

MONTEREY COUNTY PLANNING COMMISSION

Meeting: October 29, 2008; Time: 10:00 a.m.		Agenda Item No.: 3	
<p>Project Description: Proposed application consists of a Combined Development Permit including: 1) Coastal Development Permit to allow the demolition of two single family dwellings, two barns, a garage and the removal of two mobilehomes; 2) Coastal Development Permit to allow a standard subdivision consisting of the division of two parcels totaling 33.58 acres into 102 lots to include: 97 single family residential lots ranging in size from 4,050 to 19,742 square feet, 1.76-acre commercial parcel, 6-acre multi-family residential parcel, 1.89-acre community recreation parcel, one mini park parcel, and one parcel of common area; 3) Coastal Development Permit to allow removal of 25 oak trees; 4) General Development Plan to allow commercial or public/quasi-public development on the 1.76 acre commercial parcel; 5) Coastal Development Permit to allow the construction of a 4-unit apartment complex; and 6) Coastal Development Permit to allow development on slopes greater than 25%. The subdivision committee recommends that the Planning Commission approve the project with the following amendments: 76 total lots including: 68 single family lots, four duplex lots, 1.76-acre lot with a General Development Plan allowing mixed use of 17,000 square foot commercial space with four apartment units above, 9.7-acre open space parcel, and a 2.5-acre park; allow removal of 25 oak trees and 0.1-acre of willow trees; align proposed and existing roads on Sill Road and create one access road to Hall Road.</p>			
<p>Project Location: 100 Sill Road, North of Hall Road, between Sill Road & Hall Road, Los Lomas</p>		<p>APNs: 412-073-015, and 412-073-002-000</p>	
<p>Planning File Number: PLN970159 - Rancho Los Robles</p>		<p>Owner: Heritage Western Communities Representative: Pam Silkwood</p>	
<p>Plan Area: North County Land Use Plan</p>		<p>Flagged and staked: Yes</p>	
<p>Zoning Designation: "MDR/4-D-S" Medium Density Residential, and "CGC" Coastal General Commercial (Coastal Zone)</p>			
<p>CEQA Action: Environmental Impact Report Prepared (EIR# 02-03)</p>			
<p>Department: RMA - Planning Department</p>			


RECOMMENDATION:

Pursuant to the direction of the Planning Commission on October 8, 2008, staff has prepared findings and evidence to recommend denial of the Rancho Los Robles Project to the Board of Supervisors (**Exhibit A**).

OVERVIEW

On October 8, 2008, the subject project and EIR were presented to the Planning Commission including various alternatives. The Commission voted 6-2 to have staff return with findings to deny to proposed project including evidence that overriding circumstances are not sufficient to approve the project with the associated impacts (water and traffic). Some of the benefits presented as possible overriding conditions include:

- The project would replace existing wells and septic systems with public water and sewer.
- Improving the site would reduce nitrates and sediments that currently impact surface water quality in Carneros Creek and ultimately reach Elkhorn Slough.
- As conditioned, the applicant would improve pedestrian traffic along Sill Road for the school.
- A community park is included to provide active sports fields for the Las Lomas community. The next closest services are approximately three miles away.
- Approximately 1/3 of the site would remain in natural open space.
- This property is identified in the certified LCP as a preferred location for development by designating the site for higher density development and commercial uses to be part of the Las Lomas community.



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October 20, 2008

Note: Recommendations from the Planning Commission will be forwarded to the Board of Supervisors for final action. The Board decision on this project is appealable to the Coastal Commission.

cc: Front Counter; Planning Commission Members (10); North County FPD; RMA-Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; RMA-Redevelopment; Local Agency Formation Commission; Carl Holm, Assistant Planning Director; Carol Allen, Heritage Western Communities, Applicants; Pam Silkwood., Agent; William Yeates, Friends Artists and Neighbors of Elkhorn Slough; Planning File PLN970159.

Attachments: Exhibit A Draft Findings and Evidence

This report was reviewed by Alana Knaster, Chief Assistant Planning Director.

EXHIBIT A
RECOMMENDED FINDINGS AND EVIDENCE
PLN970159/Rancho Los Robles
October 29, 2008

1. **FINDING: PROJECT DESCRIPTION** - The project, Rancho Los Robles Subdivision, has been considered based on the policies, requirements, and standards of the Monterey County General Plan, North County Area Plan, North County Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20).

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications.

(b) Project Site. The property is located at 100 Sill Road (Assessor's Parcel Numbers 412-073-015 & 412-073-002-000), North County Area Plan. This area is identified as the unincorporated town of Las Lomas in the North Monterey County Coastal Zone. The project area consists of two lots totaling 33.58 acres with frontage on Hall Road to the south and Sill Road to the north. Existing development consists of a horse ranch that includes two barns, a riding ring, two mobile homes and two single family homes (4 units). The existing structures have all necessary public facilities and are served by two on-site wells and multiple septic systems.

(c) Zoning. The parcels are zoned Medium Density Residential "MDR (CZ)" with an asterisk that refers to North County Land Use Plan recommendations for general commercial uses within the project site.

(d) LUAC. The project was referred to the North County Land Use Advisory Committee (LUAC) for consideration on July 2, 2007. The Committee voted separately on the four measures:

- 1) NO (5 to 0) to allow a subdivision of 97 lots
- 2) NO (5 to 0) to remove 25 trees.
- 3) YES (5 to 0) to approve the commercial development and the four unit apartments along Hall Road and
- 4) YES (3 to 2) to the demolition of the existing structures on the property.

(e) Subdivision Committee. The Subdivision Committee held a duly noticed public hearing beginning on December 13, 2007, with continuances to December 20, 2007, February 28, 2008, March 27, 2008 and April 10, 2008 to consider analysis of project consistency as well as a Draft EIR prepared for the subject project, and recommended

approval of the staff recommended Reduced Single Family Development Alternative consisting of the following amendments: 76 total lots including: 68 single family lots, four duplex lots, 1.76-acre lot with a General Development Plan allowing mixed use of 17,000 square foot commercial space with four apartment units above, 9.7-acre open space parcel, and a 2.5-acre park; allow removal of 25 oak trees and 0.1-acre of willow trees; align proposed and existing roads on Sill Road and create one access road to Hall Road.

- (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development are found in Project File PLN970159.

2. **FINDING: SITE SUITABILITY** – The site is not physically suitable for the use proposed.

- EVIDENCE:**
- (a) The EIR indicates that the proposed project would create significant impacts to traffic and water. The Commission finds that there are not adequate benefits to override potential impacts (*Findings 3 & 4*).
 - (c) Materials in Project File PLN970159.

3. **FINDING: ADVERSE PROJECT AND CUMULATIVE ENVIRONMENTAL IMPACTS ON STATE ROUTE 1** - The EIR identifies that the project would result in significant and unavoidable project and cumulative traffic impacts on State Route 1 that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval.

- EVIDENCE:**
- (a) The Rancho Los Robles Subdivision Draft EIR considered the effects of the project on traffic in the project vicinity and the north Monterey County region, including along the segment of State Route 1 south of Salinas Road and north of Castroville. The Draft EIR utilized the information in two traffic reports that were prepared for the project.
 - (b) State Route 1 south of Salinas Road and north of Castroville is a two-lane highway about seven miles in length that experiences considerable congestion (LOS F) during morning and afternoon periods. State Route 1 south of Salinas Road and north of Castroville is the only segment of State Route 1 between Santa Cruz and Monterey that has not been developed as a four or six-lane freeway. The California Department of Transportation is responsible for improvements to State Route 1. Other than planned improvements to the Salinas Road intersection, including additional lanes for about one mile south of Salinas Road, the California Department of Transportation

does not have any plans to expand this segment of State Route 1.

4. **FINDING: ADVERSE CUMULATIVE ENVIRONMENTAL IMPACTS ON REGIONAL GROUNDWATER** – The EIR identifies that the project would result in significant and unavoidable cumulative regional groundwater impacts that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval.

- EVIDENCE:**
- (a) The Rancho Los Robles Subdivision Revised Draft EIR revised the information in the DEIR, including updated information on the reduced funding available for the implementation of the Revised Basin Management Plan, and a revised finding that the project would result in potentially significant and unavoidable cumulative impacts to the regional groundwater aquifer and seawater intrusion.
 - (b) North County LUP/LCP Water Resources 2.5.2 General Policy 3 requires phased build-out of the North County area, until such time as adequate water supplies are secured for the region. North County LUP/LCP Water Resources 2.5.3 Specific Policy A2 limits water use to the safe-yield level, which is equated to one-half of build-out within the north County area. North County LUP/LCP Water Resources 4.5.5 General Policy 7 requires that new subdivision and development be phased over time until an adequate supply of water to meet long-term needs can be assured. The project was deemed complete on September 21, 2000, and is considered to be within the first half of north Monterey County's build-out.
 - (c) North County LUP/LCP Water Resources 2.5.3 Specific Policy A4 requires new development to incorporate conservation methods into their design, and on-site retention of water for infiltration to groundwater. The project is subject to County ordinances that require low water use landscaping, and State and federal requirements for low-flow plumbing fixtures. The site is underlain by a dense clay layer that prevents infiltration of water, and therefore, infiltration approaches are not considered feasible at this site.
 - (d) Numerous studies of the groundwater conditions have been prepared for north Monterey County, including reports prepared by Fugro West Inc. and the Monterey County Water Resources Agency, and these reports detail the current groundwater deficit and adverse effects on the groundwater basin from historic and current groundwater pumping.

- (e) The following mitigating factors were considered in the RDEIR analysis, and serve to lessen the severity of the impact:
- a. County requirements for water conserving landscaping, and local, state and federal low water use fixture requirements are incorporated into the assumptions for project water balance;
 - b. Recycling of wastewater for agricultural irrigation at the Watsonville wastewater treatment plant has been incorporated into the assumptions for the project water balance (see Table 12);
 - c. The Monterey County Water Resources Agency's north Monterey County hydrological impact fee (Monterey County code 18.51) applies to the proposed project and funds the study and resolution of groundwater issues in north Monterey County. Under the ordinances in effect at the time the proposed project's application was deemed complete, payment of the fee is required and is intended to off-set potential water supply impacts.
 - d. The proposed water purveyor is the California Water Service Company (CWSC), which serves many areas throughout the State, in addition to their service area in Las Lomas. CWSC operates three wells in the area, and their monitoring indicates that the water meets water quality standards, and that their wells and other wells in the area have sustained water levels in recent years. CWSC prepared a WSA that states they are able to provide adequate water supplies to the proposed project from their existing wells and storage facilities. Because CWSC is a large water purveyor with significant resources, it should deliver long term water quality and quantity.
- (f) Factors that could further reduce the deficit in the groundwater balance or otherwise off-set adverse effects on groundwater are either not feasible, are not fully feasible, or are not under the control of Monterey County.
- a. Percolation of water on-site is severely limited by the project site geology. Infiltration of water at the base of the slope at the center of the project site raises concerns with land sliding and liquefaction, and is not considered feasible. Storm water run-off would flow offsite to Carneros Creek and Elkhorn Slough.

- b. Implementation of the Revised Basin Management Plan, which would mitigate the proposed project's effects on groundwater, is the responsibility of the Pajaro Valley Water Agency (PVWMA), and is not expected in the near future. The PVWMA oversees management of groundwater resources within the north Monterey County area, including the groundwater basin from which the project would withdraw its water. The PVWMA adopted the Revised Basin Management Plan in March 2002. Implementation of the Revised Basin Management Plan would alleviate groundwater problems through a combination of conservation, imported water, cessation of coastal pumping, and use of recycled water for agricultural irrigation in coastal regions. Although some components of the Revised Basin Management Plan have been implemented or are currently under construction, other key components, especially the imported water component, have not been realized. The Revised Basin Management Plan proposes the import of water from the Central Valley Project, but the PVWMA has not been successful in negotiating for an allocation, CVP water deliveries are often less than full allocation, and a pipeline would need to be constructed between Santa Clara County and north Monterey County. Although the PVWMA is studying alternatives to this supply of water, the outcome of that study is not known at this time, and it appears that alternatives may only partially off-set the previously planned imported water. A key funding component for implementation of the Revised Basin Management Plan was recently ruled invalid by the Court, and funding for the remainder of the Revised Basin Management Plan components is uncertain. Management of the regional groundwater resources, including import of additional water supplies, is an issue that is beyond the jurisdiction of the County of Monterey. The PVWMA is responsible for the programs necessary to provide adequate water resources for the area.

5. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance.

No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

- EVIDENCE:**
- (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
 - (b) Staff conducted a site visit on July 10, 2007 to verify that the project on the subject parcel conforms to the plans submitted under PLN970159.
 - (c) The application, plans and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN970159

6. **FINDING: –SUBDIVISION.** Section 66474 of the California Government Code (Subdivision Map Act) and Section 19.03.025 (Title 19-Subdivision Ordinance, Coastal Zone) of the Monterey County Codes requires that a request for subdivision be denied if any of the following findings are made:

- 1. That the proposed map is not consistent with the applicable general plan, area plan, coastal land use plan or specific plan.
- 2. That the design or improvement of the proposed subdivision is not consistent with general plan, area plan, coastal land use plan or specific plan.
- 3. That the site is not physically suitable for the type of development.
- 4. That the site is not physically suitable for the proposed density of development.
- 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

- EVIDENCE:**
- (a) Planning staff has analyzed the project against the findings for denial outlined in this section. The EIR indicates that the proposed project would create significant impacts to traffic and potentially significant cumulative impacts to water. The Planning Commission did not believe there were sufficient benefits to override these impacts.

- (b) Conditions to meet Section 19.12.010 (Recreation Ordinance) of the Monterey County Code relative to recreation requirements are not required for denial.
- (c) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development, found in the project file.

7. **FINDING: APPEALABILITY** - The decision of the Board of Supervisors on this project is appealable to the California Coastal Commission.

EVIDENCE: This project is appealable to the California Coastal Commission under 20.86.080.A as described in paragraph 2.