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# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



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

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## MEMORANDUM

**Date:** July 17, 2020

**To:** Board of Supervisors

**From:** Carl P. Holm, AICP, RMA Director

**Subject:** Café Tori Investments, LLC, Harvest Moon Agricultural Employee Housing Project (PLN190127)

**cc:** Clerk of the Board (112-ClerkoftheBoardEveryone-gp@co.monterey.ca.us)

The Harvest Moon Agricultural Employee Housing Project (“Project”) is located off the northwest intersection of West Rossi Street and Davis Road, within an area actively farmed (row crops), and is intended to provide housing for up to 1,200 seasonal agricultural employees during the harvest season from April to November. RMA determined that this is a high priority project because it provides critically needed housing for agricultural employees. As such, staff was directed to afford Special Handling because the project is under a very tight timeline so that it may be complete in time to house agricultural employees for the harvest season starting early spring 2021.

The Project was approved by the Monterey County Planning Commission on June 24, 2020, subject to conditions. A portion of the Project is within a fee strip owned by the District with an existing underground sewer pipeline. Conditions of Approval 39 and 40 placed on the Project by the Boronda County Sanitation District (“District”) require that the developer submit a draft easement and draft maintenance agreement to the District prior to issuance of a grading and building permits for the project. These documents provide the developer approval to construct the Project within the fee strip. They also provide protections to the District and establishes the District’s right to access its facilities through the developer’s improvement at no cost to the District.

The conditions were written to require the final easement and maintenance agreement be approved by the Board of Supervisors, acting as the District Board of Directors, *prior to finalizing the permits* for the Project. Staff interpreted this to mean that County could not issue a permit until/unless the District Board approved the easement. The developer satisfied their portion of the District condition by timely submitting the documents, the rest of the process is up to County staff.

On Tuesday July 14, 2020, RMA staff realized and brought to my attention that they made an error in the timing associated with getting the matter before the District Board of Directors. The developer has expressed significant concerns if they would be required to adjust the grading plan to avoid the fee strip while the documents process to the Board for approval, noting that even a week delay in the project

could prove detrimental to the Project timeline. All other applicable conditions have been cleared, so the applicant requested to pull permits to begin work on Monday July 20, 2020.

We typically do not hold up an applicant where they have fulfilled the portion of the condition within their control and the rest is up to staff to process. As such, I have interpreted *prior to finalizing the permits* as meaning prior to permit final, meaning project completion. In an effort keep this high priority project on track, I have directed staff to issue the permits for the project to allow the developer to begin work as planned on Monday, July 20<sup>th</sup>. In the meantime staff is expediting the easement and maintenance agreement for the Board's consideration, aiming for July 28<sup>th</sup>, prior the Board's summer recess. As extra precaution and protection for the County until the documents are fully executed, I also requested (received) a letter from the applicant stating that they accept responsibility for any damage to the district facilities (sewer line) and any damage that may be caused if they break the line (e.g. environmental damage).