement will impose, the mechanisms and policies that will be utilized to address the constraint, all of which must be submitted to HCD for review prior to its adoption. (Gov. Code, § 65585, subd. (b).)

In addition, the proposed DES policy and implementing ordinance must be analyzed for consistency with Housing Element Goal H-4 prior to its adoption and implementation. (Housing Element, p. 139.) Goal H-4 commits the County to reducing and removing government constraints to housing production and opportunity when feasible and legally permissible. (Housing Element, p. 139.) The County must ensure that DES system and ordinance, including the 35-percent inclusionary process, is evaluated for consistency with Goal H-4 and will not constrain housing projects outside the Community Areas, Rural Centers, and Affordable Housing Overlay districts. According to the applicant for the 15-unit project at the Laguna Seca Office Park, and its banker, applying the 35-percent requirement to the 15-unit project may render the project financially infeasible. (See Lombardo Letter to County of Monterey, dated September 25, 2020 and attached email of same date from Pinnacle Bank.)

In sum, if the County intends to implement Program LU-1.19, the County will need to analyze DES system, including the 35-percent inclusionary mandate, as potential constraints on the development of housing for all income levels, specifically on housing supply and affordability, prior to its adoption. However, if the Program LU-1.19 is not implemented prior to revision of the County's 6th cycle housing element, which is due on or about December 15, 2023, at a minimum the policy must be included and analyzed at that time for potential constraints to the development of housing.

As a reminder, HCD is required to review any action or failure to act by a city, county, or city and county that it determines is inconsistent with an adopted housing element or

Government Code section 65583, including any failure to implement any program actions included in the housing element. (Gov. Code, § 65585, subds. (i) and (j).) If HCD finds that the action or failure to act does not substantially comply with applicable law, HCD may revoke its May 10, 2016 finding that the County's housing element complies with State Housing Element Law. Furthermore, HCD may notify the Office of the Attorney General if HCD finds that any local government has taken an action in violation of Housing Element Law, Housing Accountability Act, No Net Loss Law, Density Bonus Law, and Fair Housing Law.

HCD supports the County's approval of the housing during this critical housing crisis, including the Leonard McIntosh project, and hopes for a speedy resolution of this matter. HCD remains committed to supporting the County in achieving its housing objectives across all income categories. Please feel free to contact Fidel Herrera, of our staff, at fidel.herrera@hcd.ca.gov with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" written in a larger, more prominent script than the last name "West".

Shannan West
Land Use and Planning Unit Chief

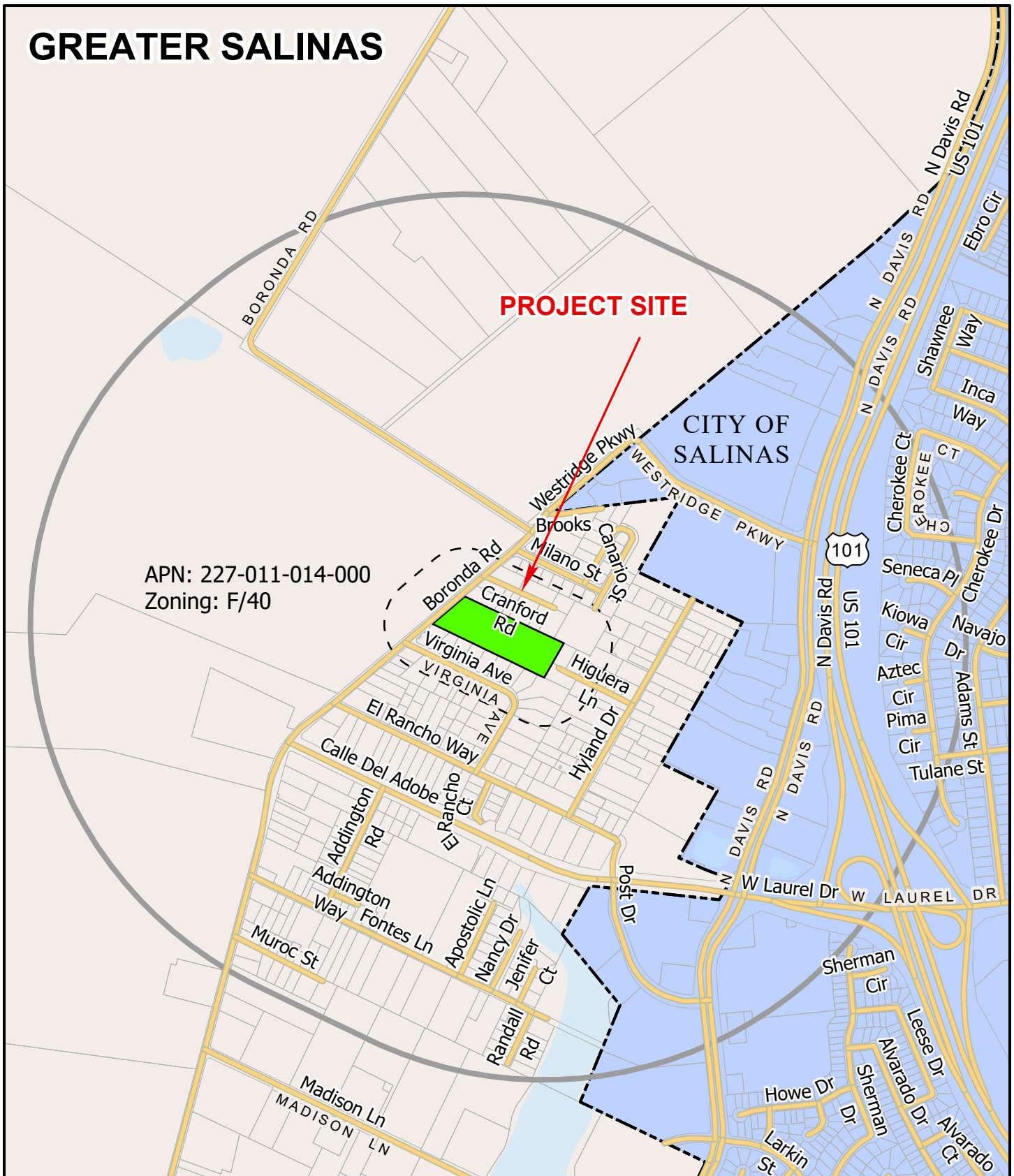
cc: Anthony L. Lombardo
Cody Phillips

This page intentionally left blank

Exhibit E

This page intentionally left blank.

GREATER SALINAS



APPLICANT: HERMALINA GARD

APN: 261-101-006-000

FILE # PLN210223



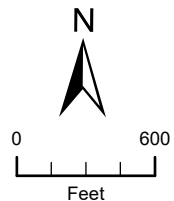
ProjectSite



2500Buffer



300Buffer



This page intentionally left blank

Exhibit F

This page intentionally left blank.



Agricultural Advisory Committee (AAC)

ACTION MINUTES

Location:	<i>Ag Conference Center, 1428 Abbott Street, Salinas, CA. 93901</i>	
Date:	April 27, 2023	
Time:	2:30 p.m. to 4:30 p.m.	
Present:	<i>Committee Members</i>	<i>Staff and Guests</i>
	Sherwood Darington Alex Eastman (VC) Matt Shea (C) Mike Ferguson Erik Heacox Nick Huntington* CJ Miller	Juan Hidalgo, Ag Commissioner Nadia Garcia, Ag Programs Manager Mary Grace Perry, Deputy County Counsel Julianna De La Paz, Admin Secretary-Confidential (AgC) Kayla Nelson, HCD Planning Mary Israel, HCD Planning Dale Ellis, Lombardo & Associates
Absent:	Kurt Gollnick, Kevin Piearcy, Scott Storm, Scott Violini	

C- Chair; VC- Vice Chair

*Nick Huntington arrived after Item III at 3:02 pm.

I. Call to Order

The meeting was called to order by Chair Matt Shea at 2:33 pm.

II. Additions and Corrections

- *None*

III. Consent- Committee Business

1. Approval of minutes from January 26, 2023, AAC Meeting

MOTION: It was moved and seconded by Committee Members Eastman and Heacox and passed by the following vote:

AYES: Darington, Eastman, Ferguson, Heacox, Shea, and Miller

NOES: None

ABSENT: Gollnick, Huntington*, Piearcy, Storm, and Violini

ABSTAIN: None

IV. Public Comment- On items not on the agenda.

- *None*

V. Agricultural Commissioner's Update

Juan Hidalgo, Agricultural Commissioner & Nadia Garcia, Ag Programs Manager

- *Winter Storms: Working with Growers on getting flood damage impact data as a result of the March Storms, we are still gathering and putting data together. We will have information within the next couple of weeks, impacts of \$330 million of dollars from January, and with recent March storms damage is expected to increase. We will have more information to share soon.*
- *Ag Pass – Given by Nadia Garcia – adopted last Tuesday by the Board of Supervisors, if you meet certain criteria – SRA and take fire training, you will receive an AG Pass badge that will allow you to evacuate livestock, equipment, crop – all depends on the nature of the disaster. Application deadline is May 26, 2023. Fire and Safety Training will be held on Monday, June 5th or Tuesday, June 6th here at the Ag Conference Center. Application filing and the AG Pass Badges will have no cost to applicant. Each application can have up to 3 badge holders. The program will expand to floodplain areas and will continue to have stakeholder meetings to gather feedback to expand the program from Fire areas.*
- *New AAC Member – CJ Miller appointed by District 2.*

PUBLIC COMMENT:

- *None*

VI. Monterey County Housing and Community Development - Planning Department

Hermalina Gard PLN210223

- Project Planner: Mary Israel, Supervising Planner
- Project Title: Gard, Hermalina
- Planning File No.: PLN210223
- APNs: 261-101-006-000
- Project Location: 442 Boronda Road, Salinas CA
- Zoning: Boronda Community Area, Greater Salinas Area Plan.
- Project Description: Standard subdivision of a four-acre lot with an existing dwelling and accessory buildings into sixteen new residential lots plus one remainder lot, site improvements including drainage basin & road; and 6,300 cubic yards of grading (3,700 cubic yards fill & 2,900 cubic yards of export). The property is located at 442 Boronda Road, Salinas (Assessor's Parcel Number 261-101-006-000), Boronda Community Area, Greater Salinas Area Plan.

ACTION REQUESTED: Provide recommendations to HCD – Planning Staff regarding conditions and/or mitigation measures as a preliminary review of the applicant's sketch of Agricultural Buffer of less than 200 feet.

PUBLIC COMMENT:

- *None*

The AAC COMMITTEE RECOMMENDS the following agricultural buffer measures for pesticide drift protection:

- Construction of a 7-foot wall at the 20ft setback line from Boronda Rd for proposed Lot 1 (as presented on Attachment 3, AAC 4.27.2023, Item VI. (Included in the Ag Buffer Easement document)

- In addition to the 7-foot wall described above, vegetative buffer within the 20 foot setback between Boronda Rd and Lot 1 (included in the Ag Buffer Easement document)
- Ag Neighbor relations: To reduce potential conflicts with ag growers in the immediate vicinity, the applicant/developer should engage in conversation with the ag growers in the vicinity (owners and lessees) to inform each other of their activities. Ag growers can advise of their crop operations and activities to reduce incompatible issues.

VII. Administrative Matters/Agricultural Advisory Committee Comments

Consider the nomination of two (2) nominees as the Agricultural Advisory Committee's representatives to the Water Resources Agency (WRA) Board of Directors for a three-year term from January 1, 2023, through December 31, 2026, pursuant to Sec. 49. Manner of appointment; experience. Section 49 (b) (4) of the Monterey County Water Resources Agency.

MOTION: It was moved and seconded by Committee Members Shea and Huntington and **passed** by the following vote to nominate John Baillie and Mitch Moss as the Agricultural Advisory Committee's representatives to the Water Resources Agency (WRA) Board of Directors.

AYES: Darington, Eastman, Ferguson, Heacox, Shea, Miller, and Huntington

NOES: None

ABSENT: Gollnick, Pearcey, Storm, and Violini

ABSTAIN: None

VIII. Adjournment

There being no further business before the Committee, the meeting was adjourned at 3:20 p.m.

This page intentionally left blank



County of Monterey

Item No.4

Board Report

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

Legistar File Number: PC 25-034

April 09, 2025

Introduced: 4/3/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

REF250006 - MONTEREY COUNTY GENERAL PLAN IMPLEMENTATION AND HOUSING ELEMENT ANNUAL PROGRESS REPORT

- a. Consider the 2024 Annual Progress Report for the Monterey County General Plan(s);
- b. Consider the 2024 Annual Progress Report for the 2024-2031 Housing Element;
- c. Receive a verbal update on the pipeline of new housing development in unincorporated Monterey County; and
- d. Consider and provide direction regarding priorities for the 2025-2026 Long-Range Planning Work Program.

Proposed CEQA Action: Not a project per Sections 15060(c)(1) and 15378(b)(4) of the CEQA Guidelines.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Find that submitting these annual reports is not a project subject to CEQA per Section 15060(c)(1) and 15378(b)(4) of the CEQA Guidelines;
- b. Consider the 2024 Annual Progress Report for the Monterey County General Plan(s) (**Exhibit A**);
- c. Consider the 2024 Annual Progress Report for the 2024-2031 Housing Element (**Exhibit A**);
- d. Receive a verbal update on the pipeline of new housing development in unincorporated Monterey County; and
- e. Consider and provide direction regarding priorities for the 2025-2026 Long-Range Planning Work Program (**Exhibit C**).

SUMMARY:

Pursuant to California Government Code Section 65400, after the Board of Supervisors has adopted all or part of a general plan, the planning agency (in this case the County of Monterey Housing & Community Development Department or "HCD") shall do both of the following:

- 1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan; and
- 2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes relevant in part:

- a. The status of the plan and progress in its implementation;
- b. Progress toward meeting the Regional Housing Needs Allocation (RHNA);
- c. Applications for housing in the prior year, the number of units applied for, and the number of units approved or disapproved;
- d. Revisions and Rezones to accommodate RHNA;
- e. Progress toward consultation with Native American Tribes; and
- f. Information about density bonuses and incentives granted in the prior year.

County of Monterey HCD staff maintains a list of projects known as the Long-Range Planning Work Program (Work Program) that contains General Plan implementation measures, revisions required pursuant to law, and responses to referrals from the Board of Supervisors and other appointed bodies to serve effective and orderly growth and development in the County. The Work Program is attached as **Exhibit C**. Staff is seeking Planning Commission direction and recommendation to the Board on the priorities for HCD in FY 2025-26.

Staff proposes to continue to advance priority tasks as outlined in the Work Program and as resources allow in the following general prioritization:

- 1) State or federal legally mandated activities;
- 2) Board policy priorities;
- 3) Tasks with awarded grant funds;
- 4) General Plan implementation priorities (policies with completion dates); and
- 5) Other tasks as time and resources allow.

Work Program tasks are assigned to an Advanced Planning team member (currently 6 staff with one vacancy). For tasks that are assigned and underway, HCD management makes every effort to maintain active progress through to completion, unless a formal determination is made that other tasks take higher priority. Tasks that have not been assigned to staff but remain a high priority will be assigned as staff availability opens up.

When new requests or referrals are submitted to HCD, staff looks to the Board, and Planning Commission, when appropriate, for clear direction regarding the level of priority and urgency assigned to new tasks in relation to approved Work Program tasks.

General Plan Annual Progress Report

Annually, HCD prepares a combined Annual Progress Report (APR) on the status of the General Plan and progress toward meeting Housing Element policies, including RHNA. **Exhibit A** to this report contains the 2024 Annual Progress Report for the 2010 General Plan Implementation (2024 GPI APR) and the 2024-2031 Housing Element Progress (2024 Housing APR). In 2024, there were two amendments to the Local Coastal Program, which falls under the County's 1982 General Plan (Coastal). One amended added a historic resources zoning overlay to a property in Del Monte Forest and the other amended the land use designation on a property in Moss Landing.

For the reporting period from April 1, 2024, through March 31, 2025, one 2010 General Plan Implementation (GPI) task was completed and progress was made on a number of other included in the County's 2024 GPI APR to the state are listed below (noted by an *) in the Long-Range Planning

Work Program (Work Program) section.

Long-Range Work Program

Included with this report is the draft Long-Range Work Program for Fiscal Year 2024-25. This Work Program lays out a path forward to ensure the highest priority tasks, studies and ordinances are successfully advanced/completed, while identifying high priority activities that will be required to realize the policies of the General Plan as well as other priority policies, plans and major projects managed by or with substantial collaboration with HCD. The Work Program is summarized, including task prioritization, in **Exhibit C**.

For the reporting period from April 1, 2024, through March 31, 2025, progress was made on 29 Work Program tasks, four of which were completed, plus two state mandated annual reports were submitted - See Exhibit C and Exhibit E for more information.

Work Program Tasks Completed

1. Salinas Valley (Zone 2C) Groundwater Basin Investigation* [Tasks 80, 192, 155; REF140088] - Board accepted the study; Amendment to 2010 General Plan Policy PS-3.1 and implementation measures anticipated in 2025 [Task 26-01].
2. East Garrison Final Phase Amendment [Task 21-22a; PLN030204-AMD2] - Approved by Board in June 2024; Approved by Department of Finance in fall 2024.
3. Restrictive Covenants Education Project and Racial Equity Timeline [Task 23-12] - Published three StoryMaps (timelines), distributed educational materials to public libraries, and restrictive covenants map developed.
4. Vacation Rental Ordinances (Inland) [Task 21-06; REF100042(Inland)] - Ordinances adopted by Board and Final Environmental Impact Report (EIR) certified; Inland ordinances are in effect.

Since adoption of the 2010 General Plan, a total of 77 Work Program tasks have been completed, 59 of which were GPI tasks. The HCD's Advanced Planning Team currently has six of the seven assigned positions filled and seeks to fill the remaining Principal Planner vacancy in April 2025.

Work Program Highest Priorities for 2025-2026

HCD proposes to continue to advance active projects/tasks on the Work Program during FY 2025-26. Tasks may be prioritized by the Board of Supervisors, with input and recommendation from the Planning Commission, of the top 10-12 projects/tasks to focus on in the 2025-26 Fiscal Year. Prioritized projects will receive necessary staff resources and funding allowing for the completion, or significant advancement toward completion, of those priorities. Other Work Program tasks will continue to be advanced during FY 2025-26, as time and resources allow. Please see **Exhibit C** for the full list.

- 1) Housing Element 6th Cycle Update, Rezoning and Implementation;
- 2) Permit Process Streamlining;
- 3) Castroville Community Plan Update;
- 4) Moss Landing Community Plan Update;
- 5) Chualar Community Plan
- 6) Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project;

- 7) Safety Element Update;
- 8) Environmental Justice Element;
- 9) Vacation Rental Ordinances (Coastal certification)
- 10) Accessory Dwelling Unit Ordinances & Land Use Plans (Coastal certification; Inland)
- 11) Big Sur Coast Land Use Plan Update; and
- 12) Fort Ord Habitat Resource Management Plan.

Staff requests that the Planning Commission provide input and recommendation to the Board of Supervisors regarding the FY 2025-26 Work Program priorities.

Housing Element Annual Progress Report

Calendar year 2024 was the first full reporting year of the 6th Cycle Housing Element period. On the first Housing Element Annual Progress Report of the new Cycle, the County is reporting 89 low-income units and 192 above moderate-income units. Table B from the 2024 Housing APR, tracks RHNA compliance by affordability level, and is included as **Exhibit B**. The County is required to report on progress in implementing policies and programs in the Housing Element as part of General Plan implementation efforts. Because the County does not have an adopted 6th Cycle Housing Element, progress implementing the programs adopted during the previous housing element cycle are reported. The 6th Cycle Housing Element will include new policies and programs aimed at accommodating RHNA numbers issued for the 2024-2031 planning horizon and progress toward these policies and programs will be reported in future years.

The full 2024 Housing APR can be found at:

<https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/housing-programs/housing-element>

The California Department of Housing & Community Development has created a variety of dashboards that allow users to access data reported during the Fifth Housing Element Cycle for all jurisdictions in the state. These dashboards can be accessed at:

<https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard>

Housing Pipeline Report

Exhibit D to this report contains a table showing housing units, broken down by income category, that have been applied for or approved, but no building permits have been issued for the construction, so these units are not included in the progress toward RHNA. This table is referred to as our “Housing Pipeline Report.” The table includes subdivisions and discretionary permits approved but not constructed, projects with applications for subdivisions or new housing units that have been applied for and are under review, and Builder’s Remedy applications. Within the pipeline there are 1,251 housing units approved or pending a decision but not constructed.

See **Exhibit D** - Housing Pipeline Summary.

Staff recommends the Planning Commission consider this report and recommend that the Board of

Supervisors accept the 2024 General Plan Implementation and Housing Element Annual Progress Report and authorize the HCD Director to submit as required to the state. Staff also recommends that the Planning Commission receive the housing pipeline report and requests direction regarding the Long-Range Planning Work Program and priorities.

DISCUSSION

See **Exhibit E** - Detailed Discussion.

ENVIRONMENTAL REVIEW:

Staff finds that progress reports are not a project as defined by the California Environmental Quality Act (CEQA), Guidelines Sections 15060(c)(3) and 15378. These reports are an administrative activity that will not result in direct or indirect physical changes to the environment. They are for information purposes only. Activities identified in these reports implement policies of the 1982 and 2010 General Plans and the 2015 Housing Element, which were subject to CEQA review. In addition, CEQA will be addressed, as appropriate, with each task as it is completed.

OTHER AGENCY INVOLVEMENT:

Implementation of the 2010 General Plan (Non-Coastal) and the 1982 General Plan (Coastal) involves close coordination between all the land use departments and agencies (Planning, Building, Housing, Engineering/Public Works, Environmental Services, Environmental Health, County Administrative Office, Fire Districts, and Water Resources Agency). In addition, County Counsel's office actively participates in the legal review of ordinances and plans prepared as part of GPI and Work Program implementation.

Prepared by: Shandy Carroll, Management Analyst III, 831-784-5643 and Darby Marshall, Housing Programs Manager

Prepared and Reviewed by: Melanie Beretti, AICP, Chief of Planning 831-755-5285

Approved by: Craig Spencer, HCD Director

The following Exhibits are on file with the Clerk of the Board:

Exhibit A - 2024 General Plan & Housing Element Annual Progress Reports

Exhibit B - 2024 Housing APR Table B

Exhibit C - Draft Long-Range Planning Work Program Overview

Exhibit D - Housing Pipeline Summary

Exhibit E - Detailed Discussion

cc: Front Counter Copy; Fenton & Keller; Brian Finegan Law Office (Michael Harrington); Grower-Shipper Association (Christopher Valadez); Law Offices of Michael D. Cling (Michael Cling); Monterey County Farm Bureau (Norm Groot); Salinas Valley Water Coalition (Nancy Isakson); Prunedale Neighbors Group (Ed Mitchell); Anthony Lombardo and Associates (Dale Ellis); Horan Lloyd Law Firm (Pamela Silkwood); Big Sur Multi-Agency Advisory Council c/o Colleen Courtney; Highway 68 Coalition (Mike Weaver); Carmel Residents Association; Carmel Valley Association; Marjorie Kay; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa); Janet Brennan; John H. Farrow; Craig Spencer (HCD); Ashley Paulsworth (CAO); Kelly Donlon (County Counsel); Planning File No. REF250006.



County of Monterey Planning Commission

Item No.4

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

Legistar File Number: PC 25-034

April 09, 2025

Introduced: 4/3/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

REF250006 - MONTEREY COUNTY GENERAL PLAN IMPLEMENTATION AND HOUSING ELEMENT ANNUAL PROGRESS REPORT

- a. Consider the 2024 Annual Progress Report for the Monterey County General Plan(s);
- b. Consider the 2024 Annual Progress Report for the 2024-2031 Housing Element;
- c. Receive a verbal update on the pipeline of new housing development in unincorporated Monterey County; and
- d. Consider and provide direction regarding priorities for the 2025-2026 Long-Range Planning Work Program.

Proposed CEQA Action: Not a project per Sections 15060(c)(1) and 15378(b)(4) of the CEQA Guidelines.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors:

- a. Find that submitting these annual reports is not a project subject to CEQA per Section 15060(c)(1) and 15378(b)(4) of the CEQA Guidelines;
- b. Consider the 2024 Annual Progress Report for the Monterey County General Plan(s) (**Exhibit A**);
- c. Consider the 2024 Annual Progress Report for the 2024-2031 Housing Element (**Exhibit A**);
- d. Receive a verbal update on the pipeline of new housing development in unincorporated Monterey County; and
- e. Consider and provide direction regarding priorities for the 2025-2026 Long-Range Planning Work Program (**Exhibit C**).

SUMMARY:

Pursuant to California Government Code Section 65400, after the Board of Supervisors has adopted all or part of a general plan, the planning agency (in this case the County of Monterey Housing & Community Development Department or "HCD") shall do both of the following:

- 1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan; and
- 2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes relevant in part:

- a. The status of the plan and progress in its implementation;
- b. Progress toward meeting the Regional Housing Needs Allocation (RHNA);
- c. Applications for housing in the prior year, the number of units applied for, and the number of units approved or disapproved;
- d. Revisions and Rezones to accommodate RHNA;
- e. Progress toward consultation with Native American Tribes; and
- f. Information about density bonuses and incentives granted in the prior year.

County of Monterey HCD staff maintains a list of projects known as the Long-Range Planning Work Program (Work Program) that contains General Plan implementation measures, revisions required pursuant to law, and responses to referrals from the Board of Supervisors and other appointed bodies to serve effective and orderly growth and development in the County. The Work Program is attached as **Exhibit C**. Staff is seeking Planning Commission direction and recommendation to the Board on the priorities for HCD in FY 2025-26.

Staff proposes to continue to advance priority tasks as outlined in the Work Program and as resources allow in the following general prioritization:

- 1) State or federal legally mandated activities;
- 2) Board policy priorities;
- 3) Tasks with awarded grant funds;
- 4) General Plan implementation priorities (policies with completion dates); and
- 5) Other tasks as time and resources allow.

Work Program tasks are assigned to an Advanced Planning team member (currently 6 staff with one vacancy). For tasks that are assigned and underway, HCD management makes every effort to maintain active progress through to completion, unless a formal determination is made that other tasks take higher priority. Tasks that have not been assigned to staff but remain a high priority will be assigned as staff availability opens up.

When new requests or referrals are submitted to HCD, staff looks to the Board, and Planning Commission, when appropriate, for clear direction regarding the level of priority and urgency assigned to new tasks in relation to approved Work Program tasks.

General Plan Annual Progress Report

Annually, HCD prepares a combined Annual Progress Report (APR) on the status of the General Plan and progress toward meeting Housing Element policies, including RHNA. **Exhibit A** to this report contains the 2024 Annual Progress Report for the 2010 General Plan Implementation (2024 GPI APR) and the 2024-2031 Housing Element Progress (2024 Housing APR). In 2024, there were two amendments to the Local Coastal Program, which falls under the County's 1982 General Plan (Coastal). One amended added a historic resources zoning overlay to a property in Del Monte Forest and the other amended the land use designation on a property in Moss Landing.

For the reporting period from April 1, 2024, through March 31, 2025, one 2010 General Plan Implementation (GPI) task was completed and progress was made on a number of other included in the County's 2024 GPI APR to the state are listed below (noted by an *) in the Long-Range Planning

Work Program (Work Program) section.

Long-Range Work Program

Included with this report is the draft Long-Range Work Program for Fiscal Year 2024-25. This Work Program lays out a path forward to ensure the highest priority tasks, studies and ordinances are successfully advanced/completed, while identifying high priority activities that will be required to realize the policies of the General Plan as well as other priority policies, plans and major projects managed by or with substantial collaboration with HCD. The Work Program is summarized, including task prioritization, in **Exhibit C**.

For the reporting period from April 1, 2024, through March 31, 2025, progress was made on 29 Work Program tasks, four of which were completed, plus two state mandated annual reports were submitted - See Exhibit C and Exhibit E for more information.

Work Program Tasks Completed

1. Salinas Valley (Zone 2C) Groundwater Basin Investigation* [Tasks 80, 192, 155; REF140088] - Board accepted the study; Amendment to 2010 General Plan Policy PS-3.1 and implementation measures anticipated in 2025 [Task 26-01].
2. East Garrison Final Phase Amendment [Task 21-22a; PLN030204-AMD2] - Approved by Board in June 2024; Approved by Department of Finance in fall 2024.
3. Restrictive Covenants Education Project and Racial Equity Timeline [Task 23-12] - Published three StoryMaps (timelines), distributed educational materials to public libraries, and restrictive covenants map developed.
4. Vacation Rental Ordinances (Inland) [Task 21-06; REF100042(Inland)] - Ordinances adopted by Board and Final Environmental Impact Report (EIR) certified; Inland ordinances are in effect.

Since adoption of the 2010 General Plan, a total of 77 Work Program tasks have been completed, 59 of which were GPI tasks. The HCD's Advanced Planning Team currently has six of the seven assigned positions filled and seeks to fill the remaining Principal Planner vacancy in April 2025.

Work Program Highest Priorities for 2025-2026

HCD proposes to continue to advance active projects/tasks on the Work Program during FY 2025-26. Tasks may be prioritized by the Board of Supervisors, with input and recommendation from the Planning Commission, of the top 10-12 projects/tasks to focus on in the 2025-26 Fiscal Year. Prioritized projects will receive necessary staff resources and funding allowing for the completion, or significant advancement toward completion, of those priorities. Other Work Program tasks will continue to be advanced during FY 2025-26, as time and resources allow. Please see **Exhibit C** for the full list.

- 1) Housing Element 6th Cycle Update, Rezoning and Implementation;
- 2) Permit Process Streamlining;
- 3) Castroville Community Plan Update;
- 4) Moss Landing Community Plan Update;
- 5) Chualar Community Plan
- 6) Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project;

- 7) Safety Element Update;
- 8) Environmental Justice Element;
- 9) Vacation Rental Ordinances (Coastal certification)
- 10) Accessory Dwelling Unit Ordinances & Land Use Plans (Coastal certification; Inland)
- 11) Big Sur Coast Land Use Plan Update; and
- 12) Fort Ord Habitat Resource Management Plan.

Staff requests that the Planning Commission provide input and recommendation to the Board of Supervisors regarding the FY 2025-26 Work Program priorities.

Housing Element Annual Progress Report

Calendar year 2024 was the first full reporting year of the 6th Cycle Housing Element period. On the first Housing Element Annual Progress Report of the new Cycle, the County is reporting 89 low-income units and 192 above moderate-income units. Table B from the 2024 Housing APR, tracks RHNA compliance by affordability level, and is included as **Exhibit B**. The County is required to report on progress in implementing policies and programs in the Housing Element as part of General Plan implementation efforts. Because the County does not have an adopted 6th Cycle Housing Element, progress implementing the programs adopted during the previous housing element cycle are reported. The 6th Cycle Housing Element will include new policies and programs aimed at accommodating RHNA numbers issued for the 2024-2031 planning horizon and progress toward these policies and programs will be reported in future years.

The full 2024 Housing APR can be found at:

<https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/housing-programs/housing-element>

The California Department of Housing & Community Development has created a variety of dashboards that allow users to access data reported during the Fifth Housing Element Cycle for all jurisdictions in the state. These dashboards can be accessed at:

<https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard>

Housing Pipeline Report

Exhibit D to this report contains a table showing housing units, broken down by income category, that have been applied for or approved, but no building permits have been issued for the construction, so these units are not included in the progress toward RHNA. This table is referred to as our “Housing Pipeline Report.” The table includes subdivisions and discretionary permits approved but not constructed, projects with applications for subdivisions or new housing units that have been applied for and are under review, and Builder’s Remedy applications. Within the pipeline there are 1,251 housing units approved or pending a decision but not constructed.

See **Exhibit D** - Housing Pipeline Summary.

Staff recommends the Planning Commission consider this report and recommend that the Board of

Supervisors accept the 2024 General Plan Implementation and Housing Element Annual Progress Report and authorize the HCD Director to submit as required to the state. Staff also recommends that the Planning Commission receive the housing pipeline report and requests direction regarding the Long-Range Planning Work Program and priorities.

DISCUSSION

See **Exhibit E** - Detailed Discussion.

ENVIRONMENTAL REVIEW:

Staff finds that progress reports are not a project as defined by the California Environmental Quality Act (CEQA), Guidelines Sections 15060(c)(3) and 15378. These reports are an administrative activity that will not result in direct or indirect physical changes to the environment. They are for information purposes only. Activities identified in these reports implement policies of the 1982 and 2010 General Plans and the 2015 Housing Element, which were subject to CEQA review. In addition, CEQA will be addressed, as appropriate, with each task as it is completed.

OTHER AGENCY INVOLVEMENT:

Implementation of the 2010 General Plan (Non-Coastal) and the 1982 General Plan (Coastal) involves close coordination between all the land use departments and agencies (Planning, Building, Housing, Engineering/Public Works, Environmental Services, Environmental Health, County Administrative Office, Fire Districts, and Water Resources Agency). In addition, County Counsel's office actively participates in the legal review of ordinances and plans prepared as part of GPI and Work Program implementation.

Prepared by: Shandy Carroll, Management Analyst III, 831-784-5643 and Darby Marshall, Housing Programs Manager

Prepared and Reviewed by: Melanie Beretti, AICP, Chief of Planning 831-755-5285

Approved by: Craig Spencer, HCD Director

The following Exhibits are on file with the Clerk of the Board:

Exhibit A - 2024 General Plan & Housing Element Annual Progress Reports

Exhibit B - 2024 Housing APR Table B

Exhibit C - Draft Long-Range Planning Work Program Overview

Exhibit D - Housing Pipeline Summary

Exhibit E - Detailed Discussion

cc: Front Counter Copy; Fenton & Keller; Brian Finegan Law Office (Michael Harrington); Grower-Shipper Association (Christopher Valadez); Law Offices of Michael D. Cling (Michael Cling); Monterey County Farm Bureau (Norm Groot); Salinas Valley Water Coalition (Nancy Isakson); Prunedale Neighbors Group (Ed Mitchell); Anthony Lombardo and Associates (Dale Ellis); Horan Lloyd Law Firm (Pamela Silkwood); Big Sur Multi-Agency Advisory Council c/o Colleen Courtney; Highway 68 Coalition (Mike Weaver); Carmel Residents Association; Carmel Valley Association; Marjorie Kay; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa); Janet Brennan; John H. Farrow; Craig Spencer (HCD); Ashley Paulsworth (CAO); Kelly Donlon (County Counsel); Planning File No. REF250006.

Exhibit A

This page intentionally left blank.

2024 Annual Progress Report
County of Monterey
2010 General Plan Implementation
(Non-Coastal) and 1982 General Plan
Implementation (Coastal)
And
2024-2031 Housing Element Progress
Report

Prepared by: County of Monterey Housing and Community Development Department

April 1, 2025

Contents

2024 Annual Progress Report 1

Monterey County 1

 2024 Annual Progress Report Summary (April 2024 –March 31, 2025) 1

 2024 Annual Progress Report – General Plan Working Progress Tasks 4

 Exhibit 1 Summary 2024 Annual Progress Matrix 7

 2024 Annual Progress Report – Housing Element Working Progress Tasks 10

DRAFT

2024 Annual Progress Report Summary (April 2024 – March 31, 2025)

Introduction

Government Code Section 65400 requires Housing and Community Development (HCD) to provide an annual report to the legislative body by April of each year, regarding the progress of General Plan implementation, progress in meeting the County's share of regional housing needs, implementation of the housing element (for details see attached Exhibit 2) and compliance of the General Plan (GP) with the General Plan Guidelines adopted by the Governor's Office of Planning and Research (OPR).

A total of 59 General Plan tasks have been implemented or adopted since the adoption of the 2010 General Plan.

Background

- 1965: Monterey County's first adopted General Plan
- 1982: Comprehensive update to the County's General Plan adopted, including 12 Area Plans, Master Plans. Coastal Land Use Plans adopted between 1982 and 1986.
 - June 15, 2010 - 2009-2014 Housing Element adopted; California Department of Housing and Community Development (CA-HCD) certified the Housing Element on August 24, 2010.
- October 26, 2010: Monterey County Board of Supervisors adopted the 2010 General Plan (GP) for the non-coastal unincorporated areas of the County.
- November 26, 2010: the 2010 General Plan became effective.
- January 25, 2011: The BOS adopted a General Plan Implementation Work Program addressing policies that require the drafting of over 100 new ordinances, plans and programs to implement the goals of the General Plan. Staff estimated this would be a multi-year program, with a cost of about \$8 million. The process involves interdepartmental coordination, obtaining technical information from county consultants, and scoping with stakeholders through extensive public outreach.
- December 13, 2011: Board of Supervisors approved a Professional Services Agreement (PSA) with EMC Planning Group Inc. to provide technical support for development of certain priority GP implementation documents for an amount not to exceed about \$1 million through June 30, 2015. This PSA has since expired and staff continues to implement the General Plan with support of consultants as needed.
- In response to settlement agreements related to litigation over the General Plan EIR, General Plan Amendments were adopted in 2013 and are described below in the Litigation section.
- January 26, 2016 - 2015-2023 Housing Element adopted; CA-HCD certified the Housing Element on May 10, 2016

2010 General Plan

California Planning and Zoning Law requires each jurisdiction to prepare and adopt "...a comprehensive, long term general plan for the physical development of the... county..." Gov. Code section 65300. The 2010 Monterey County General Plan complies with state law and with the OPR General Plan Guidelines. State law requires that General Plans

address a range of issues. The mandatory elements of a general plan are land use, circulation, housing, conservation, open space, noise and safety. These elements provide the County's objectives, goals and policies to guide land development decisions. General plans may include additional elements that are necessary as directed by the governing legislative body and must be consistent with Government Code Section 65300 et seq.

The 2010 Monterey County General Plan (GP) contains the following required elements:

- Land Use Element (LU); adopted 10/26/2010
- Circulation Element (CIRC); adopted 10/26/2010
- Conservation and Open Space Element (C/OS); adopted 10/26/2010, amended 12/15/2020
- Safety Element (S) (Note: Includes Noise Element); adopted 10/26/2010
- Housing Element 2015-2023, adopted 01/26/2016, certified by HCD 05/10/16
- Public Service Element (PS); adopted 10/26/2010, amended 02/12/13

The General Plan also contains two optional elements:

- Agriculture Element (AG); adopted 10/26/2010
- Economic Development Element (ED); adopted 10/26/2010

Policies specific to unique geographic areas in Monterey County are addressed in Area/Master Plans which include the following:

- Cachagua Area Plan (CACH); adopted 10/26/2010
- Carmel Valley Master Plan (CV); adopted 10/26/2010, amended 2/12/13
- Central Salinas Valley Area Plan (CSV); adopted 10/26/2010
- Greater Monterey Peninsula Area Plan (GMP); adopted 10/26/2010
- Fort Ord Master Plan (FO); adopted 2001 and certified by Fort Ord Reuse Authority (update to FO adopted 10/26/2010 not certified by Fort Ord Reuse Authority)
- Greater Salinas Area Plan (GS); adopted 10/26/2010
- North County, Inland Area Plan (NC); adopted 10/26/2010
- South County Area Plan (SC); adopted 10/26/2010
- Toro Area Plan (T); adopted 10/26/2010
- Agricultural and Winery Corridor Plan (AWCP); adopted 10/26/2010

Litigation

Following adoption of the 2010 General Plan, four lawsuits were filed in late 2010 against the County challenging the certification of the 2010 General Plan Environmental Impact Report and approval of the 2010 General Plan. The County engaged in settlement negotiations resulting in settlement of all the lawsuits. The settlement agreements resulted in the County adopting certain amendments to the General Plan. The 2010 General Plan lawsuits include:

- 1) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey, et al. (Monterey Superior Court Case No. M109442); case dismissed.
- 2) Salinas Valley Water Coalition et al. v. County of Monterey (Monterey Superior Court Case No. M109451); case dismissed.

- 3) *LandWatch Monterey County v. County of Monterey* (Monterey Superior Court Case No. M109434). Settlement Agreement entered in early 2015. The litigation has not been dismissed but is inactive.
- 4) *The Open Monterey Project v. Monterey County Board of Supervisors, et al.* (Monterey Superior Court Case No. M109441). Settlement Agreement entered in early 2015. The litigation has not been dismissed but is inactive.

The County adopted two amendments to the General Plan related to the litigation:

County initiated amendment of the Carmel Valley Master Plan pursuant to terms of the above referenced settlement agreements: Resolution approving Addendum No. 1 to Final Environmental Impact Report (FEIR) #07-01, SCH#2007121001, and amending Policies CV-1.6 (Residential Build-out), CV-2.17 (Traffic evaluation/methodology), CV-2.18 (Carmel Valley Traffic Improvement Program), CV-3.11 (Tree Protection), and CV-3.22/CV-6.5 (Non-agricultural Development on slopes).

Resolution No. 13-029: Adopted by the Board of Supervisors on February 12, 2013

County initiated amendment of the Public Services Element pursuant to terms of the above referenced settlement agreements:

Resolution approving Addendum No. 2 to FEIR #07-01, SCH#2007121001, and amending Policies PS-3.1 (Long-Term Sustainable Water Supply), PS-3.3 (Domestic Wells) and PS-3.4 (High-Capacity Wells).

Resolution No. 13-028: Adopted by the Board of Supervisors on February 12, 2013.

Fort Ord


The Fort Ord Reuse Authority (FORA) was established by state law in 1994 for the former Fort Ord area. (Government Code section 67650 et seq.) FORA dissolved by operation of law June 30, 2020. (Government Code section 67700.) While FORA was in existence, FORA adopted the Fort Ord Base Reuse Plan (BRP), and local jurisdictions were required to submit their general plans to FORA for a finding of consistency with the BRP and FORA's plans and policies.

In 2001, Monterey County amended the County's 1982 General Plan to incorporate a Fort Ord Master Plan with relevant sections of the BRP. In 2002, FORA certified that the Fort Ord Master Plan is consistent with the BRP. In 2010, the County adopted an updated Fort Ord Master Plan as part of the 2010 General Plan, but the Fort Ord Reuse Authority had a tie vote on whether the 2010 Fort Ord Master Plan was consistent with the BRP. Accordingly, that 2010 Plan was not certified by FORA. The Fort Ord Reuse Authority (FORA) no longer exists, and duties previously performed by FORA staff have been transferred to local governments having jurisdiction over lands within the former Fort Ord area.

General Plan Amendment Native American Tribal Consultation

The County of Monterey is in the process developing its Housing Element Sixth Cycle Update (2023-2031). On December 1, 2022, the County sent formal notification of the Housing Element update to Native American Tribes in Monterey County pursuant to Public Resources Code Section 65352.3 *et seq.* The Esselen Tribe of Monterey County (ETMC) and the Ohlone

Costanoa Esselen Nation (OCEN) requested consultation, and staff met with both tribes. The County of Monterey has a Native American and Archaeological Resources Technical Advisory Panel (NAARTAP) established per Monterey County Code Chapter 2.95. The NAARTAP has also reviewed the first draft Housing Element update sites inventory. The NAARTAP as well as ETMC and OCEN will have opportunity to comment on the second draft sites inventory and policies in the Housing Element relevant to areas of tribal interest in spring 2025.

The County is also updating the Safety Element and preparing a new Environmental Justice Element. On March 18, 2025, the County sent formal notification of the Safety Element update to Native American Tribes in Monterey County pursuant to Public Resources Code Section 65352.3 *et seq.* Notification is anticipated to be sent to Monterey County Native American Tribes for development of the Environmental Justice Element spring 2025. 

The County is updating the Moss Landing Community Plan, which is a chapter of the North County Land Use Plan within it's Local Coastal Program. In November 2024, the County initiated tribal consultation pursuant to Public Resources Code sections 65352.3 *et seq.* and 21080.3.1 *et seq.* The County conducted consultation with the OCEN on December 10, 2024, and is scheduled to conduct consultation with ETMC in spring 2025.

The County is also updating the Big Sur Coast Land Use Plan (BSLUP) and pursuant to Public Resources Code Section 65352.3 *et seq.* met with the Esselen Tribe of Monterey County on March 13, 2025, and with OCEN on January 14, 2025 and February 11, 2025.

General Plan Implementation

Since the adoption of the 2010 General Plan, 59 ordinances, plans and programs have been implemented or adopted. In 2024 for the reporting period, the items listed below have been in process. The 2024 Annual Report Summary Matrix, attached as Exhibit 1, indicates the work completed in 2024, references to the corresponding General Plan policies, and the next steps to take on specific tasks.

To track General Plan implementation, a Long-Range Planning (General Plan Implementation) Work Program (Program) is established, which allocates priority projects and funding to for the upcoming year and identifies a complete list of long-range planning and General Plan implementation activities still pending.

The General Plan Implementation Fee (GPUI) is a surcharge added on all land use entitlement applications received by the County. The surcharge is 10% of the entitlement fee. Funds collected from this fee are intended for Long-Range Planning resources, such as staff to work on implementation of the General Plan. In Fiscal Year 2023-24 (July 1, 2023 to June 30, 2024) a total of \$851,683 was collected in GPUI fees, Fiscal Year 2023-24 (July 1, 2024 to June 30, 2025) \$773,808 was collected, and fiscal year to date GPUI revenues are \$517,483.

2024 Annual Progress Report – General Plan Working Progress Tasks

Following is a summary of General Plan Implementation (GPI) activities completed or

advanced in the 2024 report period. The full Monterey County Long-Range Planning Work Program may be found at [General Plan Implementation and Housing Element Annual Progress Report and Five-Year Long-Range Planning Work Program | County of Monterey, CA](#) and was approved by the Board of Supervisors on April 23, 2024 (Attachment C, REF 240009).

Salinas Valley Zone 2C - Salinas Valley Groundwater Basin Study, LRWP Task No. 155 - Complete

Amendment to GP Policy PS-3.1 in 2013, resulting from a settlement agreement, included language requiring a five-year study of the Salinas Valley Groundwater Basin relative to the projected buildout of the General Plan. The County contracted with the Monterey County Water Resources Agency (MCWRA) to provide staffing resources to manage outside consultants (such as US Geologic Service or USGS) for this work. In December 2024 staff presented the report to the Board of Supervisors, and the report was accepted by the Board. The Board of Supervisors provided direction to staff to coordinate efforts with the Groundwater Sustainability Agencies and present implementation steps to the Board in late Summer 2025, which will include amending GP Policy PS-3.1.

Development Evaluation System (REF120030), LRWP Task No. 35

The 2010 General Plan identifies Community Areas, Rural Centers and Affordable Housing Overlay Districts as areas of top priority for development. Outside of those areas, Policy LU-1.9 of the General Plan requires a Development Evaluation System (DES) be established to provide a systematic, consistent, predictable and quantitative method for decision-makers to evaluate developments of five or more lots or units and developments that will have the equivalent or greater impact on traffic, water or wastewater. Staff has been working on developing the evaluation system and has received input from various stakeholders since the adoption of the 2010 General Plan, including multiple workshops with the Planning Commission. Staff held the final Planning Commission workshop on the DES in 2019. The draft DES, as recommended by the Planning Commission, was presented to the Board of Supervisors in August 2020. The Board directed further revisions. Due to other conflicting priorities and limited staffing resources, no progress was made on the DES in 2024, and work is anticipated to commence once again in 2025.

Zoning Maps & Classifications Update (REF140023), LRWP Task No. 44

This task requires both an update to the zoning maps and the development of new zoning regulations within the inland zoning ordinance (Title 21) to develop new zoning and overlay districts that were established by the 2010 General Plan. In 2020, the Board of Supervisors adopted an ordinance establishing regulations applicable to Mixed Use Zoning Districts (Chapter 21.17). During the 2024 reporting period, staff completed its research and review of land use and zoning maps. The current project scope includes:

- Updates to the County's zoning maps to implement the 2010 General Plan land use designations.
- Amendment to Chapter 21.08 (Establishment and Designation of Zoning Districts) to codify the transition from Sectional District Maps to GIS shapefiles.
- Amendment to Chapter 21.39 (Community Plan Zoning District) to codify this section is applicable to adopted Community Plans and Master Plans.
- Amendment to Chapter 21.50 (Urban Reserves Zoning District) to codify that staff needs to review Board adopted Memorandum of Agreements and Memorandum of Understanding between the County and cities for applicable development occurring in the unincorporated County.

- Implementation of the Agricultural and Winery Corridor Plan (AWCP) will result in a new Chapter being added to Title 21 [Tasks 44 and 24-07].

Staff conducted an informational workshop at the Planning Commission on March 13, 2024. Updated zoning maps and an ordinance to amend Title 21 is anticipated to be considered by the Planning Commission and the Board of Supervisors in spring/summer 2025. This project remains a high priority and staff expect to complete this project by summer 2025.

The Agricultural Winery Corridor Plan portion of this task is being implemented separately (see below). Future portions of the project to be implemented separately include:

- Implementation of the Affordable Housing Overlay (AHO) may result in a General Plan amendment and a new Chapter being added to Title 21.
- Updates to the Fort Ord Master Plan (FOMP), associated land use designation, and zoning maps.

Agricultural Winery Corridor Plan Ordinance and Map Updates (REF#TBD), LRWP Task No. 44 & 24-07

This task requires both an update to the zoning maps and the development of new zoning regulations within the inland zoning ordinance (Title 21) to implement the Agricultural Winery Corridor Plan policies of the 2010 General Plan. A draft ordinance has been developed and will be considered by the Agricultural Advisory Committee, Planning Commission, then Board of Supervisors in 2025.

Community Climate Action & Adaptation Plan (REF120045), LRWP Task No. 14

The County resumed efforts on the Community Climate Action and Adaptation Plan (CCAAP) in early 2024 and has made significant process. On August 13, 2024, the Board of Supervisors received an update on the CCAAP and provided direction to staff including an order to focus on community outreach for the remaining project period. During this reporting period, staff have hosted 13 public meetings and community outreach events, internally reviewed draft strategies, and are preparing the draft CCAAP for public review over a 60-day comment period. The draft CCAAP is expected to be released in April of 2025 and adopted Summer 2025.

Chualar Community Plan (REF240012), LRWP Task No. 46

The 2010 Monterey County General Plan designates Community Areas to be actively supported as the County's primary planning priorities. Developing a Community Plan for Chualar is one of the highest priorities (LU-2.23). On February 1, 2024, staff published a Request for Proposal (RFP) to solicit proposals for consultant firms to assist in the development of the Chualar Community Plan. Staff negotiated a Professional Services Agreement with the selected consulting firm for community plan preparation and associated environmental review that was approved by the County Board of Supervisors on February 25, 2025. Immediate next steps are initiation of Community outreach and preparation of plan draft.

Fort Ord Habitat Resource Management Plan (REF220022), LRWP Task No. 21-12

Developing the Fort Ord Habitat Resource Management Plan (RMP) for County-owned and

Monterey Peninsula College-owned (MPC) lands on the former Fort Ord is required by deed restriction and the 1997 Installation-wide Habitat Management Plan, and implements various program/policies identified in the County Fort Ord Master Plan. During the reporting period staff finalized a Memorandum of Understanding (MOU) with the Monterey Peninsula College (MPC) to contribute a fair share for the development of the CEQA analysis. The Administrative Draft RMP was provided to County and MPC in March 2025, and is under review. The Final Plan is anticipated to come before the Board of Supervisors by the end of 2025.

Exhibit 1 Summary 2024 Annual Progress Matrix

Task	Reference No.	GP Policy or Other Mandate	Program Area/MCC/Title	Work Completed in 2024 -2025 (April 2024 to March 2025)	Work Anticipated in 2025-2026
2024 General Plan Implementation and Housing Element Annual Progress Report	REF250006	State Code	Countywide	Annual Plan Complete and Submitted to Planning Commission 4/9/2025 and Board of Supervisors 4/22/2025 for consideration and acceptance.	2025 GPI/HE APR
Long Term Sustainable Water Supply and Salinas Valley Zone 2C - Salinas Valley Groundwater Basin Study	REF140088	AG-1.7, 2.1, 2.2, PS-3.1, PS-3.2; Board Referral 2014.01	2010 GP (Inland)/Title 21	Final Report Accepted by Board December 2024.	COMPLETE – Implementation tasks to be tracked separately.
Development Evaluation System	REF120030	LU 1.19	2010 GP (Inland)/Title 21	No Activity.	Final Ordinance. CEQA
Community Climate Action and Adaptation Plan	REF120045	State Code, OS-10.11	2010 GP (Inland)/Title 21	Drafted initial Greenhouse Gas (GHG) mitigation strategies.	Final Greenhouse Gas Reduction Plan/Climate Action Plan. CEQA.

Zoning Ordinance and Map Updates	REF140023	LU-2.8, 2.11, 2.12, 2.17, 2.18, 2.21, 2.24, 2.28, 2.33, 2.34, 3.1, 4.1, 5.1, 6.1, 6.2, 9.4; AG-1.7, 2.1, 2.9, 3.3, 4.3; PS-3.13, 12.12; CACH-1.2, 1.5, 3.1; CV-1.6, 1.12, 1.20, 1.22, 1.23, 1.25, 1.26, 1.27, 3.1, 3.13; CSV-1.1, 1.3, 1.4, 1.5, 1.6, 1.7, 3.1; GMP-1.1, 1.6, 1.7, 1.8, 1.9, 3.2, 3.3; GS-1.1, 1.2, 1.3, 1.9, 1.10, 1.11, 1.13; NC-1.5, 3.1, 3.6; T-1.4, 1.7; SC-6.1;	2010 GP (Inland)/Title 21	Research and review of land use and zoning maps complete. Staff conducted an informational workshop at the Planning Commission on March 13, 2024. Staff expects to return to the Planning Commission and Board of Supervisors in spring/summer of 2025 for adoption.	Final updated zoning maps. Draft and final ordinance. CEQA.
Agricultural Winery Corridor Plan Ordinance & Map	TBD	AWCP-4.4	2010 GP (Inland)/Title 21	Draft ordinance.	Final updated ordinance and map. CEQA.
Chualar Community Plan	REF240012	LU-2.21.c, LU-2.23	2010 GP (Inland)/Title 21	Contract with consultant approved.	Conduct community outreach and draft plan.
Agricultural Buffer Regulations	REF130045	State Code (AB 823), LU-2.17, LU-2.8, OS-1.7, OS-1.8	2010 GP (Inland)/Title 21	No activity.	Develop Administrative Interpretation. Final clarifying amendments to Chapter 21.66.030.
Fort Ord Habitat Resource Management Plan	REF220022	1997 Habitat Management Plan/Deed Restriction, Various Fort Ord Master Plan programs/policies	2010 GP (Inland)/Fort Ord Master Plan	MOU with MPC for fair share contribution to CEQA analysis.	Draft and Final Plan. CEQA.

Key

BOS	Board of Supervisors
CCC	California Coastal Commission
DOC	Department of Conservation

DOF	Department of Finance
GP	2010 General Plan
HEU	Housing Element Update
LCP	Local Coastal Program
Ord No.	Ordinance Number
Res No.	Resolution Number

DRAFT

2024 Annual Progress Report – Housing Element Work in Progress Tasks

Housing Element Annual Progress Report

The HE APR consists of 12 data tables, a summary screen, and a screen for Local Early Action Planning (LEAP) Grant reporting. The tables and data reported on each are:

Table A – Housing Development Applications Submitted

The County received 113 housing development applications that proposed creating 327 new residential lots or units during 2024.

Table A2 – Annual Building Activity Report Summary

During 2024 the County:

Approved entitlements for 115 housing development applications proposing 326 new residential lots or units, including a 132-unit lower-income project on County-owned property in Salinas, 77-units of employer sponsored housing for farmworkers classified as low-income, and 3 very low-income units approved pursuant to the density bonus.
Issued building permits for 166 new units, including 44-units of employer sponsored housing for farmworkers classified as low-income.
Finaled building permits for 140 new units, including 45-units of employer sponsored housing for farmworkers classified as low-income.

Table B – Regional Housing Needs Allocation Progress

This table is compiled by state Housing and Community Development from HE APRs submitted during the 6th Housing Element Cycle.

Table C – Sites Identified or Rezoned to Accommodate Shortfall Housing Need and No Net-Loss Law

The County has not identified or rezoned any sites to accommodate shortfall housing need or to comply with the No Net-Loss law. Within the 5th Cycle Housing Element, capacity for new housing units was available with existing zoning. For the draft 6th Cycle Housing Element, sites have been identified that will be rezoned to accommodate housing, however, the 6th Cycle Housing Element has not been adopted yet.

Table D – Program Implementation Status

This table has been completed with implementation efforts and impacts of 5th Cycle Housing Element Programs.

Table E – Commercial Development Bonus Approved

The County has not approved any commercial development with density bonus approvals.

Table F – Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites

The County has not rehabilitated or otherwise preserved housing units to provide alternative sites. There are statutory limitations on when the County counts these units toward RHNA.

Table F2 – Above Moderate-Income Units Converted to Moderate Income

The County has not converted any above moderate-income units to moderate-income units.

Table G – Locally Owned Lands Included in the Housing Element Sites Inventory that Have Been Sold, Leased, or Otherwise Disposed of

The County did not include any locally owned lands in the 5th Cycle Housing Element Sites

Inventory. Affordable Housing development has been approved on County owned property at 855 E. Laurel in Salinas. This project will be leased to Eden Housing, Inc. for a period of between 55 and 99-years.

Table H – Locally Owned Surplus Sites

The County has not identified any locally owned surplus sites.

Table J – Student Housing Development for Lower Income Students for Which Was Granted a Density Bonus

The County has not approved or granted density bonuses for any student housing.

Table K – Tenant Preference Policy

The County has not adopted a tenant preference policy.

The full 2024 Housing Element APR may be accessed from the County’s webpage at <https://www.co.monterey.ca.us/government/departments-a-h/housing-community-development/planning-services/housing-programs/housing-element>.

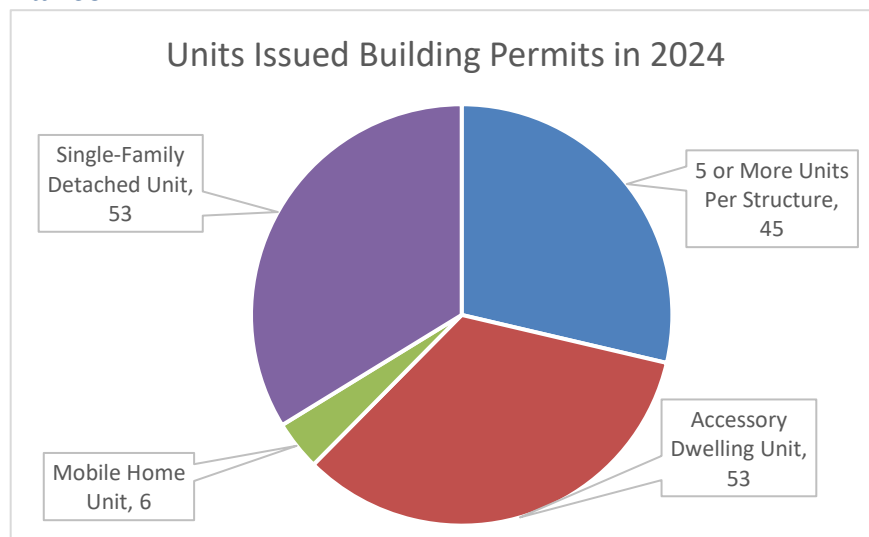
Building Permits Issued – 2024

The County receives RHNA credit for a unit when a building permit is issued during a calendar year. This information is reported on Table A2 of the APR. The adjacent chart shows the number and types of units that were issued building permits during 2024 compared to the annual average between 2018-2023. Because the state report issues credits for all building permits that are issued, it can overstate the actual number of new housing units produced. In 2024, the County issued building permits for 21 units that were either replacements for units destroyed by a natural disaster or the property owner wanted to start with a clean slate. The 13% of new housing units these permits represent is slightly higher than the 2018-2023 average of 9% annually.

Permits Issued by Housing Type	Annual Average	2024
2-, 3-, and 4-Plex Units per Structure	5	
5 or More Units Per Structure	76	45
Accessory Dwelling Unit	27	56
Mobile Home Unit	4	7
Single-Family Attached Unit	39	
Single-Family Detached Unit	109	58
	197	166

6th Cycle RHNA Performance

During 2024, the first year of the 6th RHNA Cycle, County issued building permits for 166 new units. This included 44 units of non-deed restricted low-income housing for farmworkers in employer sponsored housing. Table B of the HE APR summarizes building permits issued by year, affordability level, and if the affordability is enforceable through a deed restriction. Table B also includes units issued between June 30 and December 14, 2023, and December 15, 2023, through December 31, 2023.



Housing Element

A detailed account of progress towards the Housing Element and Regional Housing Needs Allocation (RHNA) numbers can be found in the staff report **Attachment A**, and a summary is provided below.

The RHNA process requires the County to identify enough land with appropriate zoning to accommodate specific numbers of housing units at four affordability levels. The affordability levels are Very Low- Income (households earning less than 50% of Area Median Income [AMI]), Low-Income (households earning less than 85% of AMI; Moderate-Income (households earning less than 120% of AMI; and, Above Moderate-Income (households earning more than 120% of AMI. While not a part of the RHNA Allocation, the County is also expected to meet the housing demand for extremely low-income households (households earning less than 30% of AMI). The expectation is that 50% of the very low-income units will be available to extremely low-income households. Table 1 summarizes the County's RHNA performance by affordability level to date.

Table 1			
	RHNA Allocation	Permitted to Date	RHNA Remaining
Very Low-Income	1,070		1,070
Low-Income	700	89	611
Moderate-Income	420		420
Above Moderate-Income	1,136	192	944
Total Units	3,326	281	3,045
Extremely Low-Income Housing Need	535		535

During 2023, the County issued building permits for 44-units of employer sponsored housing adjacent to the City of Salinas. These units are presumed to be affordable to low-income households.

- Pursuant to Government Code sec. 65400.1, County reports that zero sites owned by the County and included in the inventory of land in the Housing Element were sold, leased, or otherwise disposed of in the prior year.

Accessory Dwelling Units

Accessory Dwelling Units (ADUs), often seen as part of the solution to addressing the chronic housing shortage accounted for 29% of the units permitted in 2024, and 34% of all building permits issued since 2018. Junior ADUs, which create a slimmed down ADU within an existing home accounted for about 8% of all ADUs permitted between 2018 and 2024. ADUs that are created out of buildings not permitted for habitation, e.g., adding a kitchen to a guest house or full bath and kitchen to a barn, accounted for about 28% of ADU permits during the 2018-2024 period. New construction of ADUs accounted for about 64% of the units permitted during this period. The Castroville Community Plan area accounted for 11% of ADU permits countywide but 27% of JADU and ADU conversion permits.

This page intentionally left blank

Exhibit B

This page intentionally left blank.

Jurisdiction	Monterey County - Unincorporated	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	12/15/2023 - 12/15/2031

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B														
Regional Housing Needs Allocation Progress														
Permitted Units Issued by Affordability														
		1		2									3	4
Income Level		RHNA Allocation by Income Level	Projection Period - 06/30/2023- 12/14/2023	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	1,070	-	-	-	-	-	-	-	-	-	-	-	1,070
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	
Low	Deed Restricted	700	-	-	-	-	-	-	-	-	-	-	89	611
	Non-Deed Restricted		45	-	44	-	-	-	-	-	-	-	-	
Moderate	Deed Restricted	420	-	-	-	-	-	-	-	-	-	-	-	420
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	
Above Moderate		1,136	68	5	119	-	-	-	-	-	-	-	192	944
Total RHNA		3,326												
Total Units			113	5	163	-	-	-	-	-	-	-	281	3,045
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5											6	7
		Extremely low-Income Need		2023	2024	2025	2026	2027	2028	2029	2030	2031	Total Units to Date	Total Units Remaining
Extremely Low-Income Units*		535		-	-	-	-	-	-	-	-	-	-	535

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Please Note: Table B does not currently contain data from Table F or Table F2 for prior years. You may login to the APR system to see Table B that contains this data.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

VLI Deed Restricted
VLI Non Deed Restricted

This page intentionally left blank

Exhibit C

This page intentionally left blank.

FISCAL YEAR 2025-26 LONG RANGE PLANNING WORK PROGRAM

RANK	Task	Detailed Task Description	LRPWP Task #	Reference No.
1	Housing Element (6th Cycle 2024-2031) Update	Update the Housing Element from the current 5th Cycle. The 6th Cycle Housing Element will incorporate revised RHNA amounts from AMBAG and analysis of County land use policies for consistency with State HCD requirements for housing production in unincorporated County. Includes addressing affordable housing in the Coastal Zone per Board Referral 2018.28.	21-02	REF220004 (RFP only) REF220020
1	Housing Element (6th Cycle 2024-2031) Implementation - Amend Zoning ordinance and maps to rezone	Amend County zoning map, classifications, and ordinance to implement the Housing Element.	TBD	TBD
1	Housing Element (6th Cycle 2024-2031) Implementation - Amendments to Monterey County Code	Updates to Monterey County Code to be identified and prioritized for implementation of the Housing Element.	TBD	TBD
1	Inclusionary Housing Ordinance Revision	As prioritized with Housing Element implementation. Amend MCC Chapter 18.41 to align with GP policies (LU-1.19 Development Evaluation System, LU-2.11 Affordable Housing Overlay, and LU-2.13 Affordable Housing Ordinance), address changes in State legislation, and provide consistency with the 6th Cycle Housing Element.	21-01	REF220019
1	Senate Bill 9, The California HOME Act, Ordinance(s)	Develop local ordinances to implement SB9.	22-05	REF220015
1	Development Evaluation System	Establish regulations for implementation of 2010 GP Policy LU-2.19	35	REF120030
2	Permit Process Efficiency Improvements - Update Monterey County Code and internal Standard Operating Procedures	Project to include updating various sections of Monterey County Code geared to streamlining the land use permit process and improve efficiencies. Project will also include on-going development and refinement of internal permit processing procedures to ensure efficiency and consistency.	23-05	TBD
3	Castroville Community Plan & Nexus Study	Update the Community Plan to reflect land use and transportation changes and current needs for improvements. Nexus Study to revise the development impact fees (e.g., traffic fees) reflecting changes.	21-03	REF220010
4	Moss Landing Community Plan and Coastal Implementation Program Update	Update the Moss Landing Community Plan (Chapter 5 of the North County Land Use Plan) and Coastal Implementation Program Parts 1 (Title 20 the zoning ordinance) and 2 (Regulations for Development in the North County Land Use Plan).	21-07	GPZ090005
5	Chualar Community Plan	Prepare a draft community plan based upon establishment of a specific Community Area boundary, not to exceed 350 acres over the life of the plan (20 years), and developed consistent with the Settlement Agreement between Chualar Area Concerned Citizens et al v. County of Monterey (Superior Court Case No. 107519), executed on or about October 16, 2001.	46	REF240012
6	Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project	A green infrastructure project that will recreate hydrological connectivity, restore habitat, and significantly reduce flood hazards in the lower Carmel River Watershed. The Environmental Impact Report (EIR) for this project was accepted and certified by the Monterey County Board of Supervisors in January 2020, and the Project was selected and approved in June 2021. All necessary State and Federal permits granted.	21-20	REF140048
7	Safety Element Update	Update Safety Element of the General Plan to include an At-Risk Structures Inventory, and revisions in accordance with Govt. Code Sec. 65302(g).	21-11, 49	REF220004 (RFP only) REF220018
8	Environmental Justice Element	Prepare an Environmental Justice (EJ) Element that shall identify disadvantaged communities in the County and develop objectives and policies to reduce exposure to pollution and health risks; and promote access to public facilities and services, healthy food, safe and sanitary homes, and physical activity. The EJ Element shall be prepared in accordance with the provisions of Govt. Code Sec.65302(h).	21-10	REF220004 (RFP only) REF220017
9	Vacation Rental Ordinances	Establish regulations for the location and use of property for short-term vacation rental.	21-06	REF130043 (Coastal) REF100042 (Inland)
10	Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Ordinance (Coastal)	Revise MCC Title 20 in accordance with State housing regulations and California Coastal Commission feedback in the Coastal Zone.	21-18	REF200029 (Ordinances) REF210034 (Coastal)
10	Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Ordinance (Inland)	Revise MCC Title 21 in accordance with State housing regulations and minor clarifications for the inland areas.	24-04	TBD
10	Carmel Area Land Use Plan Update - Updates for Coastal ADUs	Revise the Carmel Area LUP to reflect needed changes for state law consistency (including removing the 40-acre minimum) and certification of the ADU ordinance (REF210034) by California Coastal Commission	22-07	REF240016
10	Big Sur Coast Land Use Plan Update - Updates for Coastal ADUs	Revise the Big Sur Coast LUP to reflect needed changes for state law consistency and certification of the ADU ordinance (REF210034) by the California Coastal Commission.	23-09	REF240016
10	North County Land Use Plan Update - Updates for Coastal ADUs	Revise the North County LUP to reflect needed changes for state law consistency (including addressing water use) and certification of the ADU ordinance (REF210034) by California Coastal Commission	24-6	REF240016
11	Big Sur Coast Land Use Plan Update	Update the Big Sur Coast Land Use Plan.	21-08	REF130060 (Original) REF210024 (2021)
12	Fort Ord Habitat Resource Management Plan	Develop a site-specific habitat resource management plan for County-owned and Monterey Peninsula College-owned properties in the former Fort Ord as request by the 1997 Habitat Management Plan and per deed restriction.	21-12	REF220022
	2010 General Plan Zoning Ordinance and Map Updates	Updates to County's zoning maps to implement 2010 General Plan and associated amendments to Title 21, including implementation of the Agricultural and Winery Corridor Plan.	44	REF140023
	Ag Buffer Regulations	An Administrative Interpretation of the 2010 General Plan Buffer Policy (LU-2.8 and AG-1.2) and consistency updates to Title 21 (MCC 21.66.030 - Standards for Agricultural Uses).	23-11, 43, 154	REF130045
	Ag Land Mitigation Ordinance Implementation	Various tasks to implement Ordinance No. 5414.	24-03, 43, 154	REF220044 (Policy)
	Agricultural Winery Corridor Plan Ordinance and Map Update	Updates to County's zoning maps to implement Agricultural and Winery Corridor Plan and associated amendments to Title 21.	44, 24-07	TBD
	Carmel Lagoon Scenic Road Protective Structure (SRPS) Ecosystem Protective Barrier (EPB) , and Interim Sandbar Management Plan (ISMP) Project	A multi-objective, multi-year, multi-organizational effort to improve habitat for threatened and endangered species in the lower Carmel River and Lagoon, improve natural floodplain function, and protect public infrastructure, while maintaining or improving flood risk to existing developed areas.	21-21	REF120051
	Community Climate Action and Adaptation Plan & Implementation	Develop a Greenhouse Gas (GHG) Reduction Plan/Climate Action Plan to implement State legislative goals.	14	REF120045
	East Garrison - Library with Sheriff Field Office	Former redevelopment obligations at East Garrison are identified in the Disposition and Development Agreement (DDA) and related agreements for the development. These include construction of an approximately 4,000 square foot Library with Sheriff Field Office.	23-08	PLN030204
	East Garrison - Phase 3 Affordable Rental Apartments	Consisting of 66 very low and low-income affordable housing units plus a manager's unit to proposed to be constructed by the Community Housing Improvement Systems and Planning Associates (CHISPA) above the Town Center commercial space (pending PLN030204-AMD2).	21-22b	PLN030204

FISCAL YEAR 2025-26 LONG RANGE PLANNING WORK PROGRAM

	East Garrison - Historic Arts District	Former redevelopment obligations at East Garrison are identified in the Disposition and Development Agreement (DDA) and related agreements for the development. These include planned renovation of historic buildings into a Historic Arts District.	23-14	PLN030204
	Environmental Enhancement Streamline Program for Programmatic Restoration Permit	The Resource Conservation District of Monterey County (RCDMC) and other conservation organizations are working to develop a proposed program to allow the RCDMC to apply for and receive a Master Permit from the County to a suite of restoration and conservation-based practices.	21-17	PLN220112
	Fire Safety Regulations	Amend County land use regulations in accordance with updates to fire safety regulations by the Board of Forestry - pending state adoption.	21-09	REF210021
	Fracking Ban Amendments to General Plan and Local Coastal Program (Measure Z)	Measure Z amended the County's four coastal Land Use Plans (North County; Big Sur Coast; Carmel Area; Del Monte Forest) and amendments to the LUPs requires CCC certification. Measure Z also requires amendment to the Fort Ord Master Plan.	24-09	TBD
	Fort Ord Oak Woodland Conservation Area, Plan and Policies	Implementing biological policies in the Fort Ord Master Plan related to establishing an Oak Woodland Conservation Area, developing a Management and Monitoring Plan for the area, and amendments to oak woodland policies for the Fort Ord area.	21-24	TBD
	Historic Preservation Plan Update	Updates to the County's Historic Preservation Plan	22-03	TBD
	Lot Merger Ordinance	Amend MCC Ch. 19.11 of the County Subdivision Regulations to rename the section from Reversion to Acreage to Reversion to Acreage and Voluntary Merger, and add a new section 19.11.060 Voluntary Merger of Contiguous Parcels, to permit property owners of two or more acres of land under common ownership to merge recorded parcels without the property reverting to acreage and extinguishment of subdivision pursuant to the State Subdivision Map Act Chapter 6, Article 1, Sections 66499.11-20.	21-16	REF210015
	Noise Ordinance Update	Amend MCC Chapter 10.60, which regulates noise control, to reduce maximum decibel levels, clarify distance to measure from source, and amend administrative citation warning process.	24-05	TBD
	North County Wildlife Protection and Eucalyptus Removal Pilot Program	Develop and implement a pilot program to fund wildfire protection and eucalyptus removal in North Monterey County.	23-15	None
	Pajaro Community Recovery Planning	Develop a recovery plan for the community of Pajaro, subsequent to Pajaro levee breach and flooding in March 2023.	23-13	N/A
	Salinas Valley Groundwater Basin Investigation Implementation	Amend the General Plan and implement recommendations per the SVGB Investigation.	26-01	TBD
	Surface Mining and Reclamation Ordinance Updates	Amend MCC Chapter 16.04 Surface Mining and Reclamation for consistency with state law.	24-08	TBD
	Telecommunications Ordinance Update	Update to rescind and replace section 21.64.310 of chapter 21.64 to the Monterey County Code relating to the siting, design, and construction of wireless communication facilities in unincorporated County of Monterey to: 1) be consistent with revisions to federal and state laws related to unmanned telecommunication facilities; and 2) address objective design standards.	21-13	REF220016
	Vehicle Miles Traveled (VMT) Amendment to General Plan	Amend GP policies to reflect changes in State law mandating use of VMT versus LOS (County Program)	21-25	REF200043
	Water Allocation Policy	Develop a water allocation policy for water allocations anticipated to be provided to the County from Monterey Peninsula Water Management District (MPWMD), Fort Ord allocations, and future allocations as available.	24-10	TBD

**LONG RANGE PLANNING WORK PROGRAM
FUTURE YEARS**

Task	LRPWP Task #	Task	LRPWP Task #
Pajaro Community Plan	74	25% Slope Zoning Ordinance	24
Cannabis Consumption Lounges Ordinance Amendments	TBD	Tree Removal Regulations	41
Commercial Cannabis - Ordinance to Amend County Code for outdoor grows, state law changes, and minor clean-up amendments.	22-08b	Critical Habitat Monitoring Program	26
CEQA Analysis of Affordable Housing Overlay	TBD	Long Term Sustainable Water Supply Ordinance	23-07 80, 192, 155
Fort Ord Master Plan Update	TBD	Parks Management Plans	78
Consistency Determination - Monterey Regional Airport Land Use Compatibility Plan	TBD	Agricultural Support Facility Ordinance	TBD
Consistency Determination - Marina Municipal Airport Land Use Compatibility Plan	TBD	GIS Mapping of Multiple Environmental Resources	TBD
Rural Centers Capital Improvement and Financing Plans (CICP)	TBD	Solid Waste Management Plan	23, 52
Countywide Traffic Impact Fee Program and Nexus Study	12	Update Hydrological Report Criteria Study	40
Economic Development Strategy and Incentive Program	90, 91	Slope/Density Study	24
Paleontological Criteria	67	Biological Report Criteria Study	28
Long Term Sustainable Water Supply - Definition	23-06 80, 192, 155	Stream Setback Ordinance	9
Boronda Community Plan	8	Archaeological Sensitivity Maps	67
Guidelines for Scenic Road Corridors	50	Landfill Ordinance	93
Trails Program	TBD	Seismic Hazard Data Base and Development Ordinance	18
Cluster Subdivision Development	39	Geologic Report Criteria	40
Best Management Practices - Soil Erosion	31	Drainage Design Criteria Manual	14, 47
Uncultivated Slopes	24	Best Management Practices - Stormwater Management	14, 31
Forest and Habitat Conservation Programs & Studies - Timberland, Wildlife Corridors	27	Water Conservation Ordinance - Agricultural	15, 61
Forest and Habitat Conservation Programs & Studies - Critical Habitats, Invasive Species, Kit fox, Oak Woodlands	26, 70	Water Conservation Ordinance - Potable	15, 61
Well Ordinance Update	33	Transfer of Development Rights Program	73
Ridgeline Development Criteria	38	Mineral Resources Maps / SMARA Inventory	11, 60
		Salinas Municipal Airport Land Use Compatibility Plan	TBD

This page intentionally left blank

Exhibit D

This page intentionally left blank.

Housing Pipeline

	PLN	Employer Sponsored	Very Low-Income	Low-Income	Moderate -Income	Workforce Income	Above Market	Total Units
Total Units Approved		58	149	285	191	179	2,092	2,954
Units Constructed to Date		24	43	150	52	64	1,370	1,703
Units Remaining to Construct		34	106	135	139	115	722	1,251
845 E. Laurel Dr. - Affordable Housing	PLN 230321		60	72				132
Laguna Seca Apartments	PLN 210180		4	4	6	4	2	20
Nicola Employer Sponsored Housing & Density Bonus Units	PLN 200203	31	1	31	2	1	3	69
Roberts	PLN 190414						3	3
	PLN 190287					1	4	5
	PLN 190337						9	9
Carmel Valley Ranch	PLN 180516			1	1		10	12
Esselen South Coast Employee Housing	PLN 150337	3						3
Riverview at Las Palmas	PLN 150372						13	13
September Ranch	PLN 050001				15	7	15	37
Perez	PLN 070192				2		18	20
Kennedy	PLN 060014				1		74	75
Rancho Canada	PLN 040061				28	12	63	103
Harper Canyon	PLN 000696			1	1		93	95
Quail Hills	PLN 020016				48	14	83	145
Country Lake Estates	PLN 040103				2		43	45
East Garrison	PLN 030204		41	24	33	76	209	383
Post Ranch Employee Housing	PLN 970492			2				2
Santa Lucia Preserve	PC 94-067						68	68
Tehama	PC 95-065						12	12
Approved Units to Build		34	106	135	139	115	722	1,251

Builder's Remedy Applications Under Review								
	PLN	Employer Sponsored	Very Low-Income	Low-Income	Moderate -Income	Workforce Income	Above Market	Total Units
Blue Sky Lodge Reuse	PLN250002		1	2	3		18	24
Carmel Rio Road Multifamily	PLN 240322		5	6	8		81	100
Olmsted Rd - Monterey Airport Affordable Housing Overlay	PLN 240299			20			80	100
Carmel 1, Inv. LLC	PLN 240105			15			59	74
PLP Pajaro	PLN 240268		9	9	13		129	160
Carmel Assisted Living, LLC	PLN 240092			11			41	52
Builder's Remedy Units Under Review		0	15	63	24	0	408	510

	PLN	Employer Sponsored	Very Low-Income	Low-Income	Moderate -Income	Workforce Income	Above Market	Total Units
--	-----	--------------------	-----------------	------------	------------------	------------------	--------------	-------------

Other Projects Under Review								
	PLN	Employer Sponsored	Very Low-Income	Low-Income	Moderate -Income	Workforce Income	Above Market	Total Units
York School	PLN 230239	60	3	4	4	4	45	60
De La Torre Mixed Use	PLN 220144				1		6	7
Toro Ranch	PLN 220166		14	14	18	12	174	231
Gard	PLN 210223				3		13	16
Castroville Oaks	PLN 150248		56	56	75	27		214
Charolais Ranch	PLN 050692						26	26
LaTourette Subdivision	PLN 020090		1	1	1	2	15	19
Other Projects Under Review		60	74	75	102	44	278	573

6th Cycle Housing Element Progress							
	Employer Sponsored	Very Low-Income	Low-Income	Moderate -Income	Above Market	Total Units	
6th Cycle Housing Element Allocation		1,070	700	420	1,136	3,326	
2024 Units Reported			89		192	281	
Approved Units to Build	34	106	135	139	837	1,251	
Builder's Remedy Projects Under Review	0	15	63	24	408	510	
Other Projects Under Review	60	74	75	102	322	573	
6th Cycle H.E. Units Remaining		875	338	155	-623	711	

Exhibit E

This page intentionally left blank.

EXHIBIT D – DISCUSSION

Background

Government Code Section 65400(a)(2) requires cities and counties to provide an annual report to the legislative body regarding the status of a general plan and progress in its implementation and the degree to which the General Plan is consistent with the General Plan Guidelines adopted by the Governor’s Office of Planning and Research (OPR). The Planning Agency shall provide by April 1 an annual report to the legislative body (Board of Supervisors), State Office of Planning and Research (OPR) and State Department of Housing and Community Development (CA-HCD). “Planning Agency” as defined by Monterey County Code includes the Board of Supervisors (Board), Planning Commission, Housing and Community Development Department (HCD) and other hearing bodies.

County HCD is lead for preparing the 2024 Annual Progress Report for the County’s General Plan Implementation (GPI) and the 2015-2024 Housing Element Progress Report to be submitted to the state. Specific requirements pertain to the Housing Element portion of the Annual Report. As such, this Annual Report includes a separate report section identifying how the County of Monterey’s housing efforts conform to specific content requirements from the State. Both reports are due to OPR and CA-HCD by April 1st of each year.

Annual reports are required to: provide status of the General Plan and progress in its implementation; evaluate progress in meeting the Regional Housing Needs Allocation (RHNA); and list sites owned by the County and included in the inventory of land in the Housing Element that have been sold, leased or otherwise disposed of in the prior year; and identify the degree to which the approved General Plan complies with State guidelines. For the County of Monterey, annual reports are required for: 2010 General Plan, as amended, for inland areas; 1982 General Plan and certified Land Use Plans, as amended, for coastal areas; and 2015-2024 Housing Element, countywide. **Exhibit A** to the staff report includes the 2024 Annual Reports for the Board’s consideration.

Overview

On July 28, 2020, the Board of Supervisors accepted the July 22, 2020, Citygate report including 76 proposed recommendations. The Citygate report led to the creation of the County of Monterey Housing and Community Development Department (HCD) on November 30, 2020. Key among the recommendations of the Citygate Report is direction to implement the remaining tasks and policies of the 2010 General Plan. To implement this task, HCD developed and maintains a Long-Range Planning Work Program (Work Program) that it presents to the Planning Commission and Board of Supervisors annual for direction and approval, which includes implementation tasks for the 2010 General Plan and other priority policies, plans and major projects managed by or with contribution by HCD.

The Work Program is primarily implemented by the HCD’s Advanced Planning team of seven (with 1 current vacancy), Chief of Planning and HCD Director. In addition, certain Work Program activities are led by other departments in collaboration with HCD, including the County Administrative Office’s (CAO) Sustainability and Cannabis units.

Long-Range Planning Work Program – 2024 Accomplishment Summary

For the reporting period from April 1, 2024, through March 31, 2025, progress was made on 28 Work Program tasks, three of which were completed, plus two state mandated annual reports were submitted – See Exhibit C and Exhibit E for more information.

Work Program Tasks Completed

1. Salinas Valley (Zone 2C) Groundwater Basin Investigation* [Tasks 80, 192, 155; REF140088] – Board accepted the study; Amendment to 2010 General Plan Policy PS-3.1 and implementation measures anticipated in 2025 [Task 26-01].
2. East Garrison Final Phase Amendment [Task 21-22a; PLN030204-AMD2] – Approved by Board in June 2024; Approved by Department of Finance in fall 2024.
3. Restrictive Covenants Education Project and Racial Equity Timeline [Task 23-12] – Published three StoryMaps (timelines), distributed educational materials to public libraries, and restrictive covenants map developed.
4. Vacation Rental Ordinances (Inland) [Task 21-06; REF100042(Inland)] – Ordinances adopted by Board and Final Environmental Impact Report (EIR) certified; Inland ordinances are in effect.

Work Program Tasks Progress

1. Accessory Dwelling Unit (Coastal) Ordinances [Task 21-18; REF200029] and Land Use Plan (Big Sur Coast, Carmel Area, North County) updates [Tasks 23-09, 22-07, 24-06; REF240016] – Approved by the Board and submitted to CA HCD for review then will be sent to California Coastal Commission (CCC) for certification [REF210034].
2. Agricultural Winery Corridor Plan Ordinance and Map Updates* [Task 44, 24-07] – Draft ordinance and map complete March 2025; Consideration by Agricultural Advisory Committee anticipated spring 2025 then Planning Commission and Board summer 2025.
3. Big Sur Coast Land Use Plan Update [Task 21-08; REF210024] – Draft plan circulated and Planning Commission Ad Hoc Committee and workshops conducted throughout 2024; Final plan anticipated to the Board for consideration in 2025.
4. Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project [Task 21-20; REF140048] - Completed various long term agreements and received over \$6 million; final funding and contractor selection anticipated by end of 2025 for construction to commence spring 2026.
5. Carmel Lagoon Scenic Road Protective Structure (SRPS), Ecosystem Protective Barrier (EPB), and Interim Sandbar Management Plan (ISMP) Project [Task 21-21; REF120051]– Final EIR and project selection approved by the Board in June 2024.
6. Castroville Community Plan Update and Nexus Study [Task 21-03; REF220010] – Administrative Draft plan and nexus study complete; Public review draft anticipated summer 2025.
7. Chualar Community Plan* [Task 46; REF240012] – Consultant selected spring 2025; Preliminary analysis and community outreach to commence spring 2025, pending funding.
8. Community Climate Action and Adaptation Plan* [Task 14; REF120045] - The greenhouse gas inventory was completed spring 2024 and decision to prepare an unqualified plan was

approved; Public draft plan is anticipated spring 2025, final plan anticipated to the Board summer 2025, and implementation commencing summer 2025.

9. East Garrison Phase III Affordable Rental Housing Project [Task 21-22a]– In 2024 with approval of the Final Phase Amendment, the Phase III Project will be constructed on top of the Town Center; Preconstruction planning and fund raising will commence in spring 2025.
10. East Garrison Library with Sheriff's Field Office [Task 23-08] – Design and permitting is anticipated to be complete spring 2025 and construction to commence early 2026.
11. East Garrison Historic Arts District [Task 23-14] – Non-profit development partner withdrew from project in December 2024; In 2025, staff anticipate to release a request for proposals and to conduct community outreach for redevelopment of historic district.
12. Environmental Enhancement Streamline Program for a Programmatic Restoration permit (aka Partners in Restoration Master Permit) [21-17; PLN220112] – Public Draft Initial Study/Mitigated Negative Declaration (IS/MND) circulated; Programmatic Restoration Permit and IS/MND anticipated to come before the Board in summer 2025.
13. Environmental Justice Element [Task 21-10; REF220017] – Administrative draft underway and public review draft anticipated summer 2025.
14. Fort Ord Habitat Resource Management Plan* [Task 21-12; REF220022] – Administrative draft plan complete; Public draft plan anticipated summer 2025 with environmental review and final plan anticipated by late 2025.
15. Fracking Prohibition Amendments to General Plan and Local Coastal Program [Task 24-09] – Required updates to the General Plan for inland areas are complete; Amendments to the LCP are drafted and anticipated to be submitted to CCC for certification in spring 2025.
16. Housing Element Sixth Cycle Update (HEU6) [Task 21-02; REF220020] – Public draft and California Department of Housing and Community Development (CA HCD) first 90-day review complete. Notice of Preparation for Programmatic EIR released and administrative draft EIR underway.
17. Moss Landing Community Plan and Coastal Implementation Plan (Part 2) for North County Update [Task 21-07; GPZ090005] – Draft Community Plan complete, climate hazard regulations, update to the CIP, and EIR underway. \$938,960 grant awarded for sea level rise and the revised Community Plan, CIP and Final EIR are anticipated to come to the Planning Commission and Board in summer 2025.
18. North County Wildfire Protection and Eucalyptus Removal Pilot Program [Task 23-15] – Pilot program implemented via the Resource Conservation District of Monterey County to utilize state pass-through funding for eucalyptus removal is approximately 80% complete and anticipated to be complete in summer 2025.
19. Pajaro Community Recovery Planning [Task 23-13] – The Department of Emergency Management is leading efforts to develop a recovery plan and distribute funding for the community of Pajaro recovery projects Phase I (complete) and Phase 2 (underway).
20. Permit Process Efficiency Improvements to Standard Operating Procedures [23-05] – Completed four SOPs and two administrative interpretations drafted; Standard checklists and updated initial study, staff report and resolution templates under development.
21. Safety Element Update [Task 21-11, 49; REF220018]– Administrative draft underway and public review draft anticipated summer 2025.
22. Surface Mining and Reclamation Ordinance Update [Task 24-08] – Administrative draft ordinance amending MCC Chapter 16.04 complete; Final ordinance anticipated to the Board in summer 2025.

23. Vacation Rental Ordinances (Coastal) [Task 21-06; REF130043(Coastal)] – Ordinances adopted by Board and Final Environmental Impact Report (EIR) certified; Coastal ordinances submitted to California Coastal Commission (CCC) for certification anticipated July 2025.
24. Water Allocation Policy [Task 24-10] – A countywide water allocation policy is in draft and anticipated to come before the Board in spring 2025.
25. Zoning Ordinance and Map Updates for 2010 General Plan* [Task 44; REF140023] – Draft ordinance and maps anticipated to Planning Commission and Board spring 2025.



County of Monterey

Item No.5

Board Report

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

Legistar File Number: PC 25-030

April 09, 2025

Introduced: 3/21/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

ADMINISTRATIVE INTERPRETATION - REPLACEMENT DEVELOPMENT IN A SITE PLAN REVIEW ZONING DISTRICT, DESIGN CONTROL ZONING DISTRICT, AND VISUAL SENSITIVITY ZONING DISTRICT

The following attachments are on file with HCD:

Exhibit A - Administrative Interpretation

Exhibit B - Administrative Interpretation Procedures



County of Monterey Planning Commission

Item No. 5

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

Legistar File Number: PC 25-030

April 09, 2025

Introduced: 3/21/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Planning Item

ADMINISTRATIVE INTERPRETATION - REPLACEMENT DEVELOPMENT IN A SITE PLAN REVIEW ZONING DISTRICT, DESIGN CONTROL ZONING DISTRICT, AND VISUAL SENSITIVITY ZONING DISTRICT

The following attachments are on file with HCD:

Exhibit A - Administrative Interpretation

Exhibit B - Administrative Interpretation Procedures

Exhibit A

This page intentionally left blank.

COUNTY OF MONTEREY

HOUSING AND COMMUNITY DEVELOPMENT

CRAIG W. SPENCER, DIRECTOR



1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527
(831) 755-5025
co.monterey.ca.us

INTERPRETATION REQUEST - REPLACEMENT DEVELOPMENT IN A SITE PLAN REVIEW ZONING DISTRICT, DESIGN CONTROL ZONING DISTRICT, AND VISUAL SENSITIVITY ZONING DISTRICT

Applicable Code Sections:

- Title 18 section 18.11.030.I
- Title 21 section 21.44.040.D
- Title 21 section 21.45.010
- Title 21 section 21.45.020.B
- Title 21 section 21.45.040.C
- Title 21 section 21.46.040.B

Date: March 18, 2025

Subject: The replacement of a single-family dwelling in a Site Plan Review (“S”) Zoning District, Design Control (“D”) Zoning District, and Visual Sensitivity (“VS”) Zoning District

What is the Question?

Is the replacement or rebuild (defined by Title 18 as the removal of more than 50% of the exterior walls) of a single-family dwelling subject to an Administrative Permit in an “S” District, Public Hearing Design Approval in a “D” District, or an Administrative Permit or Use Permit in a “VS” District, if there are no impacts to resources?

Short Answer:

No, only an Administrative Design Approval is required for the demolition and rebuild of an existing single-family dwelling, provided such development is contained in the previously disturbed area and does not impact sensitive resources.

Discussion:

Section 21.45.010 states that the purpose of the “S” District is to “provide district regulations for the review of development in those areas of the County of Monterey where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints without imposing undue restriction on private property.” According to Section 21.45.020.B the “Chapter shall only apply to those areas of the County of Monterey in which sensitive natural resources or unusual site constraints exist which require review of the location of development.” Development within an “S” District typically requires an Administrative Permit (Section 21.45.040.A); however, Section 21.45.040.C states that “The Director of Planning [Chief of Planning], or the Zoning Administrator, may approve, without benefit of an Administrative Permit, small development projects such as structure additions, accessory structures, decks, fences, similar minor developments and minor modifications to previously approved projects. No public notice shall be required for actions of the Director of Planning, or the Zoning Administrator, taken pursuant to this paragraph. Under this requirement, a new single-family dwelling in an “S”

District would normally require an Administrative Permit because it is not considered a small project. Chapter 21.45 does not specify whether this requirement would apply to the replacement of an existing home in the same location. Additionally, all properties subject to the “S” District are also subject to the “D” District, see below.

To ensure the protection and visual integrity of the public viewshed and neighborhood character, the “D” District regulates the location, size, configuration, materials, and colors of structures in those scenic areas of the County of Monterey. Within a “D” District, the County of Monterey offers three types of Design Approvals: Over-the-Counter Design Approval, Administrative Design Approval, and a Public Hearing Design Approval. The County’s [Design Approval Guidelines Matrix](#) is intended to assist staff and the public in determining which type of Design Approval is needed, and is generally based on the type of development, size, visibility, and impacts on sensitive resources. Staking and flagging shall be installed for all proposed development, including redevelopment applications, within the “D” and “VS” to assist staff in determining visibility. Per the County’s Guidelines, construction of a new single-family dwelling within a “D” District would require a Public Hearing Design Approval, subject to consideration by the Zoning Administrator. Pursuant to Title 21 section 21.44.040.D, “*Director of Planning [Chief of Planning] may approve, in lieu of the Appropriate Authority, plans and submittals in "D" Districts for small structures such as structure additions, accessory structures and similar minor structures and minor modifications to approved designs.*” Chapter 21.44 and County’s Design Approval Guidelines Matrix do not specify whether a Public Hearing Design Approval would apply to the replacement of an existing home in the same location.

The “VS” District’s purpose is to “*provide district regulations for the review of development in those areas of the County of Monterey in which such development could potentially create adverse visual impacts when viewed from a common public viewing area*” (Title 21 section 21.46.010). New residential (non-agricultural) structures and additions within a “VS” District require either a Use Permit or an Administrative Permit, depending on their visibility and potential to create a substantial adverse visual impact when viewed from a common public viewing area (Title 21 section 21.46.030.D). However, under Title 21 section 21.46.040.B, the “*Director of Planning [Chief of Planning] may approve plans and submittals in the "VS" District for small structures such as structure additions, accessory structures, and similar minor structures and minor modifications to previously approved projects. Such consideration shall be considered as a design approval pursuant to Section 21.44.040D of this Title.*” Similar to Chapter 21.44, Chapter 21.46 does not specify whether a Public Hearing Design Approval would apply to the replacement of an existing home in the same location.

Pursuant to Section 18.11.030.I, the County of Monterey considers the removal and replacement of more than 50% of the exterior walls on a single family dwelling a rebuild, and therefore treats it as a new residence. However, in certain cases, the replacement/rebuild of a single-family dwelling in the “S”, “D”, or “VS” District (or a combination of these Districts) may not require an Administrative Permit, Public Hearing Design Approval, or Use Permit when it can be considered a “minor development”, “small structure” or “minor modification” project. This determination would be based on findings that the project does not affect those resources that the “S”, “D”, or “VS” District are designed to protect. Specifically, that the project:

1. Does not affect resources such as vegetation, environmentally sensitive habitat, water, archaeological resources, and historical sites; and
2. Does not include an excessive amount of grading or grading/development that would affect resources; and
3. Does not impact areas/lands that have not been previously disturbed (limited to existing footprint and hardscape); and

4. Does not result in an adverse visual impact, if within the “VS” District.

A replacement or rebuild of a single-family dwelling within the “S”, “D”, or “VS” District (or a combination of these Districts) meeting the above criteria may be considered a “minor development”, “small structure” or “minor modification” project, thus removing the requirement to obtain an Administrative Permit, Public Hearing Design Approval, or Use Permit, respectively. According to Chapters 21.45 (“S” District) and 21.46 (“VS” District), “minor development”, “small structure”, and “minor modification” projects are subject to provisions of Chapter 21.44. The “D” District (Chapter 21.44) allows “small structures” and “minor modifications to approved designs” with no adverse visual impact to be granted, subject to obtaining an Administrative Design Approval. For the purpose of Chapter 21.44, “minor development” and “minor modifications” projects in an “S” District that do not have the potential to create an adverse visual impact shall also be considered a “small structure” or a “modification to approved designs”, and therefore allowed subject to the granting of an Administrative Design Approval. Regardless of size, the construction of a new single-family dwelling would not be considered a “minor development”, “small structure”, or “minor modification” project as impacts to sensitive resources have yet to be analyzed or considered.

It is important to note that within “S” and “D” Districts, a replacement single family dwelling that meets the above criteria but has the potential to create a significant adverse visual impact shall obtain a Public Hearing Design Approval, subject to consideration by the Zoning Administrator or Planning Commission, per Sections 21.44.040.C and 21.44.040.E. However, within a “VS” District, if any portion of a replacement single family dwelling is determined to have the potential to create a substantial adverse visual impact when viewed from a common public viewing area, the development is no longer considered a “small structure” and this interpretation does not apply. In such an instance, a Use Permit and Design Approval shall be obtained as typically required, subject to consideration by the Planning Commission (Section 21.46.030.D). Finally, if the replacement single family dwelling requires an additional discretionary entitlement such as to allow development on slopes in excess of 25% (see Policy OS-3.5 of the 2010 General Plan), ridgeline development, development within a floodplain or 200 feet of the top of bank, the removal of more than 3 trees, or to address impacts to any other protected sensitive resource, this interpretation shall not apply.

Conclusion:

Replacement projects meeting the above four criterion can be considered “minor” or “small” development projects and may be processed with an Administrative Design Approval to expedite the permit process, while still allowing for review of the proposed structures in compliance with the intent of the “S”, “D”, and “VS” Districts. If the replacement development has the potential to create an adverse visual impact, a Public Hearing Design Approval shall be required within the “S” and “D” District, and a Use Permit and Design Approval shall be required within a “VS” District. Staking and flagging shall be installed for all replacement projects to assist staff in determining whether the project has the potential to create an adverse visual impact.

Facts of the situation:

The purpose of the “S” District is to protect resources including, but not limited to, vegetation, environmentally sensitive habitat, water, archaeological, historical sites and geological hazards. The “D” and “VS” Districts ensure the protection and visual integrity of the public viewshed and neighborhood character. The provisions of these Districts apply to all combining districts and only to those areas of the County of Monterey in which sensitive natural resources or unusual site constraints exist, and protection of the public viewshed requires reviews of the location, design, size, and configuration of development.

A replacement or rebuilt residence that does not impact resources and is contained in a previously disturbed area can be considered a “minor development” or “small structure” project per Sections 21.44.040.D (Regulations for Design Control Zoning Districts or “D” Districts), 21.45.040.C (Regulations for Site Plan Review Zoning Districts or “S” Districts), 21.46.040.B (Regulations for Visual Sensitivity Zoning Districts or “VS” Districts).

Pursuant to Title 21, the Director of Planning and Building Inspection [Chief of Planning], may approve minor developments and small structures without the benefit of an Administrative Permit or Use Permit, or in lieu of a Public Hearing Design Approval, as applicable.

Interpretation Prepared By: Fionna Jensen, Principal Planner (Working out of Class)

Interpretation/Opinion Confirmed by Managers

DocuSigned by:

F6C3AC03D78644E...
Melanie Beretti, AICP
Chief of Planning

This Administrative Interpretation was reported to the County of Monterey Planning Commission on April 9, 2025, and may be appealed within fourteen days of this meeting date (April 23, 2025). This Administrative Interpretation shall not become effective until the conclusion of the appeal period or the conclusion of the appeal process, if appealed.

Exhibit B

This page intentionally left blank.

MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS

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

(831)755-4800

www.co.monterey.ca.us/rma

MEMORANDUM

Date: July 19, 2017

To: Board of Supervisors, Planning Commissioners, Resource Management Agency Staff, and Members of the Public

From: Carl P. Holm, AICP, Resource Management Agency (RMA) Director 

Subject: Supplemental Procedures for Administrative Interpretations

Effective July 19, 2017, the procedures set forth in this memorandum shall be followed for all administrative interpretations issued by the Chief of Planning pursuant to Chapter 21.82 (inland zoning ordinance), Chapter 20.82 (coastal zoning ordinance), and Chapter 19.17 (inland subdivision ordinance) of the Monterey County Code.¹ The Resource Management Agency (RMA) Director and RMA Deputy Director of Land Use and Community Development provide direction and oversight to the Chief of Planning. These procedures augment the procedures set forth in the referenced chapters of the County Code. These procedures are issued pursuant to order of the Board of Supervisors on July 18, 2017. These procedures shall remain in place until the Board of Supervisors adopts an ordinance or resolution changing these procedures.

The following procedures shall apply in addition to the procedures for administrative interpretations set forth in Chapters 19.17 (inland subdivision), 20.82 (coastal zoning), and 21.82 (inland zoning):

- Upon receiving a written request for an administrative interpretation pursuant to Chapters 19.17 (inland), 20.82, or 21.82 of the Monterey County Code, the Chief of Planning will prepare a written Administrative Interpretation ("Administrative Interpretation") pursuant to and in accordance with Chapter 19.17, Chapter 20.82, or Chapter 21.82, as applicable.
- Upon completion of an Administrative Interpretation, the Chief of Planning shall report the Administrative Interpretation at the next regular meeting of the Planning Commission after allowing for the ten-day notice required by these procedures. The Administrative Interpretation shall be listed on the agenda under "Department Report," and a copy of the Administrative Interpretation shall be included in the agenda packet.

¹ Pursuant to Chapter 2.30 of the Monterey County Code, references in the Monterey County Code to the Director of Planning or the Planning Director shall be understood to refer to the Chief of Planning. The term "Chief of Planning" as used herein includes his or her designee.

- At the same time as the Planning Commission agenda is posted, or upon distribution of the agenda to all, or to a majority of all, of the Planning Commission, the Chief of Planning shall cause the Administrative Interpretation to be posted on the RMA website, in a location on the website that will house Administrative Interpretations.
- At least ten days prior to the report of the Administrative Interpretation to the Planning Commission, the Chief of Planning shall mail or email notice of the Administrative Interpretation to: 1) the person or entity who requested the interpretation; 2) owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the Administrative Interpretation, if the Administrative Interpretation pertains to a specific property; 3) any person or entity who has submitted a written request to RMA for notice of any land use application pertaining to that property; and 4) any person or entity who has submitted a written request to RMA for notice of Administrative Interpretations. Provision of this notice shall be in addition to provision of the Administrative Interpretation to the person requesting the interpretation pursuant to Chapters 19.17 (inland), 20.82, or 21.82 of the Monterey County Code, as applicable. The notice shall include the date of the Planning Commission meeting at which the Administrative Interpretation will be reported to the Commission.
- The Administrative Interpretation shall be listed on the Planning Commission agenda as a report only. If the Planning Commission desires to deliberate regarding the Administrative Interpretation, the Commission may direct staff to place the matter on a future agenda of the Commission. Such deliberation does not substitute for an appeal of the Chief of Planning's Administrative Interpretation. However, any changes to the Administrative Interpretation made by the Planning Commission will become the operative Interpretation.
- The period to appeal an Administrative Interpretation shall be fourteen (14) days from the meeting date at which the Administrative Interpretation is reported to the Planning Commission. This requirement shall be stated in the Administrative Interpretation.
- The Administrative Interpretation shall not become effective until conclusion of the appeal period or conclusion of the appeal process, if appealed. The Administrative Interpretation will include language that specifies it does not become effective until conclusion of the appeal period or upon conclusion of the appeal process, if appealed.

Per the Board's July 18, 2017 direction, staff will return to the Board of Supervisors on August 29, 2017 to present for the Board's consideration an application fee to cover the estimated reasonable cost of processing requests for Administrative Interpretation, including the cost of notification under these procedures. If approved, that fee will go into effect 60 days following adoption. Also, staff will return to the Board of Supervisors within 120 days of July 18, 2017 with an ordinance for the Board's consideration to amend the applicable chapters of the County Code to incorporate the procedures set forth in this memorandum. Adoption of an ordinance would supersede this Interpretation upon its effective date.