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