

Attachment A

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Attachment A DISCUSSION

PROJECT DESCRIPTION

The project proposes the construction of a 36,000 square foot (42 units; 36 one-bedroom and 6 two-bedroom) supportive housing complex to serve homeless and disabled veterans and a 3,300 square foot community center building on a 1.525 acre site, south of the Merritt Street Corridor in the Castroville Community Plan (CCP). The subject site is designated for Mixed Use Development stipulating that the project should contain a mix of residential and commercial uses. The subject site is irregular in shape with a small narrow frontage near the intersection of Merritt Street and Poole Street, and most of the project area tucked behind existing residences. The area fronting on Merritt Street will be developed with a proposed one-story (20 foot high) community center, while the middle of the property will contain a three story (40 foot high) housing complex.

The project also involves a request for a reduction in required parking and proposes shared parking between the housing complex and the community center. The Community Center is primarily to serve the residents of the complex. The rationale for the parking reduction is the low parking demand for the community center because it is used by residents, and the anticipated inhabitants of the housing complex are disabled, handicapped, and/or homeless veterans who will not typically own cars. At the Planning Commission hearing the organization that will operate the complex cited other example that their complexes do not have a typical parking demand and the reduction will still provide more parking than needed.

Planning Commission Action and Appeal

The Monterey County Planning Commission conducted a public hearing and approved the application on December 9, 2015. The Planning Commission hearing considered issues and concerns related to whether the Use Permit for a parking reduction should be granted, how to satisfy the inclusionary housing requirement, limiting the use of the site to veterans housing, and the installation of appropriate infrastructure within the Castroville community. The Planning Commission voted 5-2 to approve the project (See Attachment D).

An appeal was timely filed by Nancy B. Ausonio (“appellant”) on December 21, 2015. The appellant requests that the Board of Supervisors grant the appeal and deny the Combined Development Permit. The contentions are related primarily to the reduction in parking and in the lack of infrastructure being constructed in Castroville. The appellant’s contentions are contained in the Notice of Appeal (Attachment C).

CASTROVILLE COMMUNITY PLAN (CCP) CONSISTENCY

Land Use and Zoning

The Castroville Community Plan land use and zoning designation of Mixed Use-Commercial “MU-C” provides for residential development on the same site and in the same building as commercial, office and/or public uses. Residential development within the Mixed-Use

designation is allowed at a minimum density of 15 dwelling units per acre and a maximum of 30 dwelling units per acre. The proposed density for this project is approximately 24 units per acre based upon the gross acreage, but approximately 40% of the lot is adjacent to the slough and is in the floodway. The area within the Floodway is required to remain undeveloped, leaving a net density at approximately 36 units per acre. Based on the entire property size, (1.5 acres) the proposed gross density of development is consistent with the Castroville Community Plan.

The project also includes the development of a one-story 3,300 square foot Veteran's Community Center. The development of the proposed community center would comply with the MU-C designation, as it would add a commercial, office and/or public use component to the development.

Site Plan

The layout of the site plan proposes a three story structure in the center of property to maximize available space. The proposed setbacks are 70 feet along the frontage of Poole Street, five feet to the property line to the south, 179 feet from the slough/floodway to the west, and approximately 38 feet from the adjacent existing residences located to the east. This 38 foot area will be landscaped to provide an aesthetic and noise buffer from the residences to the east. The 47 stall parking area is located between the building and Poole Street. The proposed structure height of the three-story apartment complex is approximately 40 feet; the community center is proposed to be a maximum of 20 feet.

The "MU-C" development standards allow zero setbacks and up to three stories with a maximum height of 42 feet. The proposed development complies with the Castroville Community Plan and Development Guidelines. Additionally, the site is allowed a maximum of 50% of site coverage, which based on 1.5 acres (66,864 square feet), would be 33,432 square feet of coverage; the development proposed approximately 15,300 square feet of site coverage or 23 percent.

Higher density projects require significant consideration to the placement of landscaping. The western portion of the property (located within the Floodway) will be maintained and vegetated with native plants. A row of trees is also proposed on the western side of the proposed retaining wall. The 38 foot buffer between the complex and adjacent existing residential development will be landscaped with a small area of turf. A row of trees is also proposed along the eastern property line to provide screening from existing development and provide privacy to each property. Along the northern boundary (Poole Street) a small strip of turf and trees are proposed to buffer the parking area from the streetscape. The remainder of the landscape areas is not highly detailed in the landscape plan in terms of the plant palette and the combination of trees, shrubs and ground cover. A landscape condition has been added to the project, requiring more detailed landscaping plans prior to issuance of a building permit. Larger tree species should be used in the larger landscape planter areas. Small trees should be used to provide color and contrast in smaller landscape planter areas and to provide a visual buffer from the adjacent residences. All plant materials should be drought tolerant.

Perimeter retaining walls will be constructed of concrete masonry “Allan” block ranging in height from two feet to up to twelve feet in the rear of the development.

Building Design

The site does not have any historic buildings in the immediate vicinity with which it needs to be compatible. In this situation the Castroville Community Plan allows use of contemporary and/or interpretations of historic architectural styles represented in the Castroville area. The CCP identifies the following guidelines for materials and colors:

- *Use the highest quality materials on exposed exterior surfaces such as brick, metal, stone, terra cotta, wood, tile and stucco.*

The proposed building materials are consistent with this policy. Each building will be constructed with a wood frame covered with stucco on the exterior walls, using a Mediterranean/Spanish style of architecture. The roof will be a concrete “S” tile. Patios will consist of iron outlining and vinyl French doors. Vinyl windows will be used throughout the structure.

- *Contrasting colors should accent architectural details such as windows and doors, moldings, and shutters from the primary building color. For example, a building painted a lighter color should use darker colors to accent architectural details and vice-versa. Colors for new buildings should be compatible to adjacent existing structures.*

The color palette uses contrasting colors corresponding to the architectural details. The stucco color is proposed as a combination of light white/almond contrasted with a light brown/tan tone on the “belly band”. Eaves, fascia, gutters, and patio trims will be a darker brown tone. The roof will consist of brown/red (Spanish style) tile. Balcony rails will be a powder coated dark bronze color. Unit windows and patio French doors will be white in color.

This color palette is consistent with existing and recent development projects within the general vicinity of the project property.

- *Innovative or “green” materials are encouraged provided they appear similar in quality, texture, finish and dimension to those used traditionally in the neighborhood.*

This has not been addressed as part of the project design.

- *Building colors should evoke a sense of richness and liveliness to complement and support overall character.*

The building colors support the overall character of the building.

- *Simple, matte finishes are preferred. Highly reflective building materials and mirrored glass are inappropriate. Polished stone or ceramic tile, for example should be avoided or limited to accent elements.*

The project does not propose any reflective materials.





TRAFFIC IMPACT FEES

The project was not required to prepare and submit a project specific traffic impact analysis because it was processed as consistent with the Castroville Community Plan EIR. As part of the adoption of the Castroville Community Plan, the Castroville Community Plan Development Impact Fee Program (CCPDIF) was developed to mitigate and fund traffic improvements within Castroville. This fee has been applied to projects on an ad hoc basis. This project has been conditioned to pay into the CCPDIF, and is subject to their fair share payment of impact fees based on a per trip basis (Condition 15). The payment of CCPDIF fees mitigates traffic generated by the proposed project as the generated fees will be spent on improvements envisioned by the Castroville Community Plan.

Additionally, the project is subject to Regional Development Impact Fee (RDIF) (Condition 32) and the Countywide Traffic Impact Fee (Condition 34). The RDIF requires the payment of fees intended to assist with the funding of traffic improvements on a regional scale. The Countywide

Traffic Impact Fee requires the payment of fees intended to assist with the funding of traffic improvements on a countywide scale.

The application and payment of all three fee programs is adequate mitigation for potential traffic related impacts at the neighborhood, countywide, and regional levels. The amount of payment required by each fee is subject to the fee schedule and per unit amount in place at the time of issuance of the first building permit.

PARKING REDUCTION

The Zoning Ordinance requires 1.5 spaces for each one-bedroom unit ($1.5 \times 36 = 54$), 2 spaces for each two-bedroom unit ($2 \times 6 = 12$), 1 guest space/every 4 units ($1 \times 42/4 = 11$), and 1 space for every 4 seats of the Community Center ($1 \times 80/4 = 20$). Therefore the total required parking is 97 spaces. The applicant is requesting a reduction in parking via a Use Permit (pursuant to MCC Section 21.58.050.C), and requests a reduction in the required amount of parking stalls from 97 to 47 stalls (including 3 accessible spaces).

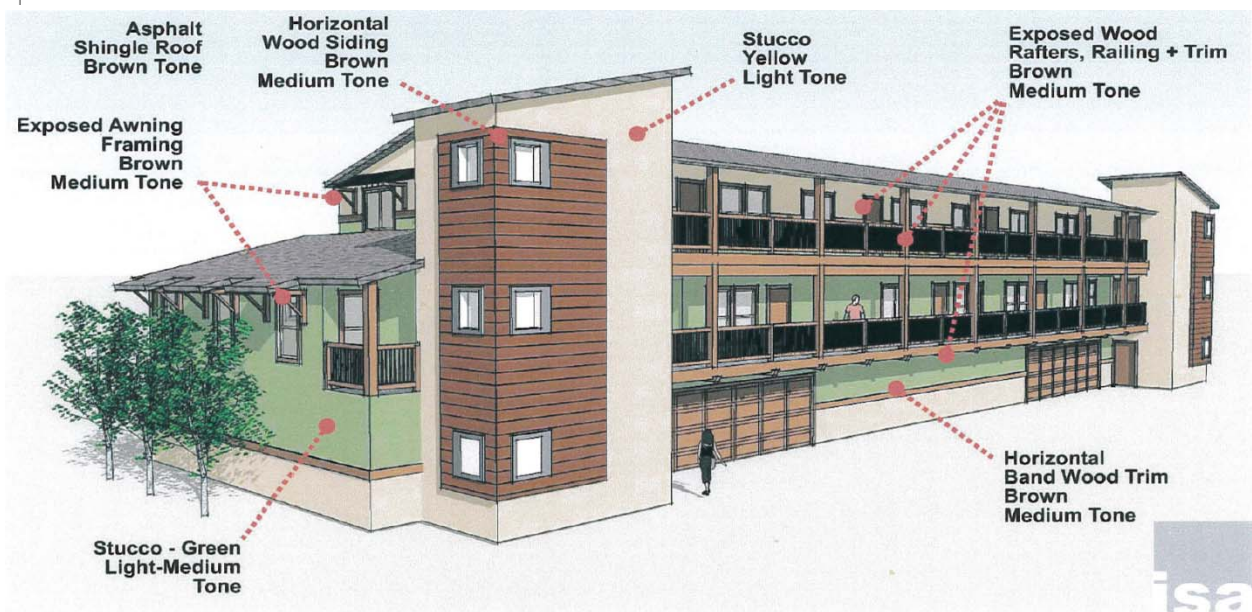
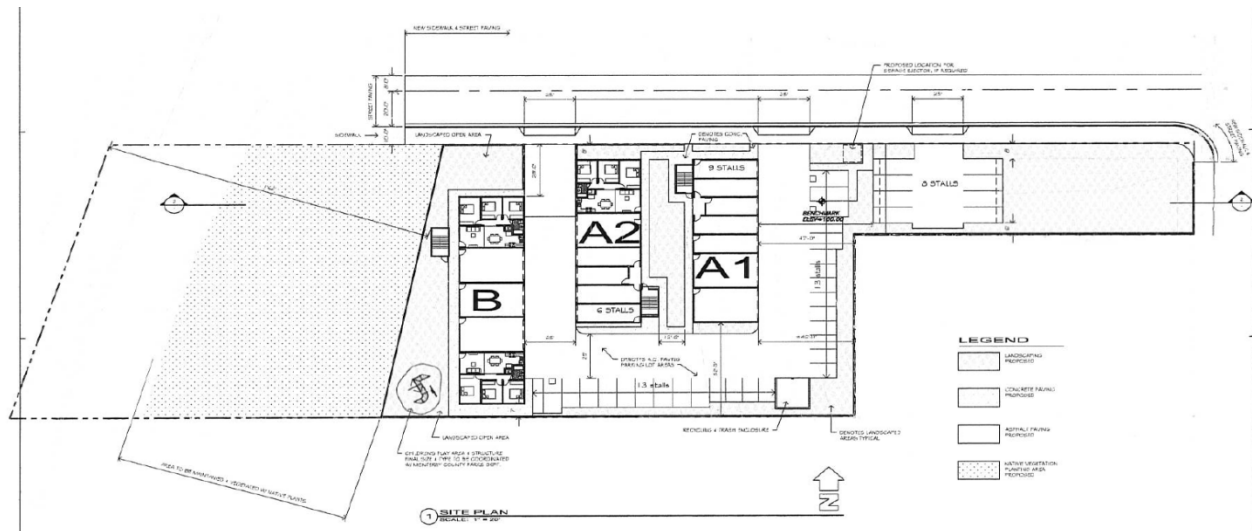
The project is intended to house disabled, home-less, and handicapped veterans, who generally do not own and/or operate motor vehicles, and the primary users of the community center would be persons residing on site. There are two rationales for the parking reduction. First is the relationship between the community center and the housing. The residents of the apartments will be the primary users of the community center, so a reduction in the amount of parking is appropriate to account for the reciprocal nature of the uses. Second is that the nature of the residents, homeless residents, is such that they generally do not own and operate their own vehicles. As such, there will be less demand for parking. The sharing of 47 parking stalls, including 3 accessible stalls, provides 1 space per residential unit, with 5 additional spaces provided for visitors and employees.

AFFORDABLE HOUSING

The proposed project will be required to comply with the County's Inclusionary Housing Ordinance.

PREVIOUS SITE ENTITLEMENTS

On February 25, 2015, the Monterey County Planning Commission approved a Use Permit, General Development Plan and Design Approval (PLN080163) for 21 multi-family units in three separate three-story buildings with two different building types. This particular project was designed to be affordable by design and consisted largely of three bedroom units. This project was approved by the Planning Commission via a 9-1 vote (Resolution No. 15-018).



All units in each building type (A1, A2, and B) are 3-bedroom, 1-bath; therefore the total room count for the overall development is 63-bedrooms. (21 units x 3-bed/1-bath). Additionally, this particular development proposes a total of 51 off-street parking spaces [2.2 spaces/unit (2.2 x 21 = 46 spaces) plus and 1 guest space/4 units (21units/ 4 = 5 spaces)]. The development provides 55 total off-street parking spaces as follows:

Building B	6 spaces (covered)
Building A1	9 spaces (covered)
Building A2	6 spaces (covered)
Open parking lot	34 spaces (uncovered)

Because this entitlement (PLN080136) is valid and can be actively pursued and constructed on the site, the most recent project proposal (PLN150730) was conditioned to include a condition stating that only one project could proceed forward on the site. The issuance of construction permit(s) for PLN080136 would cancel the entitlement under PLN150730; conversely the issuance of construction permit(s) for PLN150730 would cancel the entitlement under

PLN080163. In the event that the Veteran Housing project (PLN150730) is not approved and the appeal is granted, the property owner would still be able to implement the entitlement under PLN080136.

CEQA FINDING

Typically projects consistent with a Community Plan for which an EIR was certified (CEQA Guidelines Section 15183) do not require additional CEQA analysis. In April 2007, the Board of Supervisors adopted the Castroville Community Plan (CCP), which is intended to guide future growth and development within the boundaries of the plan area. The CCP was adopted after the Board of Supervisors certified a Final EIR for build out of the Community Plan area. The subject site is within the Merritt Street Opportunity Area as defined in the Castroville Community Plan. In April 2010, the Board of Supervisors adopted a countywide General Plan (2010 General Plan) which incorporated the North County Area Plan (Chapter 9.G). The General Plan recognized Castroville as a “Community Area” and the already adopted Castroville Community Plan. CEQA Section 15183(a) states:

“CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.”

The 42 units proposed on the 1.5 acres site is between the 15 and 30 units per acre density specified in the Castroville Community Plan. The project proposes a mixture of uses (residential and community) which is in compliance with the mixed use requirement of the Castroville Community Plan and applicable zoning (CP-MU). Additionally, a series of studies were conducted (See Finding 2, Evidence k) which found there were not any project specific environmental impacts peculiar to the development of the site.

The CCP EIR does something unusual which is to require new development to have a traffic study prepared. Normally a Community Plan Level EIR would be able to address traffic impacts sufficiently to identify mitigation measures and allow projects to proceed consistent with the plan. This is the reason for the exemption in the CEQA Guidelines. The mitigation identified by the CCP EIR to require payment of fair share traffic impact fees is carried forward in this project as a condition of approval. The purpose of the traffic study is to calculate the amount of the fee. The provision in CCP EIR seems to have the intent of using the traffic information to identify the number of trips a project will generate to be used to more precisely calculate the impact fees associated with the project. Typically traffic impact fees are assessed at the time of issuance of a building permit, based upon the adopted fee schedule in effect at the time of building permit issuance. In this case, allowing the applicant to submit a traffic generation report, prepared by a licensed civil or traffic engineer, prior to issuance of a building permit, to determine the fair share value of the required fee(s), will be in keeping with the same methodology used of other apartment complexes in Castroville and in keeping with the CCP EIR.

APPEAL

The appeal focuses on several points as follows:

Parking:

As discussed above the project was evaluated to determine whether there was sufficient parking if the parking reduction were granted. The parking reduction was approved by the Planning Commission because based upon the information provided to them, they believed that the project would be inhabited by people who do not have vehicles and thus there is a reduced demand for parking. The appellant identifies the Castroville Community Plan requirement that “adequate” parking be provided. Under normal circumstances, the zoning ordinance requirements define what adequate parking means, but there are circumstances where projects may have special circumstances of residents or relationship to other uses, that justify a different parking requirement. In those cases, the Zoning Ordinance allows a Use Permit to be approved for a reduction in the number of required parking spaces. In this application as discussed above, there is a justification for a reduction in the number of parking spaces, and the Planning Commission action found the number of spaces being proposed to be “adequate.” The parking standard has not been waived; it has just been modified through the appropriate process to address the peculiar circumstances associated with this particular case.

Impact Fees

The project is required to pay its fare share of impact fees. This was not imposed as a condition in the Planning Commission action, but the conditions have been modified to place the developer on notice that the payment of impact fees will be required. Even without the condition, the General Plan has the requirement that development pay appropriate ad hoc fees, and thus this project would be required to pay the fees with or without the condition.

Unique Requirements Pertaining to Supportive Housing

The current project is proposing to house and offer services to homeless veterans. As such, it may qualify as “supportive housing,” defined under state law as “housing with no limit on stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.” (Government Code section 65582(f).) If it meets the definition of supportive housing, state law requires specific stringent findings for denial of a supportive housing project, including finding that the project “would have a specific, adverse impact upon the public health or safety” and “there is no feasible method to satisfactorily mitigate or avoid” the adverse impact without disapproving the project. “Specific, adverse impact” means a “significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards.” (Government Code section 65589.5.) Therefore, if the Board chooses to deny the project, and depending on whether the project is “supportive housing” within the facts, these additional findings would have to be made.

SUMMARY/RECOMMENDATION

Staff recommends that the Board of Supervisors deny the appeal, consider the FEIR for the Castroville Community Plan and find no additional environmental review is needed, and approve the Combined Development Permit with recommended conditions of approval. A draft resolution is attached reflecting this recommendation.

If the Board desires to grant any portion of the appeal and deny the permit application, staff would recommend that the Board adopt a motion of intent and continue the hearing to a date certain, and direct staff to return with a resolution with appropriate findings and evidence.