

# Exhibit H

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**MINUTES**  
**Toro Land Use Advisory Committee**  
**Tuesday, October 15, 2019**



**Site Visit at 3:15 PM at 701 MONTEREY SALINAS HWY SALINAS (ANTLE)**

**Attendees:** Mike Antle, Owner; Dale Ellis, Associate of Antle attorney Lombardo

**LUAC members:** Keenan, Mueller, Pyburn, Rieger, Vandergrift, Weaver, Bean

**Members Absent:** Gobets

**ADJOURN TO REGULAR SCHEDULED MEETING**

1. **Meeting called to order by:** Weaver **at** 4 **pm**

2. **Roll Call**

**Members Present:** Lauren Keenan, Michael Mueller, Robert Rieger, Ron Vandergrift, William Pyburn,

Mike Weaver, Beverly Bean (7)

**Members Absent:** Gobets [medical excuse] (1)

3. **Approval of Minutes:**

A. May 28, 2019 minutes

Motion: Keenan (LUAC Member's Name)

Second: Bean (LUAC Member's Name)

Ayes: Keenan, Mueller, Rieger, Pyburn, Weaver, Bean (6)

Noes: 0

Absent: Gobets (1)

Abstain: Vandergrift (1)

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

5. **Scheduled Item(s)**

6. **Other Items:**

- A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects (Refer to pages below)

None

- B) Announcements

None

7. **Meeting Adjourned:** 5:07 pm

**Minutes taken by:** Beverly Bean



# Action by Land Use Advisory Committee Project Referral Sheet

Monterey County RMA Planning  
1441 Schilling Place 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025



**Advisory Committee:** Toro

1. **Project Name:** ANTLE MIKE V TR ET AL  
**File Number:** PLN190204  
**Project Location:** 701 MONTEREY SALINAS HWY SALINAS  
**Assessor's Parcel Number(s):** 161-251-002-000  
**Project Planner:** JAIME SCOTT GUTHRIE  
**Area Plan:** TORO AREA PLAN  
**Project Description:** Minor Subdivision of existing 47.25 acres into 2 parcels:  
Parcel 1 of 39.25 acres and Parcel 2 of 8 acres.

**Recommendation To:** PLANNING COMMISSION

**Was the Owner/Applicant/Representative present at meeting?** Yes X No \_\_\_\_\_

**(Please include the names of the those present)**

Mike Antle, Owner;

Dale Ellis, Associate of Antle attorney Lombardo

**Was a County Staff/Representative present at meeting?** Craig Spencer, County Planning Services Manager (Name)

**PUBLIC COMMENT:** None

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

## LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
B-8 Zoning prohibits minor subdivision. This project would set a precedent for others to do the same.	B-8 Zoning Ordinance	
Water system would change from single family to small water system		
This project creates 2 APNs and would open the way for future development		

## ADDITIONAL LUAC COMMENTS

B-8 was imposed in 1992 in response to wells failing due to unrestricted development in Toro area. In 2007 the Geosyntec El Toro Water Study was completed and supported the County decision to continue the B-8 zoning. The applicant stated that the 2010 General Plan conflicts with the B-8 zoning. However, the General Plan does not discuss lifting the B-8 or give conditions which would allow this.

The applicant offered a permanent deed restriction so that no further development would be allowed on the two parcels. This proposal does not negate the B-8 issue and the County responsibility to uphold it.

Applicant currently boards several horses and dogs for profit. This use does not have a use permit.

## RECOMMENDATION:

**The Toro LUAC cannot support the project due to its conflict with the B-8 zoning. This project would set a precedent for other requests. Changing or lifting the B-8 will require environmental study and review.**

Motion by: Bean (LUAC Member's Name)

Second by: Vandergrift (LUAC Member's Name)

☐ Support Project as proposed

☐ Support Project with changes

☐ Continue the Item

AYES: Vandergrift, Keenan, Rieger, Pyburn, Weaver, Bean (6)

NOES: Mueller (1)

ABSENT: Gobets (1)

ABSTAIN: 0





October 15, 2019

Toro LUAC Meeting Minutes, Attachment to County format  
Re: PLN190204 Antle, et al, APN: 161-251-002-000



Exhibits at Toro LUAC meeting with explanation comments (prepared by Mike Weaver)

#### **Exhibit A**

Memorandum from Monterey County Planner Jaime Scott Guthrie to Toro LUAC stating the application raises a significant land use issue that necessitates review prior to a public hearing before the Planning Commission.

Memorandum was read into the record by Chair Mike Weaver, for the LUAC, the applicant, and the applicants representative.

Mike Weaver explained that after receiving the LUAC package in the mail and reading the Memo, he phoned Ms. Guthrie and asked for clarification that the significant land use issue is the applicant's property is zoned B-8? Ms. Guthrie replied yes, that is the significant land use issue.

Mike Weaver asked the Planner why a Minor Subdivision application might be accepted by RMA for a minor subdivision when it is in a B-8 area?

The answer given was, RMA accepts all applications submitted.

#### **Exhibit B**

Development Project Application dated June 20, 2019 by applicant's representative.  
Current zoning LDR/B-8-VS (20')

Regarding answers to two questions on the Scope of Work Statement

Question 27: Project is a change or modification to an approved application  
Applicant's representative answered NO.

Weaver questions this, as this APN/property was zoned B-8 prior to Mr. Antle purchasing it. It was B-8 during the time Mr. Antle received County approvals for his applications for family home/house and accessory structures.

Question 29: Project involves new, change, or modifications to existing utilities and/or power lines. Applicant's representative answered NO.

Weaver questions this as the paperwork included with the application states that the individual well serving the property would need to be modified to a small water system (serving two separate APN's).

#### **Exhibits C&D**

Mike Weaver asked if the LUAC members had all received the two letters sent by RMA at 5:12 p.m. the previous day, authored by the applicant's representative, regarding this Antle application and his representatives explanation of the B-8 and application. Three of the LUAC members present said they had not received the email with letters attached.

Mike Weaver said it was important that they read the letters as they are documents intended for this meeting. Weaver had printed extra copies of the letters, so time was spent at the LUAC meeting allowing the three LUAC members who had not read the two letters, to do so.

#### **Exhibit E**

Monterey County website - Lookup Zoning  
701 Monterey-Salinas Hwy has APN: 161-251-002-000

The zoning is accurately identified on the County website as LDR/B-8-VS(20')

**Exhibit F**

Monterey County Title 21 Zoning

Chapter 21.42 - Regulations for Building Site Zoning Districts or "B" Districts

Weaver read the B-8 Regulations for benefit of the LUAC, the applicant, and the applicant's representative, into the record. Weaver stated he thought H.2. is particularly pertinent; "The minimum building site shall be that which is recognized as an existing legal lot at the time the "B-8" Zoning District is imposed on the property, or lots that are created by minor or standard subdivision for which an application was received by the Monterey County Planning Department prior to the imposition of the "B-8" Zoning District on the property"

The applicant confirmed the property was B-8 when he purchased it.

Accela records reflect applicant began structural work on this property in 2002.

**Exhibit G**

Map titled "El Toro Hydrogeologic Subareas"

Created 5/10/2005

Antle property is identified as being inside the Corral de Tierra Subarea, the northeastern part.

**Exhibit H**

Letter from RMA dated 18 July 2019, regarding application deemed incomplete and requesting additional information.

Weaver asked about the status of the proposed road re-alignment from Cypress Church driveway to the SR68 and Corral de Tierra intersection.

Weaver explained this would be a tie-in for the 5 residential parcels created in 1984, and closer to Hwy 68 as well as the Antle parcel, to use the "fourth leg" of the intersection, that the Cypress Church now uses.

Mike Antle explains that everyone now is for it, that is the connection. However, it was all stopped by CalTrans pending design work for a possible round-a-bout at Corral de Tierra. The timeline is uncertain.

**Exhibit I**

Cover Page and three maps of the El Toro Groundwater Study commissioned by the Monterey County Board of Supervisors in 2005. This was tasked to the Monterey County Water Resources Agency who used public funds to study the groundwater situation. The report was published in July 2007.

The report is available online at the MCWRA website. Use the dropdown box and choose hydrogeologic reports. This El Toro Groundwater study is one of the featured reports.

- 1) Copy of the cover page
- 2) Copy of the June 2007 "Study Well Locations, Water System Boundaries and B8 Zoning  
The Antle property is marked as being in the B8 Zoning boundary highlighted in yellow
- 3) Copy of the June 2007 "Study Well Locations, Water System Boundaries and B8 Zoning  
Here, the Corral de Tierra Subarea Boundary is highlighted in yellow, with the Antle property marked, inside the boundary.
- 4) The El Toro Planning Area Study Location





# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



EXHIBIT A

1441 Schilling Place South  
2<sup>nd</sup> Floor  
Salinas, CA 93901  
[www.co.monterey.ca.us/rma](http://www.co.monterey.ca.us/rma)

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

## MEMORANDUM

**Date:** 15 October 2019

**To:** Toro Land Use Advisory Committee (LUAC)

**From:** Jaime Scott Guthrie, AICP, Associate Planner, RMA-Planning

**Subject:** PLN190204 Antle et al

**cc:** Dale Ellis c/o Anthony Lombardo & Associates, Agent; File PLN190204

**Attachments:** Development Project Application and Vesting Tentative Map

RMA-Planning received an application for a Minor Subdivision to allow division of one parcel (47.25 acres) into two parcels (39.25 acres and 8 acres, respectively) north of Highway 68 and Corral de Tierra intersection. The property is located at 701 Monterey-Salinas Highway, Salinas (Assessor's Parcel Number 161-251-002-000), Toro Area Plan.

The application has been referred to the Toro LUAC for review consistent with the Land Use Advisory Committee Procedure Guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 15-043 because the application raises a significant land use issue that necessitates review prior to a public hearing before the Planning Commission.

Your comments regarding the project proposal are appreciated. If you have any questions regarding PLN190204, please contact me at either (831) 796-6414 or [guthriejs@co.monterey.ca.us](mailto:guthriejs@co.monterey.ca.us)



MONTEREY COUNTY  
RESOURCE MANAGEMENT AGENCY  
Carl P. Holm, AICP, Director

LAND USE & COMMUNITY DEVELOPMENT | PUBLIC WORKS & FACILITIES | PARKS  
1441 Schilling Place, South 2nd Floor (831) 755-4800  
Salinas, California 93901-4527 www.co.monterey.ca.us/rma



DEVELOPMENT PROJECT APPLICATION

This application is for:

- |  |  |
|--|--|
| <input type="checkbox"/> Combined Development Permit                     | <input checked="" type="checkbox"/> Tentative Parcel Map [Minor Subdivision] |
| <input type="checkbox"/> Rezoning  | <input type="checkbox"/> Tentative Map [Standard Subdivision]                |
| <input type="checkbox"/> Administrative Permit [Coastal/Non-Coastal]     | <input type="checkbox"/> Vesting Tentative Map                               |
| <input type="checkbox"/> Use Permit                                      | <input type="checkbox"/> Preliminary Map                                     |
| <input type="checkbox"/> Variance  | <input type="checkbox"/> Preliminary Project Review Map                      |
| <input type="checkbox"/> Design Approval                                 | <input type="checkbox"/> Lot Line Adjustment                                 |
| <input type="checkbox"/> General Development Plan                        | <input type="checkbox"/> Revised Final Map                                   |
| <input type="checkbox"/> Coastal Development Permit                      | <input type="checkbox"/> Revised Parcel Map                                  |
| <input type="checkbox"/> Modification of Conditions                      | <input type="checkbox"/> Amended Final Map                                   |
| <input type="checkbox"/> Local Coastal Plan Amendment [L.U.P. or C.I.P.] | <input type="checkbox"/> Amended Parcel Map                                  |
| <input type="checkbox"/> General Plan Amendment                          | <input type="checkbox"/> Subdivision Extension Request                       |
| <input type="checkbox"/> Minor Amendment [Coastal/Non-Coastal]           | <input type="checkbox"/> Other _____   |



- Owner[s] Name: Mike Antle Trust  
Address: 701 Monterey-Salinas Highway City: Salinas State: CA  
Telephone: --- Zip Code: 93908
- Applicant's Name: Mike Antle Trust C/O Lombardo and Associates  
Address: 144 West Gabilan City: Salinas State: CA  
Telephone: 831-751-2330 Zip Code: 93901
- Applicant's interest in property [Owner, Buyer, Representative, etc.] Owner
- Property address and nearest cross street: 701 Monterey-Salinas Highway; nearest cross street: Corral de Tierra Rd.
- Assessor's Parcel Number[s]: 161-251-002-000
- Current Zoning: LDR/B-8-VS (20')
- Property area [acres or square feet]: 47.25 acres
- Describe the proposed project:  
Minor Subdivision of the property into 2 lots to separate the existing dwelling from the equestrian facilities

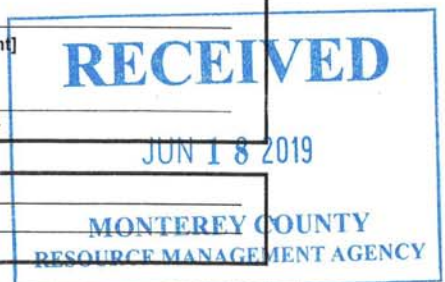
9. REZONING OR AMENDMENT ONLY: The applicant wishes to amend Section \_\_\_\_\_ of the Monterey County Code, from a \_\_\_\_\_ Zoning District to a \_\_\_\_\_ Zoning District or some other classification.

10. GENERAL PLAN AMENDMENT OR COASTAL PLAN AMENDMENT ONLY: Describe the proposed amendment:  
\_\_\_\_\_

11. SUBDIVISION INFORMATION ONLY: Number of Lots: 2  
Purpose of Subdivision: Sale: ☐ Lease: ☐ Financing: ☐ Other: ☒ separate equestrian use

12. LOT LINE ADJUSTMENT INFORMATION ONLY: What is the purpose of the adjustment: \_\_\_\_\_
- WILL THE ADJUSTMENT RELOCATE THE BUILDING AREA? Yes ☐ No ☐
- ADJUSTED PARCEL SIZE(S): \_\_\_\_\_
- Owner's Signature \_\_\_\_\_ Owner's Signature \_\_\_\_\_
- Owner's Name [Please Print] \_\_\_\_\_ Owner's Name [Please Print] \_\_\_\_\_
- Assessor's Parcel Number \_\_\_\_\_ Assessor's Parcel Number \_\_\_\_\_

13. VARIANCES ONLY: Describe the proposed variance: \_\_\_\_\_



7070617118



14. If new or additional construction is proposed, complete the following information:

A. Residential Development: Single Family Residence ☐ Other [how many total units] \_\_\_\_\_

No. of covered parking spaces \_\_\_\_\_ No. of uncovered parking spaces \_\_\_\_\_ Lot Coverage \_\_\_\_\_ %

B. Commercial or Industrial Development: No. of employees [include all shifts] \_\_\_\_\_

No. of covered parking spaces \_\_\_\_\_ No. of uncovered parking spaces \_\_\_\_\_

No. of Loading Spaces \_\_\_\_\_ Lot Coverage \_\_\_\_\_ %

15. Will grading or filling be required: Yes ☐ No ☒ Cubic Yards \_\_\_\_\_

16. Will the project require placement of structures, roads, grading cuts or fills on slopes of 30% or greater: Yes ☐ No ☒

17. Will any trees be removed: Yes ☐ No ☒ If yes, indicate the number, specie[s] and diameter: \_\_\_\_\_

Other vegetation to be removed: \_\_\_\_\_

18. How will water be supplied: Individual Wells ☒ (existing) \_\_\_\_\_ Mutual System \_\_\_\_\_

Name of Public or Private Water System: \_\_\_\_\_

19. How will sewage or other waste be disposed: septic (existing) \_\_\_\_\_

Name of Public or Private Sewer System: \_\_\_\_\_

20. Is this land currently in row crop production: Yes ☐ No ☒

21. Is this land used for grazing: Yes ☐ No ☒

22. Is this land under an Agricultural Preservation Contract: Yes ☐ No ☒ If yes, indicate the Contract No. \_\_\_\_\_

23. Is this proposed project located on a hazardous waste facility: Yes ☐ No ☒ [Government Code 65962.5]. [A list of hazardous waste sites is maintained by the Environmental Health Dept., Phone 831-755-4500.]

I/We state that as the owner[s] or agent for owner[s] for the development permit application. I/We have read the complete application and know the contents herein. I/We declare under penalty of perjury that the information contained in this application including the plans and documents submitted herewith are true and correct to the best of my/our knowledge. If the project is approved, I/We understand that we may be charged an additional fee for staff time required to satisfy conditions of approval.

Dated: June 20, 2019 at Salinas, California

I declare under penalty that I am authorized by the owner[s] of the described property to make this application.

Owner's Name [Please Print or Type] \_\_\_\_\_

Agent's Name [Please Print or Type] \_\_\_\_\_

Owner's Signature \_\_\_\_\_

Agent's Signature \_\_\_\_\_

Some application fees are charged on a deposit basis. Processing hours in excess of the deposit will be billed to the applicant at an hourly rate, prior to issuance of entitlements or permits. Processing hours less than the original fee will be refunded at the same rate after issuance of the entitlements or permits.

#### For Department Use Only

Plan Designation: \_\_\_\_\_ Area Plan: \_\_\_\_\_  
Legal Lot: \_\_\_\_\_ Zoning Violation Case No.: \_\_\_\_\_  
Property Owner Verified: Yes ☐ No ☐ Height: \_\_\_\_\_ Lot Coverage \_\_\_\_\_  
Setbacks: F \_\_\_\_\_ R \_\_\_\_\_ S \_\_\_\_\_ Special \_\_\_\_\_ OPL \_\_\_\_\_  
FAR \_\_\_\_\_ Fire Haz. \_\_\_\_\_ SRA \_\_\_\_\_ Flood \_\_\_\_\_  
Advisory Committee: \_\_\_\_\_  
Geo. Hazard Zones: \_\_\_\_\_ Arch. Sensitivity Zone: \_\_\_\_\_ ESH: \_\_\_\_\_  
Misc.: \_\_\_\_\_  
Application Given Out By: \_\_\_\_\_ Date: \_\_\_\_\_  
Application Received By: \_\_\_\_\_ Date: \_\_\_\_\_

# RECEIVED

OCT 22 2019

## MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY - PLANNING SCOPE OF WORK STATEMENT

MONTEREY COUNTY  
RESOURCE MANAGEMENT AGENCY  
LAND USE DIVISION

(Please check "Yes" or "No" for each item as it relates to your proposed project)

	Yes	No	
1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project is for residential use.
2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project is for commercial use.
3.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project is for agricultural use.
4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project is for industrial use.
5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project is public or quasi/public.
6.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project includes a subdivision/lot line adjustment.
7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project is for a cell site, telecom (digital) communication facility/site.
8.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes construction of a new structure.
9.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes enlarging, altering, repairing, moving, or removing an existing structure. If "yes", describe.
10.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes demolition work. If "yes" describe:
11.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes replacement and/or repair of fifty percent (50%) or more of the exterior walls of a structure.
12.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes a historical structure or a structure more than fifty (50) years old.
13.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes an accessory structure(s). If "yes", describe:
14.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes the placement of a manufactured home, mobile home, modular or prefabricated unit: <input type="checkbox"/> private property OR <input type="checkbox"/> Park installation (name of park: _____)
15.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes retaining walls, sea wall, riprap.
16.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes constructing, enlarging, altering, repairing, moving, improving or removing a septic tank/system.
17.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes constructing, enlarging, altering, repairing, moving, improving or removing a well.
18.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project is associated with a new or improvements to a water system: Name of system: _____ # of Connections: _____
19.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes removal of trees: Number: _____ & Type: _____
20.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes removal or placement of vegetation. If "yes," Type: _____ Size: _____ & Number: _____
21.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes grading, dirt importation, dirt removal and/or drainage changes.
22.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is visible from a public area. (public road, park, slough, beach, trail)
23.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project is located on a slope/hillside. (30 percent for most of county; 25 percent for the North County coastal zone)
24.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project is located within 50 feet of a bluff.
25.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project is located within 100 feet of a seasonal or permanent drainage, lake, marsh, ocean, pond, slough, stream, wetlands. If "yes," describe: _____
26.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project includes the use of roofing materials that are different in type and/or color from the original materials. If "yes", describe:
27.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project is a change or modification to an approved application.
28.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project involves or includes an existing or proposed trail or easement.
29.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project involves new, change, or modifications to existing utilities and/or power lines.

Please Completely and fully Describe the Proposed Project. Include Information on all Questions Answered with a "Yes":

See attached letter.

I hereby certify that the above information is complete and correct. I certify that I'm the property owner or that I'm authorized to act on the property owner's behalf.

*[Signature]*  
Signature

6/20/19  
Date

Revised 7/10/17



EXHIBITS C & D  
TWO LETTERS FROM  
APPLICANT'S REPRESENTATIVE

CS

From: **Spencer, Craig x5233** [SpencerC@co.monterey.ca.us](mailto:SpencerC@co.monterey.ca.us)  
Subject: FW: Additional Correspondence in advance of tomorrow's Land Use Advisory Committee meeting on the Antle project  
Date: October 14, 2019 at 5:12 PM  
To: Undisclosed recipients:

**From:** Spencer, Craig x5233  
**Sent:** Monday, October 14, 2019 5:11 PM  
**To:** Guthrie, Jaime S. x6414 <[GuthrieJS@co.monterey.ca.us](mailto:GuthrieJS@co.monterey.ca.us)>; Friedrich, Michele x5189 <[friedrichm@co.monterey.ca.us](mailto:friedrichm@co.monterey.ca.us)>  
**Subject:** Additional Correspondence in advance of tomorrow's Land Use Advisory Committee meeting on the Antle project

Members of the Toro Advisory Committee,

Attached for your review are two letters submitted by the applicant for the Antle project. The applicant has requested that these letters be provided to you in advance of the October 15, 2019 Toro Land Use Advisory Committee.

RMA staff will be present at the hearing to answer questions.

Thank you

Craig Spencer  
Monterey County, RMA-Planning Division  
Phone: (831) 755-5233  
Email: [spencerc@co.monterey.ca.us](mailto:spencerc@co.monterey.ca.us)



L-Application  
Submittal.pdf



L-Swanson.  
09.12.19.pdf



**ANTHONY LOMBARDO & ASSOCIATES**  
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO  
KELLY MCCARTHY SUTHERLAND  
JENNIFER M. PAVLET  
CODY J. PHILLIPS

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

June 17, 2019

Our File No: 5123.000

Carl Holm, Director  
Brandon Swanson, Interim Chief of Planning  
Monterey County Resource Management Agency  
1441 Schilling Place  
Salinas, CA 93901

Re: Antle Minor Subdivision

Dear Carl and Brandon



As we discussed, Mr. Antle proposes to divide his property at 701 Salinas-Monterey Highway into two lots of 8 and 39 acres respectively. The sole purpose of this subdivision is to separate the equestrian facilities (39 acres) from the homesite (8 acres) so that the equestrian facilities can be deeded to the Antle children. No new buildings or uses are proposed.

Equestrian Facility:

The equestrian facility includes a barn, stable and arena approved under PLN020214. As previously stated, no new construction is proposed.

The equestrian facility is not a public stable. That is, people cannot come to the property to rent a horse to ride. The current equestrian use is for horses (6-8, total) owned or boarded by the Antle family. There are typically 2-6 dogs on the property. The equestrian facility has two employees. One employee works in the care and training of horses. The other works in general maintenance and care of the property and facilities.

As part of the equestrian operations there are occasional clinics devoted to riding and the care and training of horses. Typically, there are 2 or 3 clinics held each summer with attendance usually of 10 persons and horses or less.

Home Site:

The homesite includes a two-story single-family dwelling, carport, guest house and swimming pool approved under PLN090367. No new construction is proposed.

Access:

The property is currently accessed directly from Highway 68. As part of the project, access will be re-routed through the Cypress Church driveway to Highway 68 intersection at Corral de Tierra Road.

CEQA:

There is a strong argument to conclude that the project is not subject to CEQA. CEQA Guidelines Section 15061 (3) provides that a project is “covered by the common sense exemption” and not subject to CEQA if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect<sup>1</sup>...” The project involves only the division of existing uses and facilities with no change in the current use or the intensity of that use and can be found to be Categorical Exempt under CEQA Guidelines Sections 15301 and 15315.

- Section 15315 exempts “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use... The key consideration is whether the project involves negligible or no expansion of use.”
- Section 15315 exempts “the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.” Although not in an urbanized area, the project does meet all of the other standards of this exemption.

Consistency with the 2010 General Plan and Toro Area Plan:

The property is designated as Low Density Residential 5 acres/unit.” The property is not located in the area of the Plan which limited by policy T-1.7. The division then would be well within the Plan’s density range and subdivision of the land is not precluded by policy T-1.7.

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<sup>1</sup> “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (Guideline Section 15382).

Carl Holm, Director  
Brandon Swanson, Interim Chief of Planning  
Monterey County RMA  
June 17, 2019  
Page | 3

Effect of the B-8 District:

The property is in a "B-8" district which was established in a portion of the Toro area, primarily in the Corral de Tierra area due to concerns with a long-term water supply. The District regulations state clearly that:

The purpose of the "B-8" Zoning District is to restrict development and/or intensification of land use in areas where, due to water supply, water quality, sewage disposal capabilities, traffic impacts or similar measurable public-facility type constraints, additional development and/or intensification of land use if found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole.

For the purpose of this Section, "intensification" means the change in the use of a building site which increases the demand on the constraint(s) which caused the "B-8" District to be applied over that use existing at that time the "B-8" District is applied to the property. (21.42.030 H (1))

Appropriate Authority:

Under Section 19.04.025 C, the Director of Planning is the appropriate authority to decide this minor subdivision. The sole purpose of this subdivision is to divide the equestrian facilities from the homesite so that the equestrian facilities can be deeded to the Antle children and no new buildings or uses are proposed. There should be no impacts or substantial issue with the application.

Public notice is required and should there be, based on a substantive issue, a request for public hearing, that request can be considered at that time.

We look forward to working further with you on this application. Please feel free to contact me if you have any questions.

Sincerely,



Dale Ellis  
DE/al

cc: Client



**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

September 12, 2019

Our File No: 5123.000

By Email Transmission Only

Brandon Swanson  
Interim RMA Chief of Planning  
Monterey County Resource Management Agency  
1441 Schilling Place  
Salinas, CA 93901

RE: THE ANTLE SUBDIVISION

Dear Brandon:

The Antle family proposes to divide their property at 701 Monterey Salinas Highway to create one lot of approximately 8 acres for the existing homesite and accessory structures associated with their residence and a remainder parcel as provided for in the State Map Act and Title 19 of approximately 39 acres for the existing equestrian facilities. The division is proposed for estate and no new development is proposed. All of the infrastructure is in place.

In our recent conversation two key questions have been asked:

- How can land in a B-8 District be subdivided when the minimum lot size is to be the lot as it existed when the B-8 was applied?
- How can development of the remainder lot be restricted until such time as the B-8 District is removed from the property?

This letter will address those questions.

**PURPOSE OF THE B-8 DISTRICT REGULATIONS**

The B-8 District regulations were adopted to establish a district which would "limit development and/or intensification of land use in areas where, due to water supply, water quality, sewage disposal capabilities, traffic impacts or similar measurable public-facility type constraints, additional development and/or intensification of land use if found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole...

"intensification" means the change in the use of a building site which increases the demand on the constraint(s) which caused the "B-8" District to be applied over that use existing at that time the "B-8" District is applied to the property."



Simply put, use of property in the B-8 District, with few exceptions, cannot be changed and/or intensified over that which existed at the time the B-8 was placed on the property. The B-8 District can only be removed when “the constraints existing at the time of placing “B-8” zoning on the area zoned “B-8” no longer exist...” The minimum building site in the B-8 District is to be the lot as it existed at the time the B-8 District was applied to it.

It is important to note that in the development and adoption of regulations not every circumstance can be anticipated and addressed. For that reason, purpose statements are essential to guide the application of regulations. The purpose of the B-8 is clear. It is to “limit development and/or intensification of land use...” in constrained areas and the application of the B-8 should be guided by that purpose. In this case, there is no intensification so the project is consistent with the purpose of the B-8 District.

### **TORO B-8**

The Toro B-8 was established in 1992 due to water supply limitations in Corral de Tierra based on numerous studies done by the Water Resources Agency. Those studies concluded in part that while there may be adequate water in the world area the lack of a unified water distribution system prevented their being sufficient water throughout the area. However, given the logistical and cost issues the likelihood of a distribution system was extremely remote, the B-8 was applied<sup>1</sup>.

### **2010 GENERAL PLAN AND TORO AREA PLAN**

In October 2010, after more than 10 years of work by the County including an untold number of public meetings and public hearings, the Board of Supervisors adopted the 2010 General Plan, including the Toro Area Plan (TAP) and certified the EIR which was prepared for that Plan. The 2010 General Plan was a comprehensive update which replaced all previous planning documents.

The TAP includes policy T-1.7 which precludes development beyond the first single-family dwelling on a lot and uses accessory to that dwelling. The area subject to that policy limitation is shown in Figure LU-10 of the TAP. While the restricted area includes substantial portions of the TAP area on both Corral de Tierra and San Benancio Roads, that area does not extend north of Highway 68.

Given the extreme level of review, study, debate and subsequent litigation over the 2010 General Plan it is clear the Board of Supervisors knowingly excluded the area north of Highway 68 from policy T-1.7 and did not intend for the policy restrictions on development to extend to that area.

---

<sup>1</sup> The B-8 District was used in two other areas: Oak Hills and Del Monte Forest. Oak Hills was due to sewer constraints. Although the sewer issue was resolved with connection of the private system to the regional treatment plant the B-8 has remained in place. The Del Monte Forest B-8 was supplanted by the LCP.

### **CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING**

Government Code Section 65860 (c) requires that when a “zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the *zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan* as amended.” Since adoption of the 2010 General Plan, the County has taken some actions to implement the Plan, but it has not undertaken a comprehensive update of its zoning ordinances or zoning plan. That has resulted in inconsistencies between the Plan and zoning. That is the case here.

The General Plan/TAP would allow for development of the Antle property at a maximum density of 5 acres per unit. The TAP’s prohibition (Policy T-1.7) on intensification of the use of property does not extend to the Antle property. The current B-8 zoning, which does limit development, is then inconsistent with the 2010 General Plan/TAP. It is reasonable to accept that had the County acted “within a reasonable time...” the B-8 area not covered by T-1.7 would have been zoned LDR/5, consistent with the 2010 General Plan/TAP.

Although written before the adoption of the 2010 General Plan, Title 21 does address this situation. Section 21.02.060 requires zoning actions to be consistent with the General Plan. It also provides that if the General Plan allows for a discretionary permit application, a subdivision in this case, which is not provided for by the adopted zoning plan, the application can be accepted and processed based on the General Plan. The County has also recognized the principal of plans taking precedent over zoning (Section 20.02.06) in its LCP. The County does apply General Plan policy as ordinance in certain cases. For example, the County routinely requires permits for tree removal based on policies which only state regulations should be considered. The same principal applies here.

### **REMAINDER LOT**

The State Map Act and Title 19 clearly allows, at the applicant’s discretion, for remainder lots and places substantial limitations on what conditions can be applied to remainder lots. It is clear, however, that the County can require a certificate of compliance or conditional certificate of compliance be recorded for the remainder parcel. I have talked with Mr. Antle and he is amenable to recording a conditional certificate for the remainder lot with a condition to the effect that no permits may be issued for a house until the B-8 is lifted.

### **CEQA**

The Antle Subdivision is exempt from CEQA review based on:

- CEQA's "common sense exemption" which is clear that CEQA only applies to projects which may have, based on substantial evidence<sup>2</sup> in the record, the potential for causing a significant effect on the environment<sup>3</sup>. If there is not substantial evidence that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA (Section 15062 (b) (2)); and,
- The applicability of one or more of CEQA's Categorical Exemptions (Section 15062 (b) (2)). The Antle project would be categorically exempt under:
  - 15301, Existing Facilities
  - 15305, Minor Changes in Land Use Limitations
  - 15315, Minor Subdivisions<sup>4</sup>

## **SUMMARY**

The purpose of the Antle subdivision is to separate the existing home site from the existing equestrian facilities for estate planning purposes. No new development is proposed. No intensification of the existing uses is proposed. It is our opinion the subdivision is categorically exempt under CEQA and can move forward despite language in the B-8 District regarding minimum building sites:

- The 2010 General Plan/TAP, which are the guiding documents, designate the property as Low Density Residential at a maximum density of 5 acres/unit. The property is not

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<sup>2</sup> Guideline Section 15384:

(a) "Substantial evidence" as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

(b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

<sup>3</sup> Guideline Section 15382 "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

<sup>4</sup> This particular exemption speaks to urbanized and may not be directly applicable. Nonetheless, it is indicative that minor land divisions which are "in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent" are not considered to be significant.



subject to policy T-1.7. There is no 2010 General Plan/TAP policy which precludes subdivision of the property.

- The County, although more than a reasonable amount of time has passed, has not comprehensively amended the zoning ordinance or zoning plan since the adoption of the 2010 General Plan/TAP. Where conflict between the Plan and zoning exists, the Plan prevails over zoning<sup>5</sup>.
- It would be inequitable to force a delay or denial of the Antle proposal given the County has not comprehensively updated its zoning ordinance or zoning plan in the nearly nine years since the adoption of the General Plan/TAP.
- The recordation of a conditional certificate of compliance provides sufficient surety that the no dwellings will be built on the remainder parcel until such time as the B-8 district is removed from the property.

For these reasons, we believe that County can proceed with a Director's approval for this application pursuant to MCC Section 19.04.025.

Sincerely,



Dale Ellis  
Director of Planning and Permit Services  
DE/al

---

<sup>5</sup> It is important to note that the grounds for denial of a subdivision (GC66474) includes inconsistency with the general plan; but makes no mention of zoning.



# Lookup Zoning

## Results

### Zoning

ZONING PQP/B-8-VS(20')(see note)

DENSITY 0

NOTES 100' setback from State Highway 68 where applicable(40.2.4(T))

### Zoning

ZONING LDR/B-8-VS(20')(see note)

DENSITY 0

NOTES 100' setback from State Highway 68 where applicable(40.2.4(T))

### Parcel

APN 161251002000

For more information, visit Monterey County Planning Department's website or call (831) 755-5025.

[Planning Website](#)

[Title 21 Zoning Ordinance \(Inland\)](#)

[Title 20 Zoning Ordinance \(Coastal\)](#)



161251002000

LDR/B-8-VS(20')(see note)

Monterey County Title 21 Zoning  
Chapter 21.42 - REGULATIONS FOR BUILDING SITE ZONING  
DISTRICTS OR "B" DISTRICTS

H. B-8 1. The purpose of the "B-8" Zoning District is to restrict development and/or intensification of land use in areas where, due to water supply, water quality, sewage disposal capabilities, traffic impacts or similar measurable public facility type constraints, additional development and/or intensification of land use is found to be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole;

or the purpose of this Section "intensification" means the change in the use of a building site which increases the demand on the constraint(s) which caused the "B-8" District to be applied over that use existing at that time the "B-8" district is applied to the property. The "B-8" district does not affect construction of the first single family dwelling on a building site, additions to dwellings, guesthouses, non-habitable structures accessory to a dwelling use, or addition and/or expansion of existing commercial uses where such addition and/or expansion can be found to not adversely affect the constraints which caused the "B-8" district to be applied to the property;

2. The minimum building site shall be at that which is recognized as an existing legal lot at the time the "B-8" Zoning District is imposed on the property, or lots that are created by minor or standard subdivision for which an application was received by the Monterey County Planning Department prior to the imposition of the "B-8" Zoning District on the property;

3. Setbacks to be not less than "B-4" regulations unless otherwise indicated on parcel maps, final maps, or Sectional District Maps;

4. Reclassification of an area from "B-8" zoning may be considered when the constraints existing at the time of placing "B-8" zoning on the area zoned "B-8" no longer exist and additional development and/or intensification of land use will not be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole.



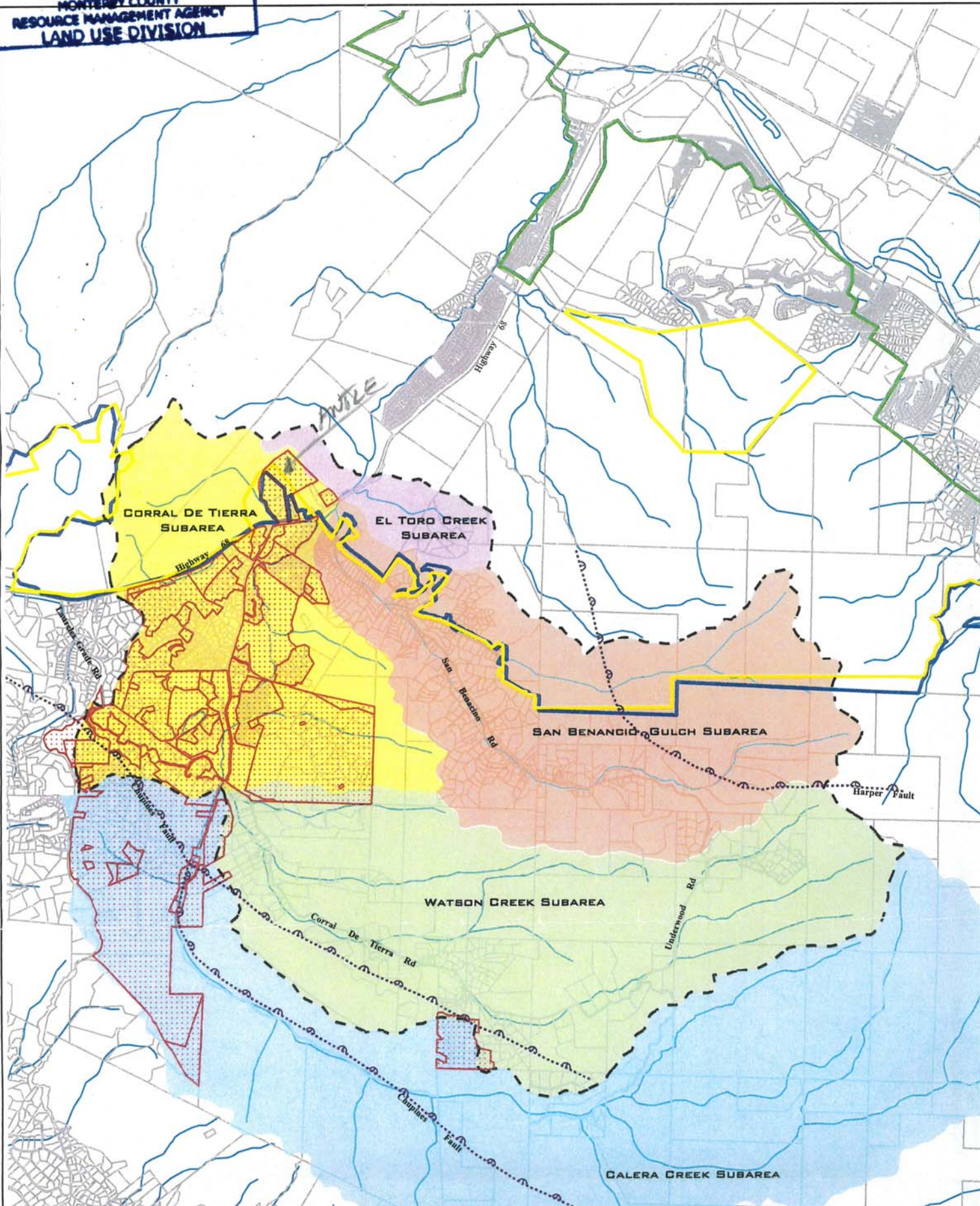


RECEIVED

OCT 22 2019

MONTEREY COUNTY  
RESOURCE MANAGEMENT AGENCY  
LAND USE DIVISION

# El Toro Hydrogeologic Subareas





# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Director



Building Services / Environmental Services / Planning Services / Public Works & Facilities / Parks  
 1441 Schilling Place South, 2nd Floor  
 Salinas, California 93901  
 (831)755-4800  
[www.co.monterey.ca.us/rma](http://www.co.monterey.ca.us/rma)

18 July 2019

Dale Ellis  
 Anthony Lombardo & Associates  
 144 West Gabilan Street  
 Salinas, CA 93901



**SUBJECT:** PLN190204 – ANTLE MIKE V TR ET AL, 701 Monterey-Salinas Highway, Salinas  
 (APN: 161-251-002-000)

Dear Mr. Ellis,

The application for a Minor Subdivision (PLN190204) received on 18 June 2019 has been **deemed incomplete** due to the need for additional information. Please provide the number of copies as requested for each section of information, along with one digital copy of all information requested below.

### REQUESTED INFORMATION

- **WELL, SEPTIC SYSTEM, AND IRRIGATION (7 hard copies)**
  - Map of well and onsite water conveyance system.
  - Location and capacity of onsite water tanks.
  - Map of OWTS, including septic tank and all leach fields. Identify linear feet and depth of leach fields, and tank capacity.
  - Provide fixture counts and label use of each room within existing structures.
  - Map of existing irrigation system, along with Maximum Allowed Water Allocation (MAWA) and existing Estimated Total Water Use (ETWU) based on existing irrigated vegetation.
- **ACCESS (7 hard copies)**
  - Proof of Access – Verification shall be submitted documenting right of access and/or improvement to a private road from the subject property to a public road. Required for all subdivision applications.
  - Site Plan of the proposed road re-alignment from Cypress Church driveway to the SR68 and Corral de Tierra intersection.
  - Parcel Site Plan that includes the following:
    - Turnouts: Identify proposed turnouts along driveways greater than 150 feet in length. Turnouts shall be provided at the midpoint and at intervals of 400 feet. If proposed driveway turnouts will not meet this standard, contact and meet with the appropriate fire agency prior to application submittal.
    - Entry Gate: Illustrate the design and set back from the edge of right of way. No single-lane gate opening shall be less than 12 feet at the most narrow point and must be set back from a street access at least 30 feet.
    - Driveway/Road Grades: Illustrate that proposed grades along driveways/roads do not exceed 15%. If proposed grades will not meet this standard, contact and meet

*Prepared for*

**Monterey County Resource Management Agency**  
168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, California, 93901

# **El Toro Groundwater Study**

## **Monterey County, California**

*Prepared by*

**Geosyntec**   
consultants

engineers | scientists | innovators

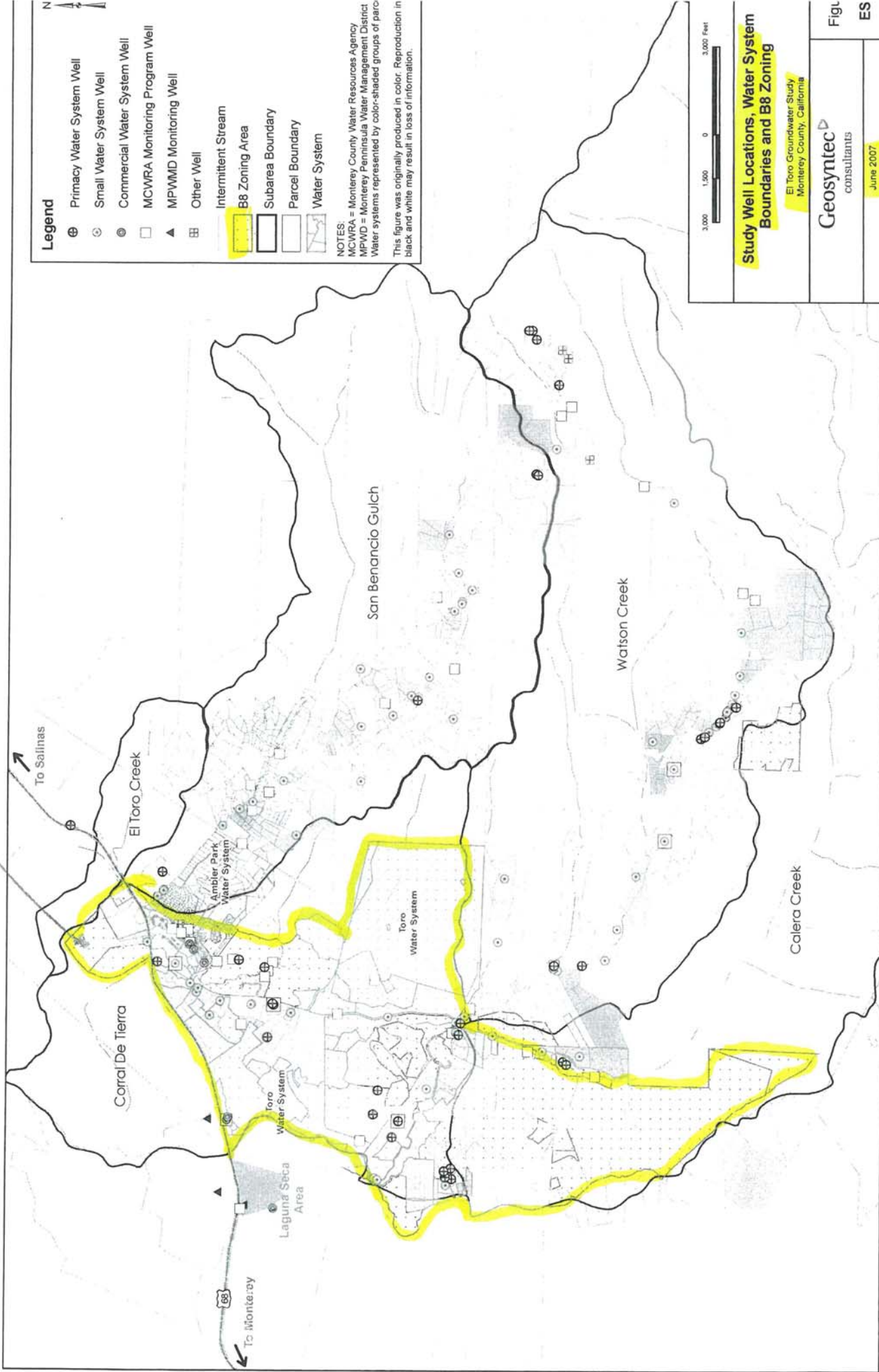
475 14<sup>th</sup> Street, Suite 400  
Oakland, California 94612



WR0948

**July 2007**

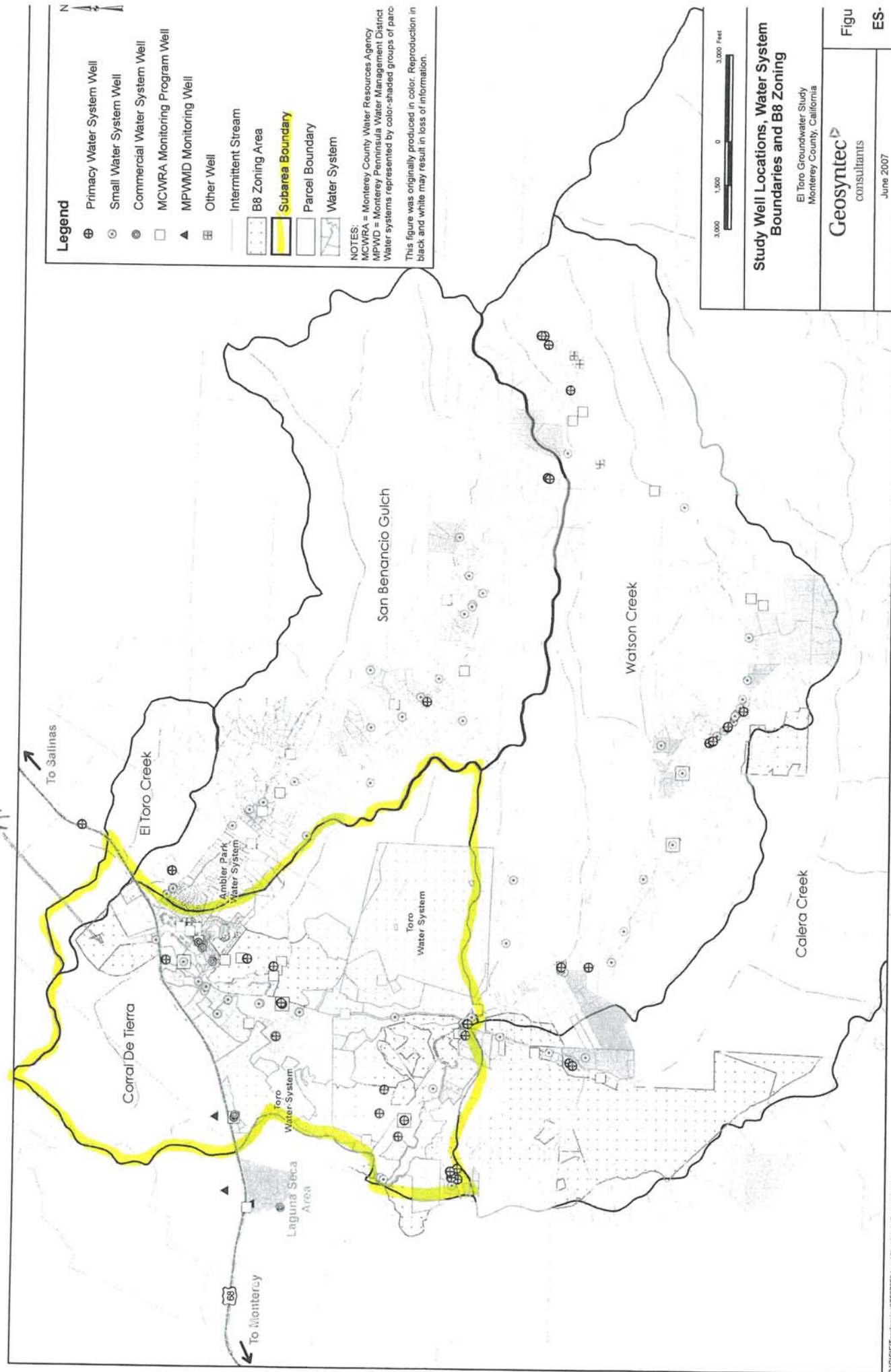
EXHIBIT I, AGE 2





APPENDIX

EXHIBIT I, PAGE 3



# Study Well Locations, Water System Boundaries and B8 Zoning

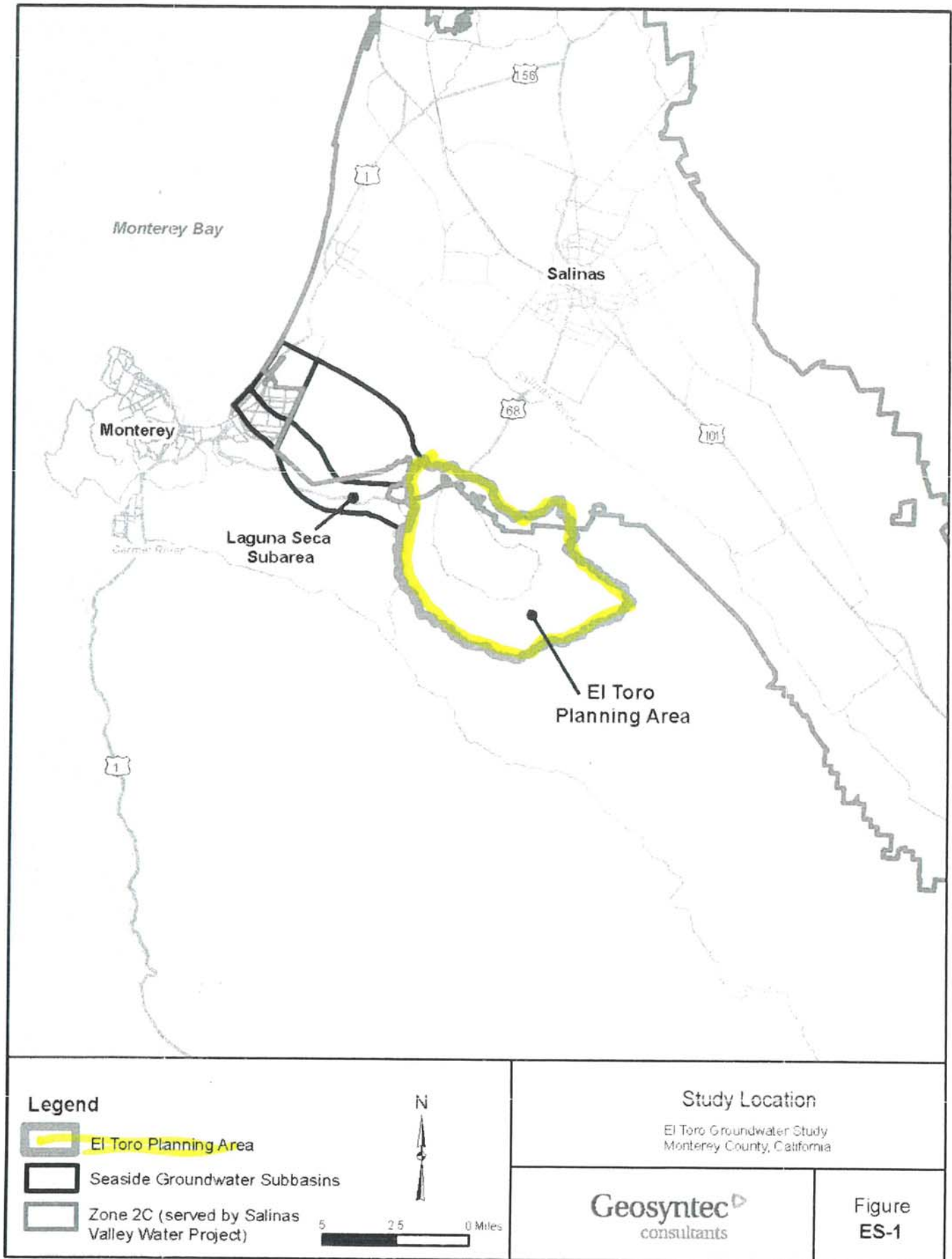
El Toro Groundwater Study  
 Monterey County, California

Geosyntec  
 consultants

June 2007

Figure

ES-





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