

MONTEREY COUNTY PLANNING COMMISSION

Meeting: February 14, 2007 Time: 9:15 A.M	Agenda Item No.: 1
Project Description: Amendment to Public Works Condition Number 24 of Boronda Manor Standard Subdivision (PLN040571/Board of Supervisor Resolution No. 06-115) which states: provide evidence of annexation to the existing homeowners association for the Boronda Oaks subdivision for the purposes of road and drainage infrastructure maintenance. The request is to modify the condition to state: provide evidence that a binding agreement has been entered into with the Boronda Oaks subdivision development for the purposes of road and drainage infrastructure maintenance.	
Project Location: Carbonero Street, Salinas, South of Brooks Road	APN: 261-101-056-000, 261-101-057-000, 261-101-058-000, 261-101-059-000, 261-101-060-000, 261-101-061-000 [original APN 261-101-028-000]
Planning File Number: PLN060677	Name: Al Sammut Investments, Property Owner/Agent
Plan Area: Greater Salinas Area	Flagged and staked: No (no structures)
Zoning Designation: "MDR/4-A-UR" [Medium Density Residential/4 units per acre-Limited Agricultural-Urban Reserve]	
CEQA Action: Consider the Negative Declaration Adopted by Planning Commission on October 26, 2005 per Resolution No. 05058 for Project File No. PLN040571	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission consider the Negative Declaration prepared for Project File No. PLN040571 and approve the Amendment (PLN060677) based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

PROJECT OVERVIEW:

See Exhibit A.

OTHER AGENCY INVOLVEMENT:

Salinas Rural Fire Protection District
Public Works Department
Environmental Health Division
Water Resources Agency
Sheriff

The above agencies and departments have reviewed this project. Conditions recommended by Salinas Rural Fire Protection District have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to a Land Use Advisory Committee (LUAC) for review. The area does not have a LUAC.

Note: The decision on this project is appealable to the Board of Supervisors per Subdivision Ordinance 19.16.020.C.

Jennifer Savage
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January 18, 2007

cc: Planning Commission Members (10); County Counsel; Salinas Rural Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Sheriff; Jacqueline Onciano, Planning & Building Services Manager; Jennifer Savage, Planner; Carol Allen; Al Sammut and Alice Sammut, Owner; Brian Finegan, Agent; File PLN060677.

Attachments: Exhibit A Project Overview
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Planning Commission Resolution No. 05058
 Exhibit E Memo from Water Resources Agency
 Exhibit F Agreement (Document No. 2004015053)

This report was reviewed by Jacqueline Onciano, Planning and Building Service Manager.

EXHIBIT A

PROJECT OVERVIEW

On October 26, 2005, the Planning Commission approved the Al Sammut Boronda Manor Standard Subdivision (Resolution No. 05058; Planning File No. PLN040571) allowing the subdivision of an approximately 1.5 acre parcel into six residential lots ranging between 10,000 square feet and 11,310 square feet. The final map was adopted by the Board of Supervisors on May 9, 2006. Boronda Manor is immediately adjacent to and west of the Boronda Oaks subdivision. The Boronda Manor Subdivision proposed to share drainage and street utilities with Boronda Oaks.

Condition No. 24 of the Al Sammut Boronda Manor Subdivision, Resolution No. 05058, stated that “evidence of annexation to the existing homeowner’s association for the Boronda Oaks Subdivision” shall be provided to Public Works for “the purposes of road and drainage infrastructure maintenance” prior to recordation of the Final Map. This amendment will change Condition No. 24 of Resolution No. 05058 to state “Provide evidence that a binding agreement has been entered into with the Boronda Oaks Subdivision development for the purposes of road and drainage infrastructure maintenance.” Public Works has not indicated that this agreement is unacceptable.

Although Water Resources did not make any recommendations for the amendment, PLN060667, Planning Department staff is concerned that some of the Water Resources conditions of Resolution No. 05058 will be affected by this amendment. Condition No.s 29, 33, 34, and 36 of the approved Boronda Manor Subdivision were cleared by Water Resources with the assumption that Boronda Manor would annex into the Boronda Oaks homeowner’s association (See Exhibit E). Condition No. 3 has been added to ensure that the Water Resources conditions of Resolution No. 05058 are satisfied.

EXHIBIT B
RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Salinas Area Plan, Greater Salinas Area Plan Inventory and Analysis, the Monterey County Zoning Ordinance (Title 21), and Monterey County Subdivision Ordinance (Title 19).

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) On October 26, 2005, the Planning Commission approved the Al Sammut Boronda Manor Standard Subdivision (Resolution No. 05058; Planning File No. PLN040571) allowing the subdivision of an approximately 1.5 acre parcel (Assessor's Parcel Number 261-101-028-000) into six residential lots ranging between 10,000 square feet and 11,310 square feet (Assessor's Parcel Numbers 261-101-056-000, 261-101-057-000, 261-101-058-000, 261-101-059-000, 261-101-060-000, and 261-101-061-000). The final map was adopted by the Board of Supervisors on May 9, 2006. Boronda Manor is immediately adjacent to and west of the Boronda Oaks subdivision. The Boronda Manor Subdivision proposed to share drainage and street utilities with Boronda Oaks. This amendment involves all parcels and all parcels are still under the ownership of the owner for PLN040571.

(c) The project was not referred to a Land Use Advisory Committee (LUAC) for review. The area does not have a LUAC.

(d) Although Water Resources did not make any recommendations for the amendment PLN060667, Planning Department staff has concerns that some of the Water Resources conditions of Resolution No. 05058 will be affected by this amendment. Condition No.s 29, 33, 34, and 36 of the approved Boronda Manor Subdivision were cleared by Water Resources with the assumption that Boronda Manor would annex into the Boronda Oaks homeowner's association (See Exhibit E). Condition No. 3 has been added to ensure Condition No.s 29, 33, 34, and 36 of Resolution No. 05058 (PLN040571) are satisfied subject to approval by the Water Resources Agency.

(e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File No. PLN060677.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Salinas Rural Fire Protection District, Public Works, Environmental Health Division, Water Resources Agency, and Sheriff. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Condition No. 3 has been added to ensure the site has suitable drainage facilities subject to the Water Resources Agency approval.
- (c) The property is located at 15080, 15082, 15084, 15086, 15088, and 15090 Carbonero Street, Salinas (Assessor's Parcel Numbers 261-101-056-000, 261-101-057-000, 261-101-058-000, 261-101-059-000, 261-101-060-000, and 261-101-061-000), Greater Salinas Area Plan. The parcel is zoned Medium Density Residential/4 unit per acre-Limited Agricultural-Urban Reserve ("MDR/4-A-UR"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed condition amendment.
- (d) Materials in Project File No. PLN060677.

3. **FINDING:** **CEQA** – A Negative Declaration for Project File No. PLN040571 was adopted by the Planning Commission on October 26, 2006.

EVIDENCE: (a) Resolution No. 05058.

- (b) The Planning Department has determined that no further documentation is required per Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act. The proposed change to Project File No. PLN040571 does not present substantial change that would increase the severity of previously identified significant effects or involve new significant environmental effects. No new information shows that the proposed change will have any significant effect not discussed in the previous Negative Declaration, that the significant effects previously examined will be substantially more severe, that new alternatives exist that the project proponents decline to adopt, or that alternatives exist that would substantially reduce significant effects that the project proponents decline to adopt.

4. **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: Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

5. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

6. **FINDING:** **APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 19.16.020.C Monterey County Subdivision Ordinance (Title 19).

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Al Sammut Investments File No: PLN060677 APNs: 261-101-056-000, 261-101-057-000, 261-101-058-000, 261-101-059-000, 261-101-060-000, and 261-101-061-000 Approved by: Planning Commission Date: February 14, 2007
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Amendment (PLN060677) to Public Works Condition Number 24 of Boronda Manor Standard Subdivision (PLN040571/ Board of Supervisors Resolution No. 05058) which states: provide evidence of annexation to the existing homeowners association for the Boronda Oaks subdivision for the purposes of road and drainage infrastructure maintenance allows the modification of the condition to state: provide evidence that a binding agreement has been entered into with the Boronda Oaks subdivision development for the purposes of road and drainage infrastructure maintenance. The property is located at The property is located at 15080, 15082, 15084, 15086, 15088, and 15090 Carbonero Street, Salinas (Assessor's Parcel Numbers 261-101-056-000, 261-101-057-000, 261-101-058-000, 261-101-059-000, 261-101-060-000, and 261-101-061-000), Greater Salinas Area Plan. This permit was approved 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)</p>				
2.		<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 060677) was approved by the Planning Commission for Assessor's Parcel Numbers 261-101-056-000, 261-101-057-000, 261-101-058-000, 261-101-059-000, 261-101-060-000, and 261-101-061-000 on February 14, 2007. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits or commencement of use.</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3.		PDSP (1) - NONSTANDARD The owner shall ensure that all Water Resources conditions applicable to Project File No. PLN040571 are satisfied. Evidence shall be reviewed and approved by the Water Resources Agency prior to the commencement of use. (RMA - Planning Department)	Submit evidence to the Water Resources Agency for applicable Water Resources conditions of Planning File No. PLN040571.	Owner/Applicant	Prior to commencement of use.	
4.		FIRE030 – OTHER NON-STANDARD CONDITIONS – ROAD MAINTENANCE AGREEMENT Submit to the Salinas Rural Fire District a copy of the agreement entered into with Boronda Homeowner’s Association for the purposes of road and drainage infrastructure maintenance. (Salinas Rural Fire District)	Submit copy of agreement to the Salinas Rural Fire District.	Applicant or owner	Prior to recordation of final map.	