

MONTEREY COUNTY PLANNING COMMISSION

Meeting: April 25, 2007 Time: A.M/P.M	Agenda Item No.:
Project Description: <i>Amendment to Public Works condition of approval number 255 of the East Garrison Standard Subdivision (PLN030204) which states: Applicant shall install a roundabout at the intersection of the inter-garrison road and the westerly project entrance. The intersector shall be designed to operate at a level of service (LOS) C or better in the year of project buildout. The request is to modify the condition to state: Applicant shall install a traffic signal at the intersection of Inter-Garrison Road and the westerly project entrance. The intersection shall be designed to operate at a level of service (LOS) C or better in the year of project buildout.</i>	
Project Location: <i>Reservation Road, Salinas</i>	APN: 031-161-003-000, 031-161-004-000, 031-161-005-000, 031-161-006-000, 031-161-012-000, 031-161-013-000 and 031-161-014-000
Planning File Number: <i>PLN070168</i>	Name: East Garrison Partners LLC. Property Owner/Agent
Plan Area: <i>Greater Monterey Peninsula</i>	Flagged and staked: No
Zoning Designation: :	
CEQA Action: <i>Insert Environmental Determination [i.e. Categorically Exempt per Section 15305 (a)]</i>	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Standard Subdivision Condition Amendment based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW:

The project consists of an amendment to a Public Works condition of approval (Number 255) of the East Garrison Standard Subdivision (PLN030204) which states: Applicant shall install a roundabout at the intersection of the inter-garrison road and westerly project entrance. The intersector shall be designed to operate at a level of service (LOS) C or better in the year of project buildout. The request is to modify the condition to state: Applicant shall install a traffic signal at the intersection of Inter-Garrison Road and the westerly project entrance. The intersection shall be designed to operate at a level of service (LOS) C or better in the year of project buildout. The intent of placement of the specified condition (255) on the East Garrison Standard Subdivision (PLN030204) was to maintain/establish a level of service of C or better on Inter-Garrison Road in the year of project buildout. The modification of condition of approval 255 conserves the original intent of the placement of the referenced condition on the East Garrison Standard Subdivision (PLN030204) (see Exhibit A).

During the preliminary design phases of the East Garrison project, the size of the roundabout (required by condition 255) was underestimated. Implementation of the roundabout would result in one of the following: unnecessary (and possibly unfeasible) encroachment into a habitat reserve and or; encroachment into a parcel designated for a youth camp and or; elimination of parcels created with the approval of the East Garrison Standard Subdivision (PLN030204).

Consultation between East Garrison Partners LLC. and the Ford Ord Re-Use Authority revealed an inconsistency between the roundabout Vs the Ford Ord Re-Use Authority's Capital Improvement Plan (CIP). Both parties, along with county staff find the traffic signal to be consistent with applicable Monterey County Plans and Polices and the Ford Ord Re-Use Authority's CIP. A Traffic signal better achieves the applicable Plans and Polices.

OTHER AGENCY INVOLVEMENT:

- ✓ Salinas Rural Fire Protection District
- ✓ Public Works Department
- ✓ Housing and Redevelopment Agency
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by the Planning and Public Works Departments and have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the *project is exempt from CEQA per Section ____*;

Note: The decision on this project is appealable to the _____ (*Insert Coastal Commission, if applicable*).

Brittany Nicholson
(831) 755-5854, nicholsonb@co.monterey.ca.us
April 2, 2007

cc: Planning Commission Members (10); County Counsel; Salinas Rural Fire Protection District; Public Works Department; Housing and Redevelopment Agency; Parks Department; Environmental Health Division; Water Resources Agency; Jacqueline R. Onciano, Planning & Building Services Manager; Brittany Nicholson, Planner; Carol Allen; East Garrison Partners LLC., Applicant; File PLN070168.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Letter from the project traffic engineer
 Exhibit C Recommended Findings and Evidence
 Exhibit D Recommended Conditions of Approval
 Exhibit E Site Plan, Floor Plan and Elevations

This report was reviewed by Jacqueline R. Onciano Planning and Building Services Manager.

EXHIBIT C

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 Monterey Peninsula Area Plan, Greater Monterey Peninsula Area Plan Inventory and Analysis, the Monterey County Zoning Ordinance (Title 21) and the East Garrison Specific Plan which designates this area as appropriate for the proposed amendment.

- 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) The property is located on Reservation Road in Salinas (Assessor's Parcel Numbers 031-161-003-000, 031-161-004-000, 031-161-005-000, 031-161-006-000, 031-161-012-000, 031-161-013-000 and 031-161-014-000), Greater Monterey Peninsula Area Plan. The parcel is zoned _____ (“_____”). 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 amendment.
- (c) The project planner conducted a site inspection on _____ to verify that the project on the subject parcel conforms to the plans listed above.
- (d) Insert information as applicable to the project (*Example Historic District (HR), Caretaker's Unit, Senior Unit, Lot Legality, Visual Sensitivity, Slope, etc.*). (Example: The _____ Subdivision Planning File No. _____) allowed the division of a four-acre parcel (Assessor's Parcel Number 000-000-000-000) into fourteen parcels. The subject parcel is one of these fourteen parcels.
- (e) The project was not referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because *the project is exempt from CEQA per Section ____*.
- (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 found in Project File PLN070168.

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, Parks, Public Works, the Housing and Redevelopment Agency, Environmental Health Division, and Water Resources Agency. 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) (*This evidence may not be applicable to all projects*) Technical reports by outside biological, archaeological, and geological consultants indicated

that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared: *(List reports in the following format)*

“Title of Report” (LIB _____) prepared by Consultant, City, State, Date report was prepared).

(c) Staff conducted a site inspection on _____ to verify that the site is suitable for this use.

(d) Materials in Project File PLN_____.

3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE: (a) California Environmental Quality Act (CEQA) Guidelines Section _____, categorically exempts _____. *(Example: the construction of small accessory structures).*

(b) No adverse environmental effects were identified during staff review of the development application during a site visit on _____.

(c) See preceding and following findings and supporting evidence.

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: (a) 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: (a) Preceding findings and supporting evidence.

(Insert other applicable Findings & Evidence that are appropriate for the proposed project)

(Note: The Findings and Evidence below should always be the last F & E of the staff report)

6. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and not the California Coastal Commission.

EVIDENCE: Section _____ Monterey County Zoning Ordinance *(Title 20 or Title 21).*

[Also Reference applicable Section of Title 20, if appealable to the California Coastal Commission]

<p>EXHIBIT D</p> <p>Monterey County Resource Management Agency</p> <p>Planning Department</p> <p>Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: _____</p> <p>File No: _____ APNs: _____</p> <p>Approved by: _____ Date: _____</p>
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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.*

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)
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This _____ permit (PLN0xxxxx) allows _____. The property is located at _____ (Assessor's Parcel Number xxx-xxx-xxx-000), ____ Area Plan/Land Use 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 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>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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2.		<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the (HEARING BODY) for Assessor's Parcel Number _____ on (DATE). The permit was granted subject to ____ 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>	
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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 a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning 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. (RMA - Planning Department)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	

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4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>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, 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. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

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5.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 735.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department. If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant Owner/ Applicant	Within 5 working days of project approval. Prior to the recordation of the final map, the start of use or the issuance of building or grading permits	
6.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
7.						

<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>
8.		<i>Separate conditions by agency/department and list in order of standard condition number. Leave on Standard Condition Numbers. If wording modified insert “(NON-STANDARD)” as part of condition title.</i>				

Rev. 03/12/07