

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 03017

A. P. # 261-101-001-000M

In the matter of the application of  
**South County Housing Corp. (PLN020136)**

**FINDINGS AND DECISION**

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 454 Boronda Road, Salinas (Assessor's Parcel Numbers 261-101-001-000 and 261-101-025-000), came on regularly for hearing before the Planning Commission on March 26, 2003.

WHEREAS: Said proposal includes:

- 1) Tentative Map to subdivide two parcels totaling approximately 7 acres into 24 parcels for the development of 23 single family homes (100% affordable housing), and
- 2) Use Permit to construct 4 multi-unit buildings consisting of 15 affordable housing units on an approximate 1.7 acre parcel.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The proposed project consists of a Combined Development Permit that includes a standard subdivision Tentative Map to subdivide 2 parcels into 24 parcels for the development of 23 single family dwellings (100% affordable housing) and a Use Permit to construct four buildings containing 15 affordable housing units (PLN020136). The project, as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, the Greater Salinas Area Plan, the Boronda Neighborhood Improvement Plan, and the Monterey County Zoning Ordinance (Title 21) which designates this area as appropriate for affordable housing residential development. The subject site is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project as contained in the application and accompanying materials for conformity with the:

- a. Monterey County General Plan
- b. Greater Salinas Area Plan
- c. Boronda Neighborhood Improvement Plan
- d. Monterey County Subdivision Ordinance (Title 19)
- e. Monterey County Zoning Ordinance (Title 21)

**EVIDENCE:** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, the Salinas Rural Fire Protection District, the Monterey County Sheriff's Department, the Housing and Redevelopment Agency, the Boronda Neighborhood Citizen's Advisory Committee and the City of Salinas. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical

or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for subdivision improvements..

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in project file PLN020136.

**EVIDENCE:** The Boronda Neighborhood Citizen's Advisory Committee voted 9-0 on December 12, 2002 to recommend approval of the project.

**EVIDENCE:** The Subdivision Committee voted unanimously on February 13, 2003 to recommend approval of the project.

**2. FINDING:** The project will not have a significant adverse impact on the environment. An Initial Study was prepared for the project and it was determined that the project would have no significant impacts. A Mitigated Negative Declaration was filed with the County Clerk on February 3, 2003, noticed for public review and circulated to the State Clearinghouse. The public review period ends March 5, 2003. The mitigated negative declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and during the public review process. The Monterey County Planning and Building Inspection Department, located at 2620 1<sup>st</sup> Avenue, Marina, CA is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

**EVIDENCE:** County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on February 3, 2003, and noticed for public review. The public review period ends March 5, 2003. All comments received on the Initial Study will be considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

- a. Project Application/Plans and Technical Reports within project file PLN020136, including Traffic, Storm Drainage, Native American Resources, Hydrological, Geological and Biotic Resources Reports.
- b. General Plan, Greater Salinas Area Plan, Boronda Neighborhood Improvement Plan, Zoning Code (Title 21)
- c. Subdivision Map Act and Monterey County Subdivision Ordinance (Title 19)
- d. Inter Departmental Review Comments and Conditions

**EVIDENCE:** The Monterey County Planning and Building Inspection Department prepared an Initial Study pursuant to CEQA. The Initial Study identified several potentially significant impacts, and mitigation measures that would reduce those impacts to levels of insignificance are incorporated into the project. The Initial Study is on file in the office of Planning and Building Inspection and is hereby incorporated by reference in project file (PLN020136). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.

**EVIDENCE:** A Mitigation Monitoring and Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation. Applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition #5).

3. **FINDING:** For Purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

**EVIDENCE:** Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. Implementation of the project described herein may impact potential habitat of the pallid bat and barn owl.

**EVIDENCE:** Initial Study and Negative Declaration contained in the project file.

4. **FINDING:** That in approving the final map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

**EVIDENCE:** *The applicant will be required to comply with the Inclusionary Housing Ordinance as a condition of approval.*

**EVIDENCE:** As demonstrated in project file PLN020136 and the Conditions of Approval, the applicant is providing a 100% affordable housing project.

5. **FINDING:** The recommended conditions regarding recreation requirements, and underground utilities have been applied to ensure that the health, safety, and welfare is preserved and protected. See conditions of approval.

**EVIDENCE:** Section 18.40 of the Monterey County Code (Inclusionary Housing Ordinance).

**EVIDENCE:** Section 19.12.010 of the Monterey County Code (Recreation Ordinance) (See Condition No. 26).

**EVIDENCE:** Section 19.10.095 of the Monterey County Code (underground utilities) (see Condition No. 11)

6. **FINDING:** That none of the findings found in Section 19.03.025.F of the Monterey County Code Title 19 Subdivision Ordinance can be made.

**EVIDENCE:** *Section 19.03.025.F requires that the subdivision be denied if any one of the findings contained therein can be made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are consistent with the County General Plan, Local Coastal Program, the Greater Salinas Area Plan, and the Boronda Neighborhood Improvement Plan. No specific plan has been prepared for this area. The site has been determined to be physically suitable for the type and density of development (See Evidence in Finding #1). The design and improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Mitigated Negative Declaration adopted for this project. The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements.*

**EVIDENCE:** *The property provides for adequate building sites as evidenced by the application materials submitted for the project in project file PLN020136. The project was found to be in compliance with the California Subdivision Map Act.*

**EVIDENCE:** The application, plans, and support materials, including the technical reports submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development. The reports are:

- a. Traffic Analysis, JKM Transportation Consultants (February 22, 2002 & August 16, 2002)
- b. Storm Drainage Report, Sandis, Humber Jones (July 2, 2002)
- c. Environmental Site Assessment Phase I, Environmental Investigation Services (February 7, 2001 & March 14, 2001)
- d. Environmental Site Assessment Phase II, Environmental Investigation Services (March 30, 2001)
- e. Noise Study, Bollard and Brennan, Inc. (November 4, 2002)
- f. Native American Resources Report, Archaeological Consulting (April 4, 2002)
- g. Hydrological Report, Mactec Engineering and Consulting, Inc. (January 9, 2003)
- h. Geotechnical Investigation, Soil Surveys, Inc. (February 8, 2001 & April 3, 2001)
- i. Geological Report, CapRock (November 13, 2002)
- j. Cultural Resources Study, Archaeological Consulting (December 21, 2001)
- k. Biotic Resources Report, H.T. Harvey & Associates, (June 26, 2002)

**EVIDENCE:** The on-site inspection of the parcel by the project planner and maps and application materials contained in project file PLN020136.

**EVIDENCE:** Evidence for Findings 1, and 2.

7. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

**EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Salinas Rural Fire Protection District, Sheriff's Department, Housing and Redevelopment Agency, Water Resources Agency and the City of Salinas. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

**EVIDENCE:** Adoption of the Negative Declaration includes mitigation measures that address potential impacts to traffic, biotic resources geology and soils, and hydrology and water quality . No other significant impacts have been identified for the project.

**EVIDENCE:** Application materials in project file PLN020136, Initial Study with mitigation measures, and Mitigated Negative Declaration contained in the project file.

8. **FINDING:** No comments requiring "substantial revisions" to the Initial Study were received during the Initial Study's public review period. Pursuant to Section 15073.5 of the California Environmental Quality Act, the Initial Study will not be recirculated.

**EVIDENCE:** California Environmental Quality Act Section 15073.5.

**EVIDENCE:** Project File PLN020136.

## **DECISION**

It is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. **PERMITS** - The Tentative Map is a subdivision of two parcels of approximately 7 acres into 24 parcels for the development of 38 affordable housing units. The affordable housing units will consist of 23 single family homes and four multi-unit buildings that provide an additional 15 units. The single-family homes will be developed on lots ranging from 5,082 to 8,670 square feet. The Use Permit includes the multi-family component which will be contained in four separate one-story buildings. Three of the four buildings will have four units each, and the remaining building will have three units. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

### **Prior to Recordation of Final Map:**

2. **RESOLUTION NOTICE** - The applicant shall record a notice, which states: "A permit (Resolution #03017) was approved by the Monterey County Planning Commission for Assessors Parcel Number 261-101-001-000 and 261-101-025-000 on March 26, 2003. The permit was granted subject to 63 conditions of approval that run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building or grading permits. **(Planning and Building Inspection)**
3. **HOLD HARMLESS AGREEMENT** - The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, or filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. **(Planning and Building Inspection)**

4. **FISH & GAME FEE** - Pursuant to the State Public Resources Code, State Fish and Game Code and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid within five days of project approval, before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection)**
5. **MMRP AGREEMENT** - The applicant shall enter into a Mitigation Monitoring Agreement with the County of Monterey and pay a fee to the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
6. **ARCHEOLOGY NOTE** - A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
7. **BIOTIC REPORT NOTE** - A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "A Biotic Resources report dated June 26, 2002, has been prepared on this property by H.T. Harvey & Associates, and is on file in the Monterey County Planning and Building Inspection Department File #PLN020136. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection; Public Works)**
8. **GEOLOGIC REPORT NOTE** - A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "A Geological Report dated November 13, 2002, has been prepared on this property by CapRock, and is on file in the Monterey County Planning and Building Inspection Department File #PLN020136. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection; Public Works)**
9. **HYDROLOGICAL REPORT NOTE** - A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "A Hydrological Report dated January 9, 2003, has been prepared on this property by Mactec Engineering and Consulting, Inc., and is on file in the Monterey County Planning and Building Inspection Department File #PLN020136. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to

the approval of the County Surveyor. This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection; Public Works)**

10. **TRAFFIC REPORT NOTE** - A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "A Traffic Analysis dated August 16, 2002 has been prepared on this property by TJKM Transportation, and is on file in the Monterey County Planning and Building Inspection Department File #PLN020136. The recommendations contained in said report and addendums shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection; Public Works)**
11. **UTILITIES NOTE** - A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. **(Planning and Building Inspection; Public Works)**
12. **UTILITY EASEMENTS** - The subdivider shall submit three prints of the approved tentative map to each of the following utility companies: Pacific Gas & Electric Company and Pacific Bell. Utility companies shall submit their recommendations, if any, to the Director of Public Works for all required easements. **(Public Works)**
13. **DRAINAGE EASEMENTS** - That all natural drainage channels be designated on the final map by easements labeled "Natural Drainage Easements." **(Public Works)**
14. **SEWER SYSTEM INSTALLATION** - The sewer system improvements and any appurtenances shall be installed, or bonded, to and within the subdivision prior to filing the final parcel map. **(Environmental Health)**
15. **WATER SYSTEM INSTALLATION** - The developer shall install or bond the water system improvements to and within the subdivision and any appurtenances needed prior to filing the final map. **(Environmental Health)**
16. **STORM DRAIN FEE** - The applicant shall contribute \$270,000.00 as a pro-rata fair share of local drainage and street improvements listed in the Boronda Redevelopment Area Storm Drain Master Plan Phase 1. The applicant may pay the required fee in advance of filing the final map or approval of the tentative map. If the final map is not approved, the Public Works Department will refund the fee to the applicant. **(Public Works)**
17. **MCWRA AGREEMENT** - In the event that the homeowner's association fails to properly maintain, repair or operate the drainage and flood control facilities in the project, and after notice and hearing, the Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the project. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. An agreement to this effect shall be entered into concurrent with the filing of the final map of the first phase of the subdivision. **(Water Resources Agency)**

18. **DRAINAGE NOTE** - A note shall be recorded on the final map stating that “any future development on these parcels will require impervious surface stormwater runoff to be directed to the drainage improvements in a way that mitigates impacts to adjacent properties.” **(Water Resources Agency)**
19. **HOMEOWNERS ASSOCIATION** - When the homeowners association is formed for the maintenance of roads, drainage facilities, and open spaces, the documents for formation of the association shall be approved by the Director of Public Works, the Director of Planning and Building Inspection, and the County Water Resources Agency, prior to filing of final map. C.C. & R’s shall include provisions for a yearly report by a registered civil engineer, and the monitoring of impacts of drainage and maintenance of drainage facilities. Report shall be approved by the County Water Resources Agency. **(Water Resources Agency)**
20. **ROAD AND DRAINAGE MAINTENANCE AGREEMENT** - Until such time as the homeowner’s association is formed, the developer shall have the sole responsibility for the care, maintenance, and repair of road and drainage improvements prior to the conveyance of any lots in the subdivision. Upon each conveyance of each lot in the subdivision, developer shall be jointly obligated with the succeeding owners to perform such obligation pro rated on the basis of the remaining number of lots still owned by the developer. Developer’s obligation shall cease upon the conveyance of the last lot in the subdivision. An agreement to this effect, running with the land, shall be recorded between developer and the County of Monterey prior to recordation of the final map. **(Water Resources Agency)**
21. **NOTICE OF WATER CONSERVATION REQUIREMENT** - A notice shall be recorded on the deed for each lot stating all new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance #3932, or as subsequently amended. **(Water Resources Agency)**
22. **LANDSCAPING REQUIRMENTS** - The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems. This shall be the responsibility of the developer if the developer is also the builder. If not, a notice shall be recorded on the deed for each lot to inform future builders of this requirement. **(Water Resources Agency)**
23. **WATER USE INFORMATION** - The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. The Monterey County Water Resources Agency and the Environmental Health Division have confirmed the hydrogeoloic report prepared for the project that concludes the water demand represents a less than significant impact on the Salinas **Basin**. **(Water Resources Agency)**
24. **GRADING NOTE** - A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection.” This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
25. **EROSION CONTROL NOTE** - A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final



map, as follows: "All development shall comply with the drainage and erosion control provisions of the Monterey County Code." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection; Water Resources Agency)**

26. **EXTERIOR LIGHTING** - A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled." **(Planning and Building Inspection)**
27. **RECREATION AREAS** - The applicant shall comply with Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance, Title 19, Monterey County Code. The County Parks Department has reviewed the project and determined that the recreation facilities proposed as part of the project (tot lot, picnic areas, community room, basketball court, turf areas) comply with this requirement. Also, the Monterey County Redevelopment Agency entered into an agreement in 1996 with the Salinas City Elementary School District to jointly participate in installing and upgrading park facilities at the Boronda School to provide recreation facilities for use by the community of Boronda. The project includes the installation of play equipment, turf area, picnic facilities, a community garden, basketball courts, landscaping and parking. **(Parks)**
28. **RECREATION PLAN** - A Recreation Plan shall be prepared by the applicant for review and approval by the Parks Director and the Director of Planning and Building Inspection. The final approved recreation plan shall be recorded with the final map. **(Parks)**
29. **RECREATION FACILITIES PERFORMANCE BOND** - The applicant shall provide the County with adequate security in the form of a performance bond or other suitable security acceptable by the County of Monterey for the construction of the recreational facilities in the amount of 100% of the construction costs. **(Parks)**
30. **RECREATION FACILITIES MAINTENANCE** - The applicant shall provide written assurance to the Director of Planning and Building Inspection/County of Monterey that the recreational facilities will be maintained on a regular basis for the health and safety of the residents of the Jardines de Boronda Subdivision. **(Parks)**
31. **WELL INFORMATION** - The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
32. **DRAINAGE PLAN** - A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts. The plan shall include road improvements and subdivision detention facilities to mitigate the impact of impervious surface stormwater runoff. The detention pond shall be fenced for public safety. **(Water Resources Agency)**
33. **TRAFFIC IMPROVEMENT FEE** - Contribute \$2,799.00 per dwelling unit for a total of \$106,362.00 to Monterey County as a pro-rata fair share of regional traffic improvements in the Boronda area. The applicant may pay the required fee in advance of filing the final map or approval of the tentative map. The applicant shall provide evidence of payment to the State of California Department of Transportation District 5 office. If the final map is not approved, the Public Works Department will refund the fee to the applicant. **(Public Works)**

34. **CITY OF SALINAS TRAFFIC IMPROVEMENT FEE** – The applicant shall pay \$46,080 to the City of Salinas for the project's pro-rata cost for improvements listed in the city Traffic Fee Ordinance. The applicant may pay the required fee in advance of filing the final map or approval of the tentative map. The applicant shall provide evidence of payment to the State of California Department of Transportation District 5 office. If the final map is not approved, the Public Works Department will refund the fee to the applicant. **(Public Works)**
35. **DEVELOPMENT STANDARDS** - State density bonus provisions of the Government Code (Section 6515-65918) and the County's Inclusionary Housing Ordinance (Section 18.40) permit relief from codified development standards for qualified affordable housing projects. Pursuant to these regulations, building envelopes shall be designated in lots 7, 8, 9, 10, & 11 reflecting special setbacks, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
36. **AFFORDABILITY DESIGNATION** - Prior to the recordation of the Final Map or issuance of building permits for the multi-family units, whichever comes first, the regulatory documents that impose affordability restrictions shall be approved by the Board of Supervisors. Twenty six of the units will be deed restricted for very low and low-income households for a term of 55 years. The remaining 12 units will be deed restricted for households with incomes at or below 110% of the County median income (below market units), also for a term of 55 years. The project applicant will enter into a regulatory agreement with the County to be approved by the Board of Supervisors to ensure the affordability pursuant state and federal financing. **(Housing and Redevelopment)**
37. **MULTI-FAMILY SITE PLAN** - The property owner shall prepare a site plan for the multi-family parcels to be approved by the Director of Planning and Building Inspection. The site plan should: (1) define the building site; (2) establish maximum building dimensions; (3) identify natural vegetation that should be retained; (4) identify landscape screening as appropriate. The approved site plans are to be recorded with the subdivision's CC&R's. A note shall be placed on the final map stating that a site plan has been prepared for this subdivision and that the property may be subject to building and/or use restrictions. **(Planning and Building Inspection)**

**Prior to Issuance of Grading and/or Building Permits:**

38. **REVIEW OF SEWAGE SYSTEM** - Engineered plans shall be submitted to and approved by County Sanitation District. Prior to installing or bonding the sewage disposal system, submit evidence from the County Sanitation District that plans have been reviewed and approved. **(Environmental Health)**
39. **REVIEW OF WATER SYSTEM** - Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements to California Water Service Company for review and approval. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by California Water Service Company prior to installing or bonding the improvements. **(Environmental Health)**

40. **REVIEW OF WATER SYSTEM IMPROVEMENTS** - Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation or bonding of water system improvements. **(Environmental Health)**
41. **WATER CONSERVATION PROVISIONS** – When a homeowner’s association is formed, the C.C.& R’s shall contain provisions that: all new construction incorporate the use of low water use plumbing fixtures including, where applicable, hot water recirculation systems; the front yards of all homes shall be landscaped at the time of construction; low water use or drought tolerant plants shall be used together with water efficient irrigation systems; leak repair is the property owner’s responsibility; vehicle and building washing shall use hoses equipped with shut off nozzles; no potable water to be used for sidewalk washing; no water spillage into streets, curbs, and gutters; no emptying or refilling of swimming pools except for structural repairs or if required for public health regulations; no fountains unless water is recycled within the fountain in accordance with Monterey County Water Resources Agency Water Conservation Ordinance No. 3932, or as subsequently amended. **(Water Resources Agency)**
42. **ROAD MAINTENANCE** - That a Homeowner’s Association be formed to, in part, provide on-site road maintenance`. The Monterey County Public Works Department is prohibited from maintaining private roads. **(Public Works)**
43. **ROAD INFRASTRUCTURE** - The applicant shall install vertical curb, gutter, sidewalk and paveout along entire frontage of Boronda Road. **(Public Works)**
44. **ROAD SPECIFICATIONS** - That on-site roads be constructed in accordance with the typical sections shown on the tentative map and be maintained as private roads. The pavement section for the proposed roads in the project shall be based on a traffic index of 6.0. **(Public Works)**
45. **SEWER CONNECTION PERMITS** - Obtain sewer connection permits from the Boronda County Sanitation District and pay all applicable fees. **(Public Works)**
46. **SEWER IMPROVEMENTS** - Submit plans to the Boronda County Sanitation District for approval and construct all necessary sewer improvements. **(Public Works)**
47. **ROAD MAINTENANCE** - If required the subdivider shall pay for all maintenance and operation of private roads, fire hydrants and storm drainage from the time of installation until acceptance of the improvements for the subdivision by the Board of Supervisors as completed in accordance with the agreement and until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. **(Public Works)**
48. **SALINAS RURAL FIRE DISTRICT ACCESS** - The fire department access shall be provided in accordance with the following:
  1. **ROAD WIDTH** - Fire apparatus access roads shall have an unobstructed width not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Additional width shall be provided for on-street parking;
  2. **ROAD ACCESS** - Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access;

3. **ROADWAY SURFACE** - The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus;
  4. **ROADWAY TURNAROUNDS** - Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roads shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length;
  5. **VERTICAL CLEARANCE** - Unobstructed vertical clearance shall be not less than 13'6" feet for all access roads.
49. **FIRE HYDRANTS** - Hydrants for fire protection shall be provided at locations approved by the Salinas Rural Fire District and shall conform to the following requirements: **(Salinas Rural Fire Protection District)**
- a. **FIRE FLOW** - Pursuant to Uniform Fire Code Appendix III-A, the basic minimum fire flow requirement for buildings with three or more dwelling units with automatic fire sprinkler systems installed is 1,500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours.
  - b. **TIMING OF INSTALLATION** - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.
  - c. **HYDRANT/FIRE VALVE (LOCATION)** - The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.
  - d. **HYDRANT/FIRE VALVE (SPACING)** - The hydrant serving any building shall not be less than 50 feet or more than 1000 feet by the road from the building it is to serve.
  - e. **HYDRANT SIZE** - The hydrants shall have a minimum of two (2) 2-1/2 inch outlets NST and one (1) 4-1/2 inch outlet NST. The riser shall be a minimum of six (6) inches and shall be wet barrel type with a coefficient of 0.9.
  - f. **SIGNING OF WATER SOURCES** - Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings along State Highways and Freeways, May 1988.
50. **FLAMMABLE VEGETATION** - Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Salinas Rural Fire Protection District)**
51. **ADDRESSES** - All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. **(Salinas Rural Fire Protection District)**

52. **EROSION CONTROL** - The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

#### **PRIOR TO OCCUPANCY**

53. **PEDESTRIAN ACCESS TO SCHOOL** - Prior to the issuance of the first certificate of occupancy for the residential units, the applicant, in coordination with Boronda Elementary School, shall determine the safest pedestrian route between the project and the school. The applicant shall prepare a flyer (in both Spanish and English) to be distributed to all home buyers and tenants that includes a map of the route. The flyer shall be submitted and approved by the Planning and Building Inspection Department prior to distribution. **(Planning and Building Inspection Department)**
54. **COMPLETION CERTIFICATION** - Certification that stormwater detention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
55. **FIRE SPRINKLERS** - The buildings shall be protected with approved automatic fire sprinkler systems and an approved fire alarm system as follows:
- a. Fire Sprinkler Systems - All of the buildings shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection
  - b. Fire Alarm Systems - The multi-unit dwelling buildings shall be fully protected with an approved central station, proprietary station or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1996 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing agency prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be done in accordance with Chapter 7 of NFPA 72 - 1996 **(Salinas Rural Fire Protection District)**
56. **ROOFING** - Roof construction shall be Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. **(Salinas Rural Fire Protection District)**
57. **SIZE OF LETTERS, NUMBERS AND SYMBOLS FOR ADDRESSES** - When construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the

background colors of the sign. (**Salinas Rural Fire District**)

**Continuous Permit Conditions:**

58. **GRADING PERIOD** - No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (**Planning and Building Inspection Department**)
59. (**Biological Resources**). MM#1 All recommendations proposed in the *Brooks Road and Westridge Parkway, Biotic Resources Report* prepared by H. T. Harvey & Associates for the project dated June 26, 2002 as they apply to pallid bats, shall be incorporated into the project. These recommendations include the following: Applicant shall ensure that pre-demolition survey for roosting bats is conducted by a certified bat biologist prior to the removal of any buildings. If nests are discovered, Applicant will provide appropriate buffer zones, monitoring of compliance with the zones and implement other recommendations by the bat biologist for until such time that nesting bats are no longer impacted. (**Planning and Building Inspection Department**)
60. (**Biological Resources**). MM#2 All recommendations proposed in the Biotic Resources Report prepared by H. T. Harvey & Associates for the project dated June 26, 2002 as they apply to Barn Owls, shall be incorporated into the project. These recommendations include the following: Grading and other construction activities should be scheduled to avoid the nesting season to the extent possible (March through August). If construction is to occur during the breeding season a qualified ornithologist shall conduct pre-construction surveys no more than 15 days prior to the initiation of construction in any given area. If a nest is found and greater than 50% is completed, the applicant will provide appropriate buffer zones and monitoring of compliance with the zones determined by the ornithologist in consultation with the CDFG until such time as nesting owls are no longer impacted. (**Planning and Building Inspection**).
61. (**Geology and Soils**) MM#3 All recommendations proposed in the Geological Reports prepared by Soil Surveys Inc. for the project in February and April 2001, as they apply to expansive soils shall be incorporated into the project. These recommendations, including reinforcement of buildings, drainage control and landscaping shall be followed in the design and construction of structures project facilities. (**Planning and Building Inspection**)
62. (**Hydrology and Water Quality**) MM #4 The applicant shall construct and maintain a storm water detention basin on Lot 16. The basin design shall be a part of the improvement plans to be approved by the Monterey County Water Resources Agency and the Public Works Department. The detention basis shall be a temporary facility until such time as the Boronda Redevelopment Area Storm Drain Master Plan Phase I is implemented. When the facility is removed, the lot 16 will be restored to support a single family residence.
63. (**Traffic**) MM#4. The applicant shall pay a pro-rata fair share sum pursuant to Conditions Nos. 33 & 34 to ensure fair share payment towards future implementation of area traffic improvements. The traffic improvements shall be based on recommendations proposed in the *Boronda Road Development Traffic Impact Analysis* prepared by TJKM Transportation Consultants for the project dated April 3, 2001 and addendums. The fair share shall reflect the project's proportional contribution to increased traffic in the area. (**Public Works**)

**PASSED AND ADOPTED** this 12th day of March, 2003 by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Gonzalves, Rochester, Wilmot  
NOES: None  
ABSENT: None

Original Signed By:  
\_\_\_\_\_  
DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90<sup>th</sup> day following the date on which this decision becomes final.

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.04.040, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON MARCH 26, 2005. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.

#### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.