



Legislation Details (With Board Report)

File #:	PC 24-048	Name:	PLN200203 – ANTHONY NICOLA, INC.
Type:	Planning Item	Status:	Agenda Ready
File created:	4/30/2024	In control:	Monterey County Planning Commission
On agenda:	5/8/2024	Final action:	
Title:	PLN200203 - ANTHONY NICOLA, INC. Resolution by the Monterey County Planning Commission to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the application for demolition of an existing single family dwelling and septic system and construction of two three-story buildings for 34 two bedroom units and one one bedroom unit with office totaling approximately 36,200 square feet for use as agricultural employee housing of up to 250 workers, a manager's suite, and three very low income level inclusionary housing units; the project also includes a Variance for less than 200 feet agricultural buffer. Project Location: 124 Gonda Street, Royal Oaks Proposed CEQA action: The decision on the Project is statutorily exempt from environmental review as California Environmental Quality Act (CEQA) Guidelines Section 15270 because the Planning Commission did not approve the project.		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Draft Resolution, 3. Exhibit B – Project Staff Cover Report from April 10, 2024

Date	Ver.	Action By	Action	Result
5/8/2024	1	Monterey County Planning Commission		

PLN200203 - ANTHONY NICOLA, INC.

Resolution by the Monterey County Planning Commission to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the application for demolition of an existing single family dwelling and septic system and construction of two three-story buildings for 34 two bedroom units and one one bedroom unit with office totaling approximately 36,200 square feet for use as agricultural employee housing of up to 250 workers, a manager's suite, and three very low income level inclusionary housing units; the project also includes a Variance for less than 200 feet agricultural buffer.

Project Location: 124 Gonda Street, Royal Oaks

Proposed CEQA action: The decision on the Project is statutorily exempt from environmental review as California Environmental Quality Act (CEQA) Guidelines Section 15270 because the Planning Commission did not approve the project.

RECOMMENDATION:

It is the will of the Planning Commission to adopt a resolution to:

- 1) find that this decision on the Project is statutorily exempt from environmental review as California Environmental Quality Act (CEQA) Guidelines Section 15270 because the Planning Commission did not approve the project; and
- 2) Adopt this resolution to state and issue a final determination that the Planning Commission had an unbreakable tie vote and neither approved nor denied the Anthony Nicola Inc. (PLN200203) Project which is a Combined Development Permit consisting of:

- a. Administrative Permit to demolish an existing approximately 850 square foot single family dwelling, 400 square foot shed, and septic system;
- b. Use Permit to construct two three-story buildings for 34 two-bedroom units and one one-bedroom unit with office totaling 36,200 square feet for use as agricultural employee housing of up to 250 workers, a manager's suite, and three very low-income level inclusionary housing units; and
- c. Variance for less than 200-foot agricultural buffer.

The attached draft Resolution includes a summary of the events of this decision and Commissioners' findings for denial and approval.

PROJECT INFORMATION:

Agent: Dale Ellis

Property Owner: Anthony Nicola, Inc.

APN: 117-361-017-000

Zoning: HDR/20

Parcel Size: 1.3 Acres

Plan Area: North County Area Plan

Flagged and Staked: No

Project Planner: Mary Israel, ext. 5183, israelm@co.monterey.ca.us

SUMMARY/DISCUSSION:

The Anthony Nicola, Inc. application came on for a duly noticed public hearing in the evening of February 14, 2024. After discussion, the Planning Commission continued the item to a date certain and requested additional information from staff and a draft Emergency Action Plan (pursuant to a proposed mitigation measure requirement) to be submitted by the applicant. At the second public hearing at which all persons had the opportunity to be heard before the Monterey County Planning Commission on April 10, 2024, the Commission received additional written and oral information from staff, the agent for the applicant, and there were no additional comments from the public. After review of the application with the additional material submitted and additional analysis by staff as requested, the Planning Commission considered many positive and negative aspects to the proposed Project. Only six members of the Commission were available to review and vote on the Project application. The Commission voted on a motion for approval as proposed; however, the Planning Commission could not achieve a majority vote for approval and no substitute motion was made. After additional deliberation, they found that they would not be able to achieve a majority on a denial vote, either. Therefore, the Commission resolved to memorialize the split of the vote pursuant to section 12 of the Monterey County Planning Commission Rules for the Transaction of Business ("Planning Commission bylaws").

Per Rule 12 of the Monterey County Planning Commission Rules for the Transaction of Business, in the case of a tie vote, the Chair of the Planning Commission may solicit findings for both sides for the record. The findings serve the purpose of rendering a final determination by the Commission on the matter.

The findings for approval based on comments made by the Commissioners are that H-2A housing is very much needed; if the project it had year-round residential farmworkers instead it might gain greater support; two three-story buildings could benefit Pajaro; the development could improve the cleanliness of the area and security due to increased surveillance; the location is a five-minute walk to both higher ground areas and potential Office of Emergency Services gathering points in the case of emergencies; the Agricultural Advisory Committee recommended approval and that holds a lot of weight in a decision on Agricultural Employee Housing projects.

The findings for denial based on comments made by the Commissioners are that it is not the right location for the Project due to the proximity to the levee and the dead-end street; after the agricultural employee housing

facility went in on Susan Street there is the sense that HCD-Planning has “worn the community out” and if the Project were proposed in other areas of the County there would be greater concern with its impact on the relevant community; there are concerns for traffic safety and negative impacts to quality of life for the Gonda Street residents; the levee is not fully repaired; there should be a Community Planning Process prior to intensification of uses such as the proposed Project.

CEQA for this action:

This decision on the Project is statutorily exempt from environmental review as California Environmental Quality Act (CEQA) Guidelines Section 15270 because the Planning Commission did not approve the project.

Prepared by: Mary Israel, Supervising Planner, 755-5183

Reviewed and approved by: Melanie Beretti, AICP, Acting Chief of Planning

The following attachments are on file with the HCD:

Exhibit A - Draft Resolution

Exhibit B - Project Staff Cover Report from April 10, 2024

cc: Front Counter Copy; Planning Commission; Melanie Beretti, AICP, Acting Chief of Planning; Dale Ellis, Agent; Anthony Nicola, Applicant/Owner; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Laborers International Union of North America (Lozeau Drury LLP); The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Christine Shaw, Interested Party; Sister Dolores Rodriguez, Interested Party; Project File PLN200203.