



Monterey County

Item No.

Board Report

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

Legistar File Number: RES 21-057

March 16, 2021

Introduced: 3/10/2021

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Public hearing (continued from February 23, 2021) to consider an appeal by Leonard McIntosh from the September 30, 2020 Planning Commission decision approving an amendment to a Combined Development Permit to allow construction of a 22,137 square foot, two-story, 15-unit residential apartment building, on vacant Lot 5 of the Laguna Seca Office Park (LSOP) and approving a General Development Plan for Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 [Condominium Units 103 & 104] and 19 [Condominium Unit 002] of the LSOP to allow residential and/or commercial uses on any single lot, such that the cumulative total of residential square footage across all lots covered by the General Development Plan does not exceed the cumulative total commercial square footage across the LSOP.

Proposed CEQA Action: Consider an Addendum together with the Final Environmental Impact Report for the Laguna Seca Office Park in accordance with CEQA Guidelines Section 15164. [PLN170765 -Leonard H. McIntosh Family Trust, 24491 Citation Court, Monterey, Greater Monterey Peninsula Area Plan. (APNs: 173-121-002, 173-121-003, 173-121-004, 173-121-005 (Lot 5), 173-121-023, & 173-121-026, 173-121-009, 173-121-011, 173-121-015, 173-121-016, 173-123-001, 173-123-003, 173-123-006, & 173-124-001)]

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- a) Grant in part the appeal by Leonard McIntosh from the September 30, 2020 Planning Commission decision approving an amendment to a Combined Development Permit to allow construction of a 22,137 square foot, two-story, 15-unit residential apartment building, on vacant Lot 5 of the Laguna Seca Office Park (LSOP) and approving a General Development Plan for Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 [Condominium Units 103 & 104] and 19 [Condominium Unit 002] of the LSOP;
- b) Certify the Board considered an Addendum together with the LSOP Final Environmental Impact Report (FEIR) in accordance with CEQA Guidelines Section 15164;
- c) Approve a General Development Plan (GDP) covering certain lots [Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 (Condominium Units 103 & 104) and 19 (Condominium Unit 002)] that allows residential and/or commercial uses on any single lot, such that the cumulative total of residential square footage across all lots covered by this GDP, does not exceed the cumulative total commercial square footage across all LSOP lots; and
- d) Approve an amendment to a Combined Development Permit (PLN020332, PC Resolution No. 12-035) to allow construction of a 22,137 square foot two-story 15-unit residential apartment building on Lot 5 of the LSOP, instead of a 20,306 square foot two-story professional office building, subject to the project satisfying 25% requirement for 3.5 total Affordable Units as follows: 1) One (1) Low-Income; 2) One (1) Moderate-Income; 3) One (1) Workforce I Income; and pay fees *in lieu of*

0.5 fractional unit.

The attached draft Resolution includes findings and evidence for consideration (**Attachment A**). Staff recommends granting the appeal in part and approving the project subject to twenty-four (24) conditions of approval.

PROJECT INFORMATION:

Agent: Anthony Lombardo, Anthony Lombardo & Associates

Property Owner: Leonard H. McIntosh Family Trust (LAGUNA SECA OFFICE PARK - LOT 5) and owners of Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 [Units 103 & 104] and 19 [Unit 002] of the Laguna Seca Office Park.

Zoning: Visitor Serving/Professional Office with Building Site, Urban Reserve, Design Control, and Site Plan Review Overlays [VO-B-6-UR-D-S]

Flagged and Staked: Yes

SUMMARY:

On February 23, 2021, the Board of Supervisors held a hearing on the appeal by Leonard McIntosh from the September 30, 2020 Planning Commission decision on the project application for a General Development Plan and 15-unit apartment building on Lot 5 of the Laguna Seca Office Park (LSOP). The appeal hearing focused on the amount of affordable housing required for the 15-unit apartment building. At the hearing, the Board of Supervisors adopted a motion of intent to approve the project subject to a 25% affordable housing requirement and requested that full unit requirements be provided on site with payment of in-lieu fees for the fractional unit obligation. The Board continued the hearing to March 16, 2021 for staff to return with a resolution that incorporates the 25% requirement for the Board's consideration.

Staff has prepared a resolution (**Attachment A**) that reflects the Board's direction from February 23, 2021. Using the standard methods for calculating the inclusionary housing requirements and implementing the distribution of units set forth in General Plan Policy LU-2.13, staff has determined that 25% equates to a total of 3.5 units, broken down as follows:

- 1 low income unit
- 1 moderate income unit
- 1 workforce I unit; and
- Payment of \$137,696 for the remaining 0.5 unit obligation

Since the Board action on February 23, 2021, the applicant has requested some certainty regarding potential future residential developments under the General Development Plan. Staff recommends that 25% affordability be required for future residential development of the lots subject to the LSOP General Development Plan, approved as part of today's action, until or unless updates are adopted that memorialize a different standard within the General Plan or County Code. If regulations are updated in the future, each project will be subject to the rules in place at the time of consideration.

CEQA

An Addendum (**Attachment C**) to the previously certified FEIR for the LSOP was prepared pursuant to Code of Regulations, Title 14, Section 15164 because some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a

subsequent EIR have occurred. The proposed GDP concentrating residential use, and calculating permissible residential and commercial use cumulatively across the lots subject to the GDP, is a change in the project from what was analyzed in the LSOP EIR. The Addendum analyzed the project with four units of affordable housing and the project is being proposed for approval with provision of three affordable units within the same building footprint as for four affordable units. These changes would not introduce significant new impacts and in fact, residential use instead of commercial use, reduces the severity of impacts to water use and traffic from what was previously analyzed.

OTHER DEPARTMENT INVOLVEMENT:

- Environmental Health Bureau
- County Counsel
- HCD-Public Works
- HCD-Environmental Services
- Monterey County Regional Fire District
- HCD - Housing & Community Development

FINANCING:

Funding for staff time associated with this appeal is included in the FY 20-21 Adopted Budget for HCD-Planning. In accordance with MCC Title 21, the appellant paid the appeal fee of \$3,540.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our HCD customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Jaime Scott Guthrie, AICP, Associate Planner, ext. 6414

Reviewed by: Craig Spencer, HCD-Planning Services Manager *CS*

Approved by: Erik Lundquist, AICP, Chief of HCD-Planning *EL*

The following attachments on file with the Clerk of the Board:

Attachment A - Draft Resolution including:

- General Development Plan
- Conditions of Approval
- Plan Set
- Colors + Materials

Attachment B - Notice of Appeal dated October 26, 2020

Attachment C - Addendum to LSOP FEIR

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Attachment D - LSOP FEIR

cc: Front Counter Copy; Public Works, Facilities, and Parks; Environmental Health Bureau; HCD-Environmental Services; Craig Spencer, HCD-Planning Services Manager; Jaime Scott Guthrie, Project Planner; Leonard H. McIntosh, Property Owner and Appellant; Anthony Lombardo, Attorney for Applicant and Appellant; Mark Blum, interested party; Bob Dvorak, interested party; Joan Nelson, interested party; Harvey Pantzis, interested party; Pam Pantzis, interested party; Carol Planchon, interested party; Edward Rockower, interested party; Henry Ruhnke, Architect and interested party; Peggy Tharpe interested party; Michael Weaver, interested party; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN170765