



Monterey County Planning Commission

Agenda Item No. 1

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

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PLN190204 - ANTLE MIKE V TR ET AL

Public hearing to consider a minor subdivision vesting tentative map that would divide one 47-acre parcel into two parcels of 8 acres and 39 acres. This item was continued from September 9 and 30, and October 28, 2020.

Project Location: 701 Monterey-Salinas Highway, Toro Area Plan

Proposed CEQA Action: Project is not subject to CEQA pursuant to Section 15061(b)(3) of the Guidelines.

RECOMMENDATIONS:

Staff recommends the Planning Commission adopt a Resolution to:

1. Find the project is not subject to CEQA pursuant to the common sense exemption of the CEQA Guidelines Section 15061(b)(3) because the proposed activity includes no foreseeable effect on the environment;
2. Approve a vesting tentative map for a minor subdivision splitting one parcel (47.255 acres) into two parcels of 8.0 acres (Parcel 1) and 39.255 acres (Parcel 2).

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**).

Staff recommends approval subject to six conditions of approval.

Staff has prepared a resolution to approve the subdivision of a parcel into two parcels subject to recordation of a final map with notation regarding water usage caps allocated to the resulting parcels. Alternatively, if the Planning Commission chooses to deny the minor subdivision, staff recommends the Commission continue the hearing and adopt a motion of intent with direction to staff to prepare a revised resolution with modified findings and evidence for consideration at the subsequent hearing.

PROJECT INFORMATION:

Agent: Dale Ellis c/o Lombardo and Associates

Property Owner: ANTLE MIKE V TR ET AL

APN: 161-251-002-000

Parcel Size: 47.255 acres

Zoning: "LDR/B-8-VS (20') (Low Density Residential with overlays for Building Site and Visual Sensitivity review)

Plan Area: Toro Area Plan

Flagged and Staked: no

SUMMARY:

An application was submitted for a vesting tentative map (VTM) to subdivide a 47.255-acre parcel that has an existing residential unit, and an equestrian barn and stalls, for the purpose of separating the equestrian use (Parcel 2 - 39.255 acres) from the residential use (Parcel 1 - 8.0 acres). The property has a shared access directly off State Route 68 (SR68). Parcel 2 is designed to surround Parcel 1, necessitating an easement for access across Parcel 2 to Parcel 1. The VTM includes a 1.04-acre extension of the existing access and utility easement (1.306 acres) for a 2.346-acre total easement. The easement is along an existing road over proposed Parcel 2 that is the access to proposed Parcel 1. No construction or site improvements are proposed for this project.

DISCUSSION:

The property is zoned Low Density Residential with a B-8 and VS combining district together with a 20-foot height limitation (LDR/B-8-VS (20)). The B-8 zoning (**Exhibit E**) provides restrictions on development and intensification in water constrained areas like the Toro groundwater basin. As stated in the inland zoning regulations (Title 21 of the Monterey County Code):

"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."

It should be noted that the B-6 Zoning District expressly prohibits subdivision as opposed to the B-8 District which prohibits "intensification of use."

To address the B-8 limitations, the applicant has offered to record a deed restriction that would preclude future intensification beyond what currently exists at the site. Staff considered this request and was not comfortable creating a separate legal lot of record that is zoned for residential use but would not have the potential for residential development or intensification of use. As proposed, Parcel 1 would contain a single-family dwelling; however, Parcel 2 would contain a private barn for equestrian use. Instead, staff suggests that a deed restriction be recorded that memorializes the existing water use at the site (water supply is the reason the B-8 district is applied). This deed restriction would allow future development on Parcel 2 with a residential use, in addition to, or instead of, the current equestrian barn and use, provided the development or intensification of use does not exceed the current water usage on the property. A water allocation, with water usage caps, to the resulting parcels would be necessary in a deed restriction and as notations on the final map, thereby prohibiting intensification of water use. Condition No. 3 of the attached resolution requires this deed restriction be recorded on each of the resulting parcels that prohibits development and intensification of land use that would increase water use or water demand over the 13.53 acre-feet per year (AFY) water baseline, which is based on historic water use.

Historic water use data was provided from the applicant and Environmental Health Bureau (EHB). Data for the period of December 9, 2017 to December 9, 2020 was provided by the applicant as extrapolated from PG&E records for energy use combined with pump operation and historical water use information. EHB collected data from October 2008 to October 2009, prior to construction of the residential use at the location of proposed Parcel 1. The applicant and EHB both utilized a method of approximating water use by calculating monthly kilowatt-hour (KwH) data from PG&E bills. Based on the applicant's calculation, the property developed with both the equestrian facility and the residential home has an estimated water use of 13.53 AFY. Prior to construction of the residential use, the equestrian facility used an estimated 9 AFY during 10/08-10/09, based on data collected by EHB. Prior to recordation of the final map, allocation from the 13.53 AFY to each parcel resulting from the subdivision shall be submitted for review and approval to EHB and HCD-Planning as a note on the VTM (Condition No. 4).

General Plan Consistency

The on-site well provides domestic water to the subject property from the Toro Groundwater Basin. The 2010 General Plan (GP) Toro Area Land Use Map (**Exhibit F**) illustrates boundaries indicated by GP Policy T-1.7 that restricts development of parcels within the Toro Groundwater Basin to the first single family home on a legal lot of record. As seen from the map, the subject property is not included within the boundary restriction established by Policy T-1.7. Zoning map updates have not been processed to be consistent with the GP land use maps; therefore, in absence of the Zoning map update, it may be found that the current B-8 zoning applied to this property is inconsistent with the General Plan.

With that said, the subject parcel is within the area of analysis for the El Toro Groundwater Study (**Exhibit G as a link**) that evaluated hydrogeological conditions for recommendation of maintenance or revision of the B-8 zoning overlay from original application in November 1992. Analysis of the B-8 area that overlays the subject parcel resulted in classification for potential groundwater production as good and estimated groundwater saturation a range of 401 to 800 feet thickness. Conclusion of the study was that while the primary aquifer system is in overdraft, current and increasing rates of pumping could be sustained for decades in areas of the El Toro Primary Aquifer System with large saturated thicknesses as a large volume of groundwater storage. Therefore, the study recommends that if long term declines in groundwater levels and reliance on groundwater storage would be acceptable to the County, B-8 zoning could be lifted in areas with large saturated thicknesses. Furthermore, the study indicates the project site is in the Upper Corral de Tierra Valley where the Basal Sand unit is a relatively productive aquifer.

LUAC:

The Toro Land Use Advisory Committee (LUAC) reviewed the project at the October 15, 2019 meeting, voting 6 (ayes) - 1 (no) to recommend denial of the project. The LUAC recommendation is based on concern about conflict with B-8 zoning and that changing or lifting the B-8 will require environmental study and review. Staff has considered the recommendation of the LUAC and is recommending conditions that would preclude development or intensification of use as part of this subdivision in the future, unless the development or intensification does not exceed the water baseline. No physical changes are proposed as part of this subdivision that would impact resources at or near the site.

ENVIRONMENTAL REVIEW:

The project is covered by the common sense exemption of the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) when it can be seen with certainty the activity in question would have a significant effect on the environment. The proposed activity is division of one parcel into two separate parcels and extension of the access and utility easement, and includes no construction or development that would have a substantial adverse change on any physical conditions that exist within the area in accordance with definitions of “environment” and “significant effect on the environment” in Public Resources Code (PRC) Division 13, Chapter 2.5. Therefore, common sense indicates there is no possibility the project would have a significant effect on the environment.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Bureau of Environmental Health (EHB)
HCD-Development
HCD-Environmental Services (HCD-ES)
Monterey County Regional Fire District (MCRFD)

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

Reviewed by: Craig Spencer, HCD-Planning Services Manager

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

The following attachments are on file with the HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- B1: Conditions of Approval
- B2: Vesting Tentative Parcel Map

Exhibit C - Vicinity Map

Exhibit D - 2010 General Plan Base Land Use Designation Map

Exhibit E - B-8 Building Site Combining District Map

Exhibit F - 2010 Toro Land Use Plan T-1.7 Map

Exhibit G - El Toro Groundwater Study, Geosyntec Consultants, July 2007

<https://www.co.monterey.ca.us/home/showpublisheddocument?id=19578>

Exhibit H - Toro LUAC Minutes, October 15, 2019

cc: Front Counter Copy; Mike Novo, Interim HCD Director, Dale Ellis c/o Anthony Lombardo and Associates, Agent; Mike Antle, Applicant/Owner; Michael Weaver, interested party; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN190204.