



County of Monterey

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

Board Report

File #: PC 24-053, **Version:** 1

PLN210223 - GARD HERMALINA

Public hearing to consider the Gard Standard Subdivision for a Vesting Tentative Map for standard subdivision of a developed four-acre parcel to create 17 residential parcels, including 3 moderate income units, and a drainage parcel; and reduce the 200 foot agricultural buffer to 139 feet.

Project Location: 442 Boronda Road, Salinas

Proposed CEQA action: Find the project is covered by the common-sense exemption pursuant to CEQA Guidelines section 15061(b)(3) because it meets most requirements of the residential infill exemption pursuant to CEQA Guidelines Section 15195.

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. Find the project is covered by the common-sense exemption pursuant to CEQA Guidelines sections 15061(b)(3) because it meets most requirements of the residential infill exemption pursuant to CEQA Guidelines Section 15195;
- b. Approve a Vesting Tentative Map to subdivide a four-acre lot with an existing dwelling and accessory buildings into seventeen residential lots (2.93 acres), a 0.93-acre road and utility lot, and a 0.11-acre lot for onsite drainage control; and
- c. Approve a Variance to reduce the agricultural buffer from 200 to 139 feet on the northwest and 78 feet on the southwest.

The draft Planning Commission resolution (**Exhibit B**), including draft Conditions of Approval and the Vesting Tentative Map (VTM) is provided for consideration. Staff recommends approval of the VTM subject to 27 standard conditions of approval.

PROJECT INFORMATION:

Owner: Hermalina Gard

Agent: Dale Ellis, Anthony Lombardo & Associates

APN: 261-101-006-000

Zoning: Medium Density Residential, 4 units per acre, with Limited Agriculture and Urban Reserve overlay districts (MDR/4-A-UR)

Parcel Size: 4 acres

Plan Area: Greater Salinas Area Plan

Flagged and Staked: No

Project Planner: Mary Israel, Supervising Planner

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PROJECT SUMMARY:

The project is located at 442 Boronda Road, in the Boronda Community Area, and is subject to the policies of the 2010 General Plan, Greater Salinas Area Plan, Title 19 Subdivision Ordinance and regulations of the Monterey County Inland Zoning Ordinance (Title 21). The proposed project includes a Vesting Tentative Map (VTM) for subdivision of one four-acre parcel into 17 residential parcels and one drainage parcel. Of the 17

residential parcels, 3 are identified as moderate-income inclusionary housing units. The existing parcel is development with a house and accessory structures. The project is consistent with applicable development standards and necessary facilities are available to serve the development. The project is eligible to a density bonus pursuant to Title 21 Chapter 21.65, therefore, the resulting subdivision is within the allowed density for the parcel.

The project has been conditioned to follow National Pollutant Discharge Elimination System (NPDES) regulations on point sources that discharge pollutants during construction phase as well as other Best Management Practices. The project has also been conditioned to pay for three fees related to Traffic Impacts, including one fee to City of Salinas which will be used to pay fair share on traffic control at the only potentially impacted intersection (Post Drive at Calle De Adobe).

Immediate surrounding uses include residential subdivisions of the same nature on the east side of Boronda Road and behind the parcel to the east as well as agricultural fields across Boronda Road to the west. See Vicinity Map with the neighboring parcel's Assessor's Parcel Number (APN) and Zoning District labeled in **Exhibit C**. The project includes a proposed agricultural buffer plan with a distance of easement between 78 and 139 feet and constructed walls, but the design does not meet the 200-foot distance that is specifically required by Title 21. The Project meets the requirements of Title 19, Title 21 (except for agricultural buffer), and the 2010 General Plan and has the potential to add 16 new units of housing within the Boronda Community Plan area. Therefore, staff recommends the Planning Commission approve the Project as proposed.

DISCUSSION:

A synopsis of project review and consistency with regulations are detailed for the Commission's consideration in **Exhibit A**.

ENVIRONMENTAL REVIEW:

CEQA Guidelines section 15195, Residential Infill Exemption, exempts development that meet the criteria of size, location, number of units, availability of affordable housing. The Project does not meet the exemption perfectly because a community-level environmental document has not been certified within the last five years for the Boronda Community Area, but an environmental document was certified for the Economic Development Element of City of Salinas in 2017 and it anticipated residential buildout for this area of the Urban Reserve. Since most of the criteria for Residential Infill Exemption but not all are met, staff recommends the Planning Commission find the Project is exempt from CEQA pursuant to the common-sense exemption, CEQA Guidelines section 15061(b)(3). This section states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. There is no reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. There are no potential environmental impacts that would result from this project that are not mitigated by design or through established regulations including traffic and development fees. The CEQA finding of the Resolution goes through all anticipated potential impacts to aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, noise, population/housing, public services, recreation, transportation/traffic, tribal cultural resources, utility/service systems, and wildfires and finds that none of these types of impacts is not addressed through design, adherence with County and State codes, and the standard Conditions of Approval. County complies with State planning efforts to streamline residential infill development by streamlining this subdivision which will add 16 new homes to the Community Area of Boronda.

OTHER AGENCY INVOLVEMENT:

The following agencies or groups within the HCD have reviewed the project:

Monterey County Regional Fire District
HCD-Engineering Services
HCD-Environmental Services
Monterey County Environmental Health Bureau
Monterey County Housing Office
City of Salinas

ADVISORY COMMITTEES:

The project was referred to the Agricultural Advisory Committee (AAC) and the Housing Advisory Committee (HAC); no LUAC exists for this planning area. The AAC generally supported the project with an agricultural easement of less than 200 feet but they did not take a vote. Rather, they reviewed the proposed agricultural buffer for the subdivision and made recommendations such as: 1) construct a 7-foot-tall buffer wall along the 20-foot setback line of the existing dwelling's lot (proposed Lot 17), 2) add vegetation buffers and 3) reach out to the area's agricultural operators to exchange information of their activities so that growers can advise of their crop operations and activities to reduce incompatible issues. The final minutes of the AAC review meeting on April 27, 2023 are attached as **Exhibit D**. The version of the subdivision that the AAC reviewed for comment on the proposed agricultural easement was different than the final version that was updated in response to HCD recommendations and submitted September 10, 2023. At the time of the AAC review, a residential lot was proposed at the western edge of the subdivision. When the applicant redesigned the subdivision to better manage stormwater flow on the site, the drainage basin was moved from its original location at the eastern edge of the subdivision to the northwest. A new and larger agricultural buffer easement is offered as the last sheet of the Plans (**Exhibit B**).

The HAC review was at a special meeting on April 10, 2024. The HAC were asked to review the Applicant's alternative distribution of income level to meet the required allotment of Inclusionary Housing units pursuant to Chapter 18.40 of Monterey County Code. The HAC voted unanimously to recommend that the Planning Commission accept the applicant's request, and staff recommendation, to condition the project with three moderate-income inclusionary units instead of the one low- and two moderate-income units required by the Inclusionary Housing Ordinance. The HAC concluded, based on the affordability calculations proposed for the updated Inclusionary Housing Administrative Manual, that requiring a low-income unit was not economically viable and could be a constraint to the construction of housing. The HAC did not accept the staff recommendation that the project be conditioned to either provide one workforce-income unit or pay an in-lieu fee. The HAC made this finding based on:

- The applicant's contention that because the County had not codified the requirements of General Plan Land Use Policy LU-2.13 into the Inclusionary Housing Ordinance, it lacked the authority to impose this requirement.
- The applicant also successfully argued to the HAC that the state Department of Housing and Community had informed the County that it had not properly analyzed the potential impacts of the workforce-income requirements of LU-2.13 when it adopted the 5th Cycle Housing Element and determined that it was not a constraint to the construction of housing.

This recommendation was approved unanimously (5 AYES, 0 NOES). The minutes of the HAC meeting are not final at the time of this writing, but staff liaison to the committee, the Housing Program Manager Darby Marshall, can give oral testimony in the Planning Commission hearing on May 8, 2024.

Prepared by: Mary Israel, Supervising Planner

Reviewed by: Anna Ginette Quenga, AICP, HCD Principal Planner

Approved by: Melanie Beretti, AICP, Acting Chief of Planning

The following attachments are on file with the HCD:

Exhibit A - Discussion

Exhibit B - Draft Planning Commission Resolution to approve the following:

- Draft Conditions of Approval
- Vesting Tentative Map

Exhibit C - Vicinity Map

Exhibit D - Agricultural Advisory Committee April 27, 2023 Meeting Minutes

cc: Front Counter Copy; Planning Commission; Craig Spencer, HCD Director; Melanie Beretti, AICP, Acting Chief of Planning; Anna Ginette Quenga, AICP, HCD-Principal Planner; HCD-Engineering Services; Environmental Health Bureau; HCD Environmental Services; Monterey County Regional Fire Protection District; Hermalina Gard, Applicant/Owner; Dale Ellis, Anthony Lombardo and Associates, Agent; The Open Monterey Project; LandWatch; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN210223