

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY



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MEMORANDUM

Date: April 14, 2008
To: Monterey County Planning Commission
From: Marti Noel, Assistant Director

SUBJECT: THE COMMONS AT ROGGE ROAD – MODIFICATIONS TO WORKFORCE HOUSING PROGRAM (PLN08153)

The above referenced item will come before the Planning Commission on April 16, 2008. Attached are materials to supplement the agenda packet previously transmitted to you as follows:

1. Revised Attachment 1 to include additional Findings.
2. Revised Attachment 5 to include the entire Board of Supervisors original approval of the Project, including the environmental review documents.

Hopefully these additional materials will assist you in your review and consideration of the request.

ATTACHMENT 1 (Revised)
**Before the Planning Commission in and for the
County of Monterey, State of California**

Resolution No. _____
Resolution of the Monterey County Planning
Commission recommending that the Board of
Supervisors approve modifications to the
Workforce Housing Agreement and Condition of
Approval #61 related to the Commons at Rogge
Road Combined Development Permit PLN030065

The requested modifications to the Workforce Housing Agreement and Condition of Approval #61 related to the Commons at Rogge Road Combined Development Permit (PLN030065) came before the Planning Commission on April 16, 2008. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby makes the following recommendation with reference to the following facts:

RECITALS

1. On January 24, 2006, the Monterey County Board of Supervisors endorsed an Affordable/Workforce Housing Incentive Program Concept in order for an effective program to be developed.
2. On January 24, 2006, the Monterey County Board of Supervisors endorsed an Preliminary Incentive Program for the Commons at Rogge Road Project including the applicant's Affordable Housing Implementation Program.
3. On March 28, 2006 the Monterey County Board of Supervisors approved a Combined Development Permit (PLN030065) which included approval of a tentative map for the Commons at Rogge Road Project (Project). The approval included Condition #61 which required that the developer execute a Workforce Housing Agreement that would specify, among other provisions, certain affordability levels and include an equity sharing component.
4. On April 24, 2007 the final map for the Project was recorded for the Project.
5. On April 24, 2007 a Workforce Housing Agreement was recorded for the Project which, among other provisions, sets forth the provisions for developing the single-family residential component of the project and specific affordability levels, buyer qualification requirements and resale restrictions.

6. On July 18, 2007 Amendment #1 to the Workforce Housing Agreement (Agreement) for the Project was recorded to replace Exhibit B – Map Showing location of Workforce Units with a revised map.
7. On January 18, 2008 the current developer of the Workforce component of the Project submitted a letter requesting modifications to the recorded Agreement due to changes in the regional housing market.
8. Government Code Section 66472.1 permits the amending or modification of a recorded final map, if authorized by local ordinance, and if certain findings are made.
9. Title 19 of the County Code contains the local ordinance authorizing amendments to final recorded maps, and sets forth requirements for amendments to recorded final maps, including requiring that the modification be considered at consecutive public hearings by the appropriate decision making body(s) that approved or recommended approval of the original tentative map.
10. On March 12, 2008 the Monterey County Housing Committee considered the developer's request and forwarded a recommendation onto the Planning Commission and the Board of Supervisors.
11. On March 27, 2008 the Monterey County Standard Subdivision Committee considered the Developer's request and forwarded the request onto the Planning Commission without any comments.
12. On April 1, 2008 the current developer of the Workforce component of the Project submitted a revised request for modifications to the recorded Agreement.
13. Pursuant to Section 66472.1 of the State Map Act the recommended modifications to Condition #61 of the Combined Development Permit approval have been considered in light of changes in circumstances in the housing market conditions that make the requested modifications appropriate and do not impose any additional burden on the fee owners of the real property and do not alter any right, title, or interest in the real property reflected on the recorded map.
14. Pursuant to section 66474 of the State Map Act the recommended modifications to Condition #61 have been considered in light of the following:
 - The recommended modifications:
 - a. are consistent with the Monterey County General Plan;
 - b. do not affect the physical design or improvements contained in the Final Map;
 - c. do not affect the physical suitability of the site for the approved development;
 - d. do not affect the approved density of the Project;

- e. will not result in any physical changes to the approved Project and will therefore not result in any environmental impacts;
 - f. will not cause any public health problems; and
 - g. will not affect access or use of the Property or easements contained on the Final Map.
15. The Planning Commission has considered the Mitigated Negative Declaration adopted March 28, 2006 for the Commons at Rogge Road Project. The Planning Commission finds, on the basis of substantial evidence in light of the whole of the record, that the proposed modifications to Condition 61 and proposed modifications to the Workforce Housing Agreement do not involve new significant environmental effects and do not involve a substantial increase in the severity of previously identified significant effects. The changes to the condition relate to financial terms and do not have direct or indirect physical impacts on the environment.
16. The Planning Commission considered the proposed modifications at a duly noticed public hearing on April 16, 2008. At least 10 days before the public hearing date, notices of the hearing before the Board of Supervisors were published in the Monterey County Herald and the Salinas Californian.
17. The proposed modifications to Condition #61 revise the required affordability levels and remove the equity sharing provisions.

DECISION

NOW, THEREFORE, the Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors:

1. Adopt the following findings allowing modification of Condition #61:
 - a) There are changes in circumstances relating to the dramatic fall in prices and the tightening of credit within the housing market of the State and County of Monterey that make the conditions imposed by Condition #61 no longer appropriate.
 - b) The proposed modifications to Condition #61 do not impose any additional burden on the fee owners of the real property reflected on the recorded map.
 - c) The proposed modifications to Condition #61 of the recorded map (1) are consistent with the Monterey County General Plan; (2) do not affect the physical design or improvements of the recorded map and are therefore still consistent with the Monterey County General Plan; (2) do not affect the physical suitability of the approved development

or the site; (4) do not affect the approved density of the approved development or the site; (5) will not result in any physical changes to the approved Project and will therefore no result in any environmental impacts; (6) will not cause any serious public health problems; and (7) will not affect any easements for access to or use of property within the approved subdivision.

2. Amend Condition of Approval #61 of the Combined Development Permit for the Commons at Rogge Road Project (PLN030065/ Board of Supervisors' Resolution No. 06-103) to incorporate the modifications shown in Exhibit A, attached hereto and incorporated herein by reference; and
3. Modify the related recorded Workforce Housing Agreement to:
 - a) Eliminate the long term affordability restrictions;
 - b) Convert all the single family units to be priced at the Workforce II level for the initial sale;
 - c) Increase the initial buyer income limit to be based on 250% of the Area Median Income and on the number of bedrooms contained in the unit;
 - d) Include provisions to prevent buyer speculation;
 - e) Provide for the County to have the first right of refusal to purchase the units from the initial buyers for a period of 2 years from the date of the initial purchase; and
 - f) Allow the developer to rent unsold units for a period of up to 2 years.

Upon a motion of Commissioner _____,

Seconded by Commissioner _____,

And carried by the following vote:

AYES:

NOES:

ABSENT:

EXHIBIT A

Proposed Revisions to Condition #61

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)
61.		<p>OHRSP002-SINGLE FAMILY AFFORDABLE (NON-INCLUSIONARY) HOUSING (NON-STANDARD CONDITION) The project shall provide 123 for sale residential units within the project as non-inclusionary moderate-income units and workforce level housing units. Of these, 19 123 units shall be affordable for moderate-income households (up to 110% of County median income), 59 to Workforce I level households (up to 140% of County median income), and 45 to Workforce II level households (up to 180% of County median income). Prior to the recordation of the final subdivision map that will cover the entire development the developers and property owners shall execute an Affordable Housing Development Agreement with the County, in a form acceptable to the County, that sets forth the specific requirements for the project's workforce housing component, consistent with the revised adopted Commons at Rogge Road Affordable Housing Program and including, but not limited to, subsequent regulatory agreements, the number of units to be provided, the affordability levels, the affordability restrictions, the type and location of units, and the marketing and selection of buyers. The units shall be deed restricted to ensure that they are affordable for the initial purchase, then be subject to an equity-sharing provision as specified in the Commons at Rogge Road. Affordable Housing Program (as revised) and adopted as part of the project approval. (Housing and Redevelopment Agency)</p>	<p>The developers and property owners shall execute an Amendment to the recorded Affordable (Workforce) Housing Agreement with the County, in a form acceptable to the County, that sets forth the specific requirements for the project's workforce housing component, consistent with the adopted Commons at Rogge Road Affordable Housing Program, as revised, and including, but not limited to, subsequent regulatory agreements, the number of units to be provided, the affordability levels, the affordability restrictions, the type and location of units, and the marketing and selection of buyers.</p>	Owner/ Applicant	<p>Prior to final map Amendment to be Executed within 14 days of approval by the Board of Supervisors</p>	

ATTACHMENT 5
(Revised)

The Commons at Rogge Road
Board of Supervisors Approval Documents

RESOLUTION FOR APPROVAL FOR THE GENERAL PLAN AMENDMENT

Before the Board of Supervisors
County of Monterey, State of California

Resolution No. 06-079

Resolution of the Board of Supervisors)
amending the County General Plan of)
1982, Figure 13a and the Greater Salinas)
Area Plan, Figure 13 to change the land use)
designation from the "Medium Density)
Residential, 1-5 Units per Acre" and)
"Farmlands, 40 Acre Minimum")
designation to a designation of "High)
Density Residential, 5-20 Units Per Acre")
(The Commons at Rogge Road -)
PLN030065) APNs 211-012-002-000 and)
211-012-040-000; located at 1001 A-E &)
1003 Rogge Road, Salinas, in the Greater)
Salinas Valley Area.)

Amendments to the Monterey County General Plan and Greater Salinas Area Plan came on for public hearing before the Board of Supervisors on March 28, 2006. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors hereby adopts the proposed General Plan amendments with reference to the following facts:

I. RECITALS

- 1. Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county.
2. On September 30, 1982, the Board of Supervisors of the County of Monterey ("County") adopted a county-wide General Plan ("General Plan").
3. The General Plan "Land Use Plan" (Figure 13a) provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in the County of Monterey.
4. On October 14, 1986, the Board of Supervisors of the County of Monterey adopted the Greater Salinas Area Plan ("Area Plan").
5. The Area Plan "Land Use Plan" (Figure 13) provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in this planning area.
6. The proposed General Plan amendments are part of an application (PLN030065, the Commons at Rogge Road) for a General Plan Amendment and Area Plan Amendment, Rezoning, and Combined Development Permit ("Project"). The Project is an affordable housing subdivision consisting of 171 residential units, including 48 inclusionary

apartments, a park and open space. Of the Project's units, 28 percent will be occupied by families of very low, low or moderate income.

7. The proposed amendments to the General Plan and the Greater Salinas Area Plan would change the existing land use designations from the "Medium Density Residential, 1-5 Units per Acre" and "Farmlands, 40 Acre Minimum" to a designation of "High Density Residential, 5-20 Units Per Acre" to accommodate build-out of the Project.
8. Section 65358 (c) of the California Government Code provides that the limitation on the frequency of amendments to a general plan contained in subdivision (b) does not apply to amendments of the general plan requested and necessary for a single development of residential units, at least 25 percent of which will be occupied by or available to persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code.
9. All policies of the General Plan and the Area Plan have been reviewed by the Planning and Building Inspection Department staff to determine whether the proposed amendments maintain the compatibility and internal consistency of the General Plan and the Area Plan. Staff finds the proposed general plan amendment does not affect the internal consistency of the General Plan and Area Plan, as supported in Finding 1, Evidence (n) of the proposed findings attached to the Staff Report dated March 28, 2006. Staff also finds that the proposed Project is consistent with the General Plan and Area Plan as proposed to be amended. Section III of the Initial Study prepared for the project determined that the Project is consistent with goals and policies in the Monterey County General Plan and the Greater Salinas Area Plan.
10. Pursuant to Government Code sections 65350 et seq., the County may amend the adopted General Plan provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the General Plan and that the Board of Supervisors hold at least one noticed public hearing
11. On March 8, 2006, the Planning Commission of Monterey County conducted a noticed public hearing pursuant to Government Code Section 65358 to consider and make recommendations to the Board of Supervisors concerning the proposed amendment of the General Plan and Greater Salinas Area Plan. The Planning Commission recommended that the Board of Supervisors adopt the Mitigated Negative Declaration, approve the General Plan and Greater Salinas Area Plan Amendments and Zoning Ordinance Amendment, approve the Combined Development Permit based on the Findings and Evidence and adopt the Mitigation Monitoring and Reporting Program.
12. On March 28, 2006, the Board of Supervisors of Monterey County conducted a noticed public hearing related to the Project, including amendment of the General Plan and Greater Salinas Area Plan. At least 10 days before the public hearing, notices of the hearing before the Board of Supervisors were published in the Salinas Californian and the Monterey Herald, were posted on and near the property and mailed to property owners within 300 feet of the subject property as well as interested parties.

13. The Mitigated Negative Declaration ("MND") prepared for the Project included and analyzed the environmental impacts associated with the General Plan and Greater Salinas Area Plan amendments. Prior to approving the amendment of the General Plan and Greater Salinas Area Plan, the Board of Supervisors considered and approved the MND.

II. DECISION

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors amend Figure 13a of the General Plan and Figure 13 of the Greater Salinas Area Plan, to redesignate the Commons at Rogge Road lands, APNs 211-012-002-000 and 211-012-040-000, located at 1001 A-E & 1003 Rogge Road, Salinas (Greater Salinas Valley Area), as shown on Attachments "A" and "B" hereto, from the "Medium Density Residential, 1-5 Units per Acre" and "Farmlands, 40 Acre Minimum" to "High Density Residential, 5-20 Units Per Acre".

Upon motion of Supervisor Armenta, seconded by Supervisor Calcagno, and carried by those members present, the Board hereby:

PASSED AND ADOPTED on this 28th day of March, 2006 by the following to wit:

AYES: Supervisors Armenta, Calcagno, Lindley, Potter, and Smith

NOES: None

ABSENT: None

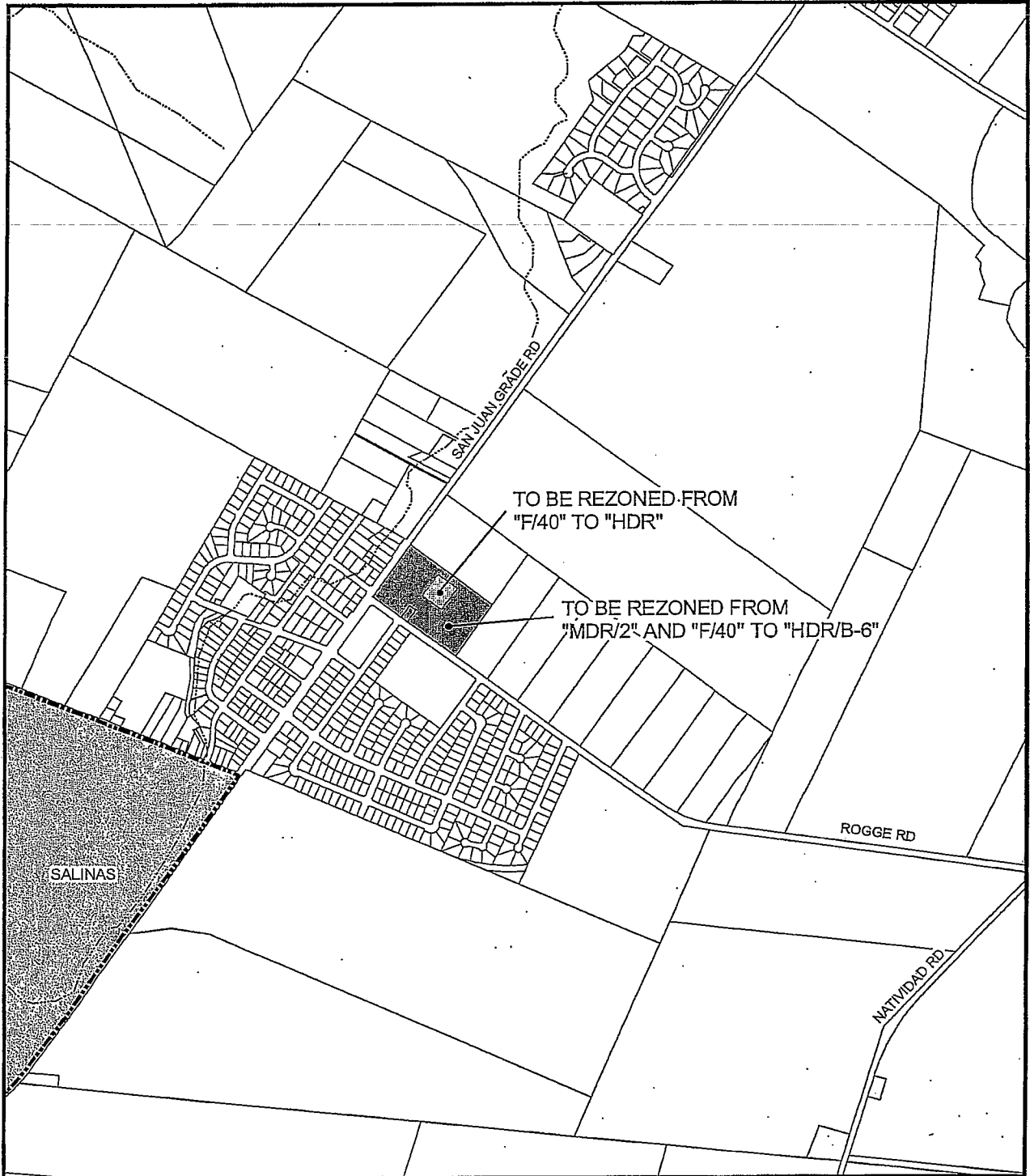
I, Lew C. Bauman, Clerk to the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered into Minute Book 73, on March 28, 2006

Dated: May 1, 2006

Lew C. Bauman, Clerk of the Board of Supervisors,
County of Monterey, State of California

By 
Cynthia Juarez/Deputy

EXHIBIT A

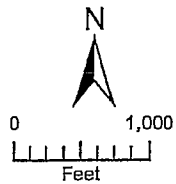


PROPOSED REZONING, SECTION 21-7

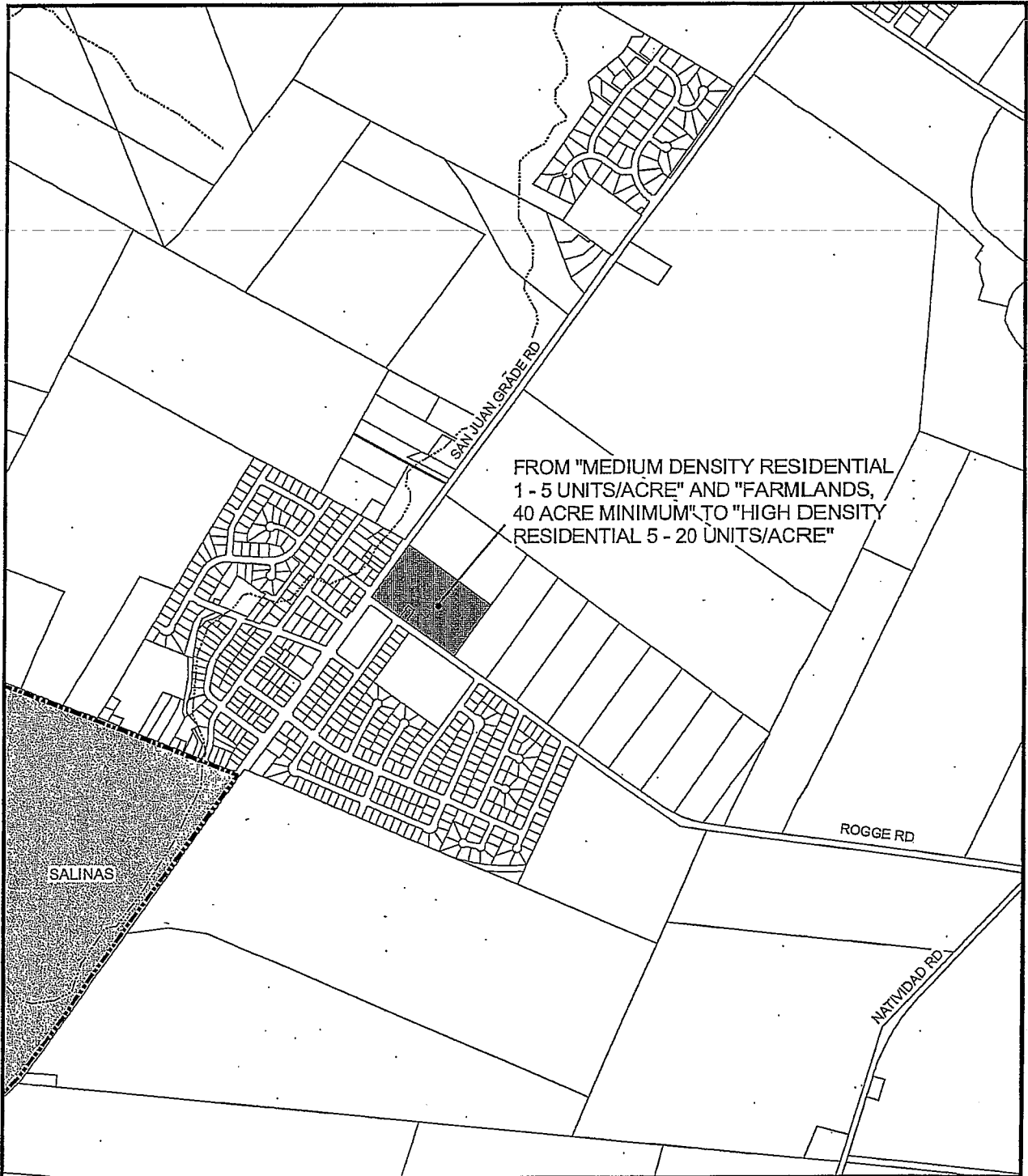
APNS: 211-012-002-000 & 211-012-040-000

FILE # PLN030065

 City Limits




ATTACHMENT A

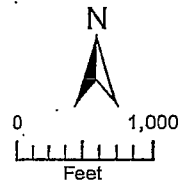


GENERAL PLAN AMENDMENT - FIGURE 13a

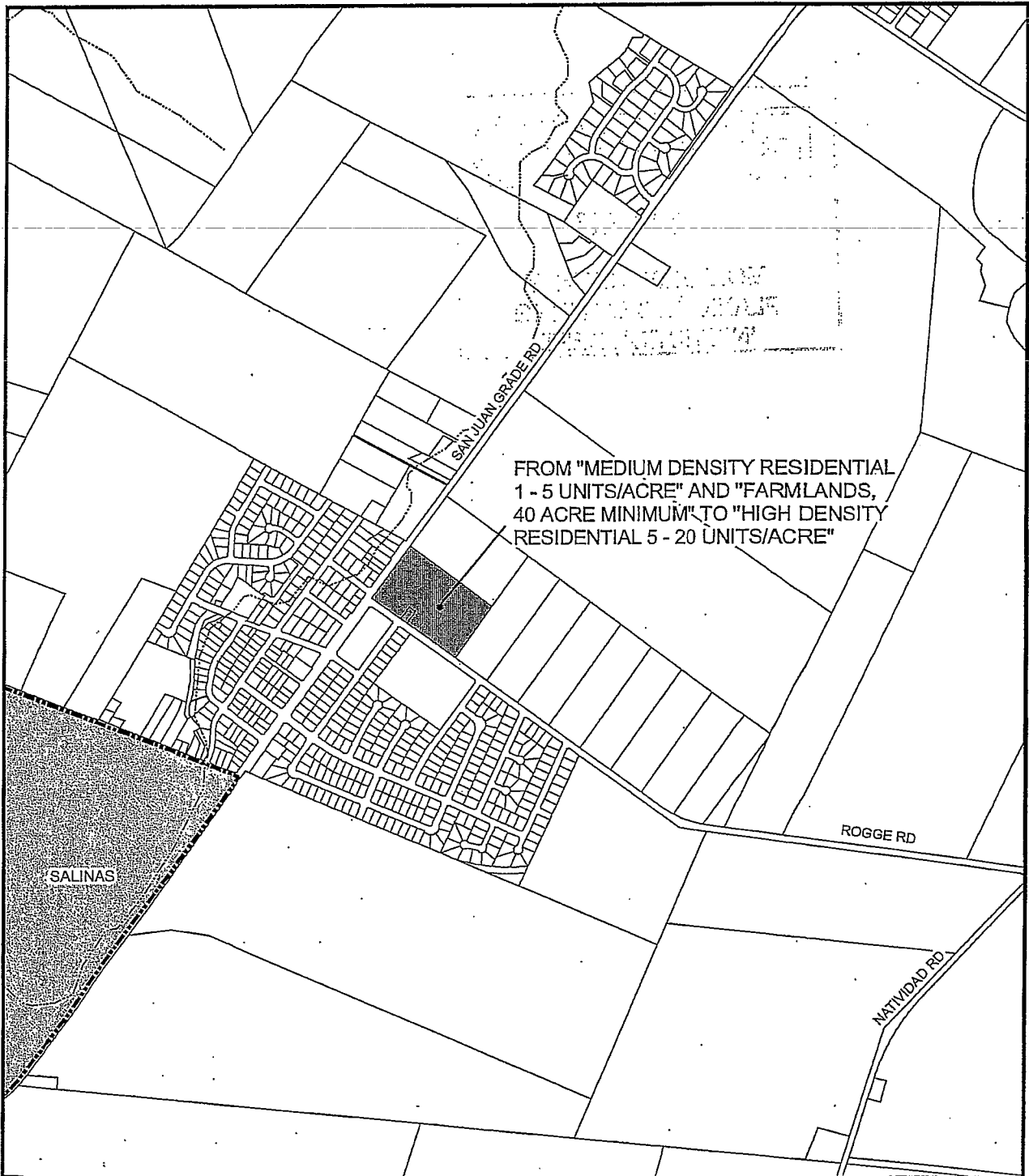
APNS: 211-012-002-000 & 211-012-040-000




FILE # PLN030065

 City Limits



ATTACHMENT B



GREATER SALINAS AREA PLAN AMENDMENT - FIGURE 13		 0 1,000 Feet	
APNS: 211-012-002-000 & 211-012-040-000			
FILE # PLN030065	 City Limits		

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 06-103)
 Resolution of the Monterey County)
 Board of Supervisors Approving the)
 Commons at Rogge Road Combined)
 Development Permit)

The Commons at Rogge Road Project (PLN0300065) came on for public hearing before the Monterey County Board of Supervisors on March 28, 2006. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors approves the Combined Development Permit with reference to the following findings:

I. FINDINGS

1. **FINDING: CONSISTENCY** - The proposed project, as conditioned and with the proposed General Plan and Zoning Ordinance amendments, is consistent with applicable plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the Monterey County General Plan, The Greater Salinas Area Plan and the Monterey County Zoning Ordinance (Title 21) which designates this area as appropriate for residential development.

EVIDENCE: (a) On May 30, 2003, the applicant, Don Chapin of Blohm Road Joint Venture, filed an application for a Combined Development Permit consisting of General/Area Plan Amendment, Zoning District Reclassification, Standard Subdivision Vesting Tentative Map, and Use Permits to develop a 100% affordable housing development consisting of 171 dwelling units. The application was deemed complete on October 12, 2005. The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development are found in Project File PLN030065.

- (b) The project site is located at 1001 A-E and 1003 Rogge Road (Assessor's Parcel Numbers 211-012-002-000 and 211-012-040-0000, Salinas, in the County of Monterey.
- (c) PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Subdivision Ordinance (Title 19), the Monterey County General Plan, The Greater Salinas Area Plan and the Monterey County Zoning Ordinance (Title 21).
- (d) The project is an affordable development that qualifies for incentives under the State Density Bonus provisions in California Government Code Section 65915. See Finding #7.

Resolution No. 06-103

- (e) General Plan Policy 27.3.3 states that residential subdivisions shall be sited with sufficient distance from normal agricultural activities to prevent these activities from becoming hazardous. A 40-foot right-of-way easement, between the project's property line and the fields, currently exists along the southeast property line to provide access to Salinas Valley Community Church from Rogge Road. The proposed residential uses will also be separated from the agricultural uses by a physical barrier, a 6-foot block wall, along the property line. The alleys between the block wall and residential units provide further separation between the residential and the agricultural uses. The 40-foot easement, the 6-foot high block wall, a 25-foot wide alley and a 60+ foot wide parking lot of the project's design provide a sufficient distance (a minimum of 90 feet) between the cultivation and the residential uses (see Exhibit "I" of the March 28, 2006 Board of Supervisors staff report). A deed notification notifying property owners of Lots 73 through 82, inclusive, of the Protection of Agricultural Activities Ordinance (Monterey County Code Section 16.40.020.C) will be required as a condition of approval.
- (f) 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 Department, the Housing and Redevelopment Agency, the Monterey County Sheriff's Office and the Salinas Rural Fire Protection District. Recommended conditions for the proposed development have been incorporated.
- (g) Technical reports by archaeology, environmental, historic resource, hydrology, and geotechnical consultants indicate that no physical or environmental constraints exist on the project site that would indicate the site is not suitable for the use proposed. Findings and recommendations from the reports prepared by these professional have been incorporated into the analysis and impact mitigation. All technical reports are in project File PLN030065.
- (h) Project planner conducted an on-site inspection on September 7, 2005 to verify that the project on the subject parcel conforms to the plans submitted under PLN030065.
- (i) The Initial Study, dated November 8, 2005, is on file in the office of the Planning and Building Inspection Department and is hereby incorporated by reference (File No. PLN030065).
- (j) The project is consistent with the Monterey County Housing Element policies for new residential growth because the development is proposed in an area already committed to an urban level of development. The project site is surrounded by a church, residential neighborhoods, elementary school, and school district facilities. The project as proposed provides for permanently affordable living quarters for people with very low, low and moderate incomes.

Resolution No. 06-103

- (k) The project is consistent with Monterey County Transportation policies by providing impact fees and site improvements to reduce the project's impact on existing transportation facilities (General Plan Policies 37.2.1, 38.1.5, 39.1.4). The project is contributing bicycle lanes and a bus stop to encourage transportation alternatives (General Plan Policies 38.1.4, 37.5.1).
- (l) The project is consistent with Monterey County Water Resources & Water Quality Policies through project conditions that minimize stormwater runoff, require oil & grease separators, low-flow fixtures, drought tolerant landscaping and water conservation measures (General Plan Policies 5.1.2, 6.1.1, 6.1.2, 21.2.3). The water service for the project will be provided by California Water Service Company (General Plan Policy 53.1.4).
- (m) Monterey County Code Section 21.10.060 allows deviation from the minimum building site standard of 5,000 square feet and setbacks if approved as part of a planned unit development. This project meets the definition of planned unit development as defined under Monterey County Code Section 21.06.875.
- (n) General Plan and Greater Salinas Area Plan Consistency Analysis:

Resource	Objective/Policy	Finding/Discussion
<p>Geology, Minerals and Soils</p>	<p><u>Objective 4.1:</u> Identify the extent and locations of important agricultural lands in the County and devise regulations and techniques which will be effective in preserving and enhancing these lands.</p> <p><u>Policy 4.1.3:</u> All farmlands designated as prime, of statewide importance, unique or of local importance shall be protected from incompatible uses on adjacent lands.</p>	<p>Consistent. A church, residential development, a school district bus barn, a small commercial shopping center and an elementary school border or are in close proximity to the site. The current farming activities are incompatible with these residential and commercial uses. Strawberry cultivation typically requires the use of fumigants as part of the operations. Maintaining the agricultural uses on the project site would require extra care and buffer zones from these uses when using fumigants.</p>
<p>Water Resources</p>	<p><u>Objective 5.1:</u> Protect and preserve watersheds and recharge areas, particularly those critical for replenishment of reservoirs and aquifers.</p> <p><u>Policy 5.1.1:</u> Vegetation and soil shall be managed to protect critical watershed areas.</p> <p><u>Policy 5.1.2:</u> Land use and</p>	<p>Consistent. A Preliminary Drainage Control Plan has been prepared by LandSet Engineers for the Commons at Rogge Road Subdivision, which outlines improvement plans that minimize runoff and maintain groundwater recharge. The drainage plan is subject to the review and approval of the Monterey County</p>

Resolution No. 06-103

Resource	Objective/Policy	Finding/Discussion
	development shall be accomplished in a manner to minimize runoff and maintain groundwater recharge in vital water resource areas.	Water Resources Agency and the Public Works Department. Project approval will require submission of a final drainage and improvement plan reflecting any modifications or recommendations made by the County.
Vegetation and Wildlife Habitats	<p><u>Objective 7.2:</u> Encourage the use of drought-resistant plants for landscaping, particularly in water deficient areas.</p> <p><u>Policy 7.2.2:</u> Native and native compatible species, especially drought resistant species, shall be utilized to the extent possible in fulfilling landscaping requirements imposed as conditions of discretionary permits.</p>	Consistent. Oak trees will be used in landscaping throughout the project site on the park/open space areas and along street frontages. Monterey County Water Resources Agency conditions of approval require the use of low water and drought resistant plants in the landscaping of the project site following the provision of Monterey County Ordinance No. 3932.
Environmentally Sensitive Areas	<p><u>Objective 11.1:</u> Establish protective measures for areas of particular environmental sensitivity or concern.</p> <p><u>Policy 11.1.2:</u> The California Department of Fish and Game shall be consulted and appropriate measures shall be taken to protect Areas of Special Biological Importance.</p>	Consistent. This project site is a completely disturbed site with housing and agriculture. Staff reviewed all resource maps and available data, conducted site visits, and concluded that there was no potential for significant biological impacts. The Initial Study was circulated to the State Clearinghouse and the California Department of Fish and Game, Region 3. They did not identify any concerns with the analysis.
Archaeological Resources	<p><u>Objective 12.1:</u> Identify and conserve important representative and unique archaeological sites and features.</p> <p><u>Policy 12.1.5:</u> Projects proposed for low sensitivity zones shall not be required to have an archaeological survey taken unless specific additional information has been obtained to suggest that archaeological resources are</p>	Consistent. Project is in a low archaeological sensitivity zone. Preliminary Archaeological Reconnaissance by Archaeological Consulting recommended that the project not be delayed for archaeological reasons. Should cultural resources be discovered during construction, standard permit conditions regarding the identification, treatment and protection of cultural

Resource	Objective/Policy	Finding/Discussion
	present.	resources would apply.
<p>Seismic and other Geological Hazards</p>	<p><u>Objective 15.1:</u> Reduce the risks resulting from earthquakes to an acceptable level by regulating type, density, location, and/or design and construction of development in seismic hazard areas.</p> <p><u>Policies 15.1.1 through 15.1.12:</u> Provide detailed requirements for geotechnical investigations and soil reports.</p>	<p>Consistent. The project site is within a moderately low geologic hazard area. Detailed geotechnical and soils analyses for the proposed site are contained in reports prepared by Soil Survey, Inc., dated September 18, 2001. The report made recommendations for the design of the foundations on moderately expansive soils. These recommendations are included in the project as Mitigation Measures 6-1 through 6-4.</p>
<p>Flood Hazards</p>	<p><u>Objective 16.2:</u> Reduce the risk from flooding and erosion to an acceptable level by regulating the location, type and density of land use.</p> <p><u>Policies 16.2.1 through 16.2.7:</u> Establish the means for regulating land uses within flood prone areas and reducing erosion potential.</p> <p><u>Policy 16.2.7.1 (GS):</u> Properties in the Planning Area shall be protected from flooding caused by runoff from new development by using appropriate design and engineering techniques and through establishment of appropriate districts and zones. Developers shall submit a preliminary drainage plan prior to any discretionary development approvals.</p>	<p>Consistent. No areas within the Commons at Rogge Road Subdivision are within the 100-year floodplain. A Preliminary Drainage Control Plan has been prepared by LandSet Engineers for the Commons at Rogge Road Subdivision, which outlines improvement plans that minimize runoff. Project approval will require submission of a final drainage and improvement plan subject to the review and approval of the Monterey County Water Resources Agency and the Public Works Department.</p> <p>The drainage for the project will be collected in catch basins and conveyed to the existing storm drain system through the subsurface storm drain system detention facilities to be installed under the open space area adjacent to the apartment parcel and under the parking area on the southwestern side of the project site. The detention facilities consist of a series of storage pipes that are designed to capture the 100 year developed site runoff and the release it at the 10 year undeveloped site runoff rate per Monterey County Water</p>

Resource	Objective/Policy	Finding/Discussion
<p>Fire Hazards</p>	<p><u>Objective 17.3:</u> Reduce fire hazards to an acceptable level of risk by prescribing the use, location, type and design of roadways.</p> <p><u>Policies 17.3.1 through 17.3.14:</u> Provide detailed standards for the use, location, type and design of roadways to reduce fire hazard risk.</p> <p><u>Objective 17.3:</u> Reduce fire hazards to an acceptable level by regulating the type, density, location and/or design and construction of the development.</p> <p><u>Policies 17.4.1 through 17.4.10:</u> Provide detailed standards for regulating the type, density, location and/or design and construction to reduce fire hazard risk.</p>	<p>Resources/Agency requirements:</p> <p>Consistent. The Commons at Rogge Road Subdivision has been reviewed for compliance with Fire District requirements by the Salinas Rural Fire Protection District. Project approval will require conditions of approval recommended by the Fire District, ensuring compliance with these policies.</p>
<p>Air Quality</p>	<p><u>Objective 20.2:</u> Improve the air quality of Monterey County by regulating all sources of air pollutants and by adopting programs to improve the County's air quality by 1984.</p> <p><u>Policy 20.2.5:</u> The County shall encourage the use of best available control technology as defined in the most current Monterey Bay Unified Air Pollution Control District rules and regulations in reducing air pollution emissions.</p> <p><u>Policy 20.1.1.1 (GS):</u> Land use decisions shall conform to the requirements of the Monterey Bay Unified Air Pollution Control District.</p>	<p>Consistent. An Environmental Air Quality Analysis for the project was conducted and submitted by Illingworth & Rodkin, Inc. The Commons at Rogge Road project Mitigation Measure 3-1 requires the incorporation of best available control measures during grading and construction operations. In addition, project Mitigation Measure 3-2 incorporates measures to reduce diesel particulate emissions from onsite construction equipment. Both mitigation measures were reviewed by Air District staff and comply with the latest CBOA Air Quality Guidelines issued by the Monterey Bay Unified Air Pollution Control District.</p>
<p>Water Quality</p>	<p><u>Objective 21.2:</u> Enhance the quality of water in the County by</p>	<p>Consistent. The Commons at Rogge Road project has been reviewed for</p>

Resource	Objective/Policy	Finding/Discussion
	<p>regulating type, location, and intensity of land use and grading operations.</p> <p><u>Policy 21.2.1:</u> The County shall require all new and existing development to meet federal, state and County water quality standards.</p> <p><u>Policy 21.2.2:</u> The County shall allow only those land uses that do not pollute the groundwater system beyond acceptable limits.</p> <p><u>Policy 21.2.3:</u> Residential, commercial, and industrial developments which require 20 or more parking spaces shall include oil, grease and silt traps, or other suitable means, as approved by the Monterey County Surveyor, to protect water quality; a condition of maintenance and operation shall be placed on the development.</p>	<p>compliance with water quality standards by the Monterey County Water Resources Agency. Project approval will require conditions of approval recommended by the Monterey County Water Resources Agency, ensuring compliance with these policies.</p>
	<p><u>Objective 21.3:</u> Ensure that sewage and industrial waste disposal from new and existing development will not contaminate surface or ground waters.</p> <p><u>Policy 21.3.3:</u> No division of land or use permit for residential, commercial, or industrial uses shall be approved without proof that an adequate waste disposal system can be developed.</p>	<p>Consistent. The Commons at Rogge Road project will be served by public sewer. The sewage will be collected by the City of Salinas and processed by the Monterey Regional Water Pollution Control Agency (MRWPCA) regional treatment plant in Marina. The plant has a permitted treatment capacity of 27 million gallons per day (mgd) and currently processes 21.5 mgd. The facility has adequate capacity to serve the proposed project. The wastewater from that facility is treated to tertiary standards and is reused for crop irrigation 7 months of the year. Project approval will require a condition of approval requiring annexation to the MRWPCA district prior to filing the final map.</p>

Resolution No. 06-103

Resource	Objective/Policy	Finding/Discussion
<p>Noise Hazards</p>	<p><u>Objective 22.2:</u> Ensure through land use planning, a quiet acoustic environment in portions of the County to be developed.</p> <p><u>Policies 22.2.1:</u> The County shall require new development to conform to the noise parameters established by Table 6, Land Use Compatibility for Exterior Community Noise Environments.</p> <p><u>Policy 22.2.3:</u> The County shall require environmental review of all proposed new development, expansion of industrial facilities, and quarry excavation and processing activities which may increase the noise level in surrounding areas or generate noise levels greater than those specified in Table 6.</p>	<p>Consistent. Mitigation Measures 11-1 and 11-2 require that the proposed residences on Lots 5-14, 57, 58 and 74-83 meet the interior noise standard of 45 dBA CNEL with the windows closed. If the lots cannot meet the standard, the lots shall be eliminated.</p> <p>A Mitigated Negative Declaration has been circulated for the project. Mitigation Measures 11-3 through 11-5, relating to construction-generated noise, limit noise generating activities to specific hours, require equipment to meet the noise levels specified in Table 6 and provide a method for receiving noise complaints.</p>
<p>General Land Use</p>	<p><u>Objective 26.1:</u> Direct development and conservation efforts in the County through use of the planning process.</p> <p><u>Policy 26.1.1:</u> The County, in coordination with the cities, shall manage the type, location, timing and intensity of growth in the unincorporated area.</p> <p><u>Policy 26.1.2:</u> The County shall discourage premature and scattered development.</p> <p><u>Policy 26.1.2.1 (GS):</u> Land use patterns shall promote compact, orderly, community-centered growth.</p> <p><u>Policy 26.1.14.1 (GS):</u> The City of Salinas, the County and LAFCO should jointly define those areas appropriate and sufficient to accommodate the City's orderly</p>	<p>Consistent. The project is a compact & orderly development surrounded by residential and commercial uses. It is adjacent to developed neighborhoods in Bolsa Knolls and in close proximity to City boundaries. There are no plans to annex the project at this time because the project is not within the City's new 20 year General Plan and not within the City's sphere of influence. As such, this project is not required to comply with the City's General Plan. However, in recognition of it's proximity to the City boundaries, we modified the project's design to accommodate the City's standards.</p>

Resource	Objective/Policy	Finding/Discussion
	<p>urban growth for an established period of time</p>	
	<p>Policy 26.1.4: The County shall designate growth areas only where there is provision for an adequate level of services and facilities such as water, sewerage, fire and police protection, transportation, and schools. Phasing of development shall be required as necessary in growth areas in order to provide a basis for long-range services and facilities planning.</p> <p>Policy 26.1.4.3: A standard tentative subdivision map and/or vesting tentative and/or Preliminary Project Review Subdivision map application for either a standard or minor subdivision shall not be approved until:</p> <p>(1) The applicant provides evidence of an assured long-term water supply in terms of yield and quality for all lots which are to be created through subdivision. A recommendation on the water supply shall be made to the decision making body by the County's Health Officer and the General Manager of the Water Resources Agency, or their respective designees.</p> <p>(2) The applicant provides proof that the water supply to serve the lots meets both the water quality and quantity standards as set forth in Title 22 of the California Code of Regulations, and Chapters 15.04 and 15.08 of the Monterey County Code subject to the review and recommendation by the County's Health Officer to the decision</p>	<p>Consistent. Adequate public services exist for the project. The Commons at Rogge Road development will not require the development of new public facilities such as fire, police, schools or other public facilities. The project will be connected to public water and sewer facilities.</p> <p>The project site is located within Zone 2C. An estimated 21.18 AF/year of the project wastewater will be recycled for irrigation uses within the groundwater basin. The wastewater from the Monterey Regional Water Pollution Control Agency is treated to tertiary standards and is reused for crop irrigation 7 months of the year as one of the primary water projects within the Monterey County Water Resources Agency Zone 2C. Reuse of the wastewater within the groundwater basin will further reduce the impact of the project's water use.</p> <p>The Monterey County Division of Environmental Health and Water Resources Agency has reviewed the project for compliance with long-term water supply and water quality and quantity. Project approval will require conditions of approval recommended by the Division of Environmental Health and Monterey County Water Resources Agency, ensuring compliance with these policies.</p>

Resolution No. 06-103

Resource	Objective/Policy	Finding/Discussion
	making body.	
	<p><u>Policy 26.1.5:</u> The County shall designate future land uses in a manner which will achieve compatibility with adjacent uses.</p>	<p>Consistent. The project is surrounded by development. It is adjacent to developed neighborhoods in Bolsa Knolls and in close proximity to City boundaries and is compatible with adjacent land uses.</p>
	<p><u>Policy 26.1.20:</u> All exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced, and offsite glare is fully controlled.</p>	<p>Consistent. Project approval will require compliance with mitigation measures that call for review and approval of lighting plans and installation of lighting consistent with this policy.</p>
<p>Residential Land Use</p>	<p><u>Objective 27.1:</u> Designate adequate sites for a variety of residential development.</p> <p><u>Policy 27.1.4:</u> If appropriate, high density residential areas shall be designated closest to urban areas or unincorporated communities.</p>	<p>Consistent: Project approval will modify the General Plan and Zoning of the Commons at Rogge Road project area to high density residential. The project is adjacent to developed neighborhoods in Bolsa Knolls and in close proximity to the City of Salinas boundaries.</p>
	<p><u>Objective 27.2:</u> Provide for adequate access to and circulation within residential areas.</p> <p><u>Policy 27.2.1:</u> Residential areas shall be located with convenient access to employment, shopping, recreation and transportation. High density residential areas should also be located with convenient access to public transit.</p> <p><u>Policy 27.2.2:</u> Adequate circulation rights-of-way shall be delineated within each residential area.</p>	<p>Consistent. The Commons at Rogge Road project incorporates recreational features such as a park, tot lot and par courses within the development. The project is adjacent to a shopping center and in close proximity to services within the City of Salinas boundaries. Monterey-Salinas Transit (MST) provides bus service within the project vicinity on Route 32. The stop closest to the project site is across the street on Rogge Road and San Juan Grade Road. To provide more access to public transit, the project includes a bus stop as part of the project design. Road alignments are proposed as part of the Tentative Map.</p>
	<p><u>Objective 27.3:</u> Ensure compatibility between residential</p>	<p>Consistent. The Commons at Rogge Road project incorporates open space, a park, tot lot and par courses within</p>

Resolution No. 06-103

Resource	Objective/Policy	Finding/Discussion
	<p>development and surrounding land uses.</p> <p><u>Policy 27.3.2:</u> The County shall encourage that open space be provided within and on the fringes of residential areas.</p>	<p>the development. Project approval will require conditions of approval recommended by the Parks Department that would allow the developer to enter into an agreement with the Santa Rita School District for the construction of recreation facilities at a Santa Rita School District facility within the vicinity of the project site.</p>
	<p><u>Policy 27.3.3:</u> Residential subdivisions shall be sited with sufficient distance from normal agricultural activities to prevent these activities from becoming hazardous or attractive nuisances to the residents of the subdivisions.</p>	<p>Consistent. New development adjacent to agricultural uses requires the establishment of well-defined buffer zones within the area to be developed. Tomatoes and strawberries are currently in cultivation along the eastern corner of the project site on a parcel owned by the Santa Rita School District. The proposed residential uses will be separated from the agricultural uses by a 40-foot right-of-way easement, a 6-foot high block wall, a 25-foot wide alley and a 60+ foot wide parking lot; providing a sufficient distance (a minimum of 90 feet) between the cultivation and the residential uses.</p>
<p>Agricultural</p>	<p><u>Policy 30.01:</u> The County shall prevent non-agricultural uses which could interfere with the potential of normal agricultural operations on viable farmlands designated as prime, of statewide importance, unique, or of local importance.</p> <p><u>Policy 30.03:</u> The County shall allow division of viable farmland designated as prime, of statewide importance, unique, or of local importance only for exclusive agricultural purposes when demonstrated not to be detrimental to the agricultural viability of</p>	<p>Consistent. A church, residential development, a school district bus barn, a small commercial shopping center, and an elementary school border or are in close proximity to the site. The current farming activities on the project site are incompatible with these residential and commercial uses. Maintaining the agricultural uses on the project site would require extra care and buffer zones from these uses when using fumigants. Tomatoes and strawberries are currently in cultivation along the eastern corner of the project site on a parcel owned by</p>

Resource	Objective/Policy	Finding/Discussion
	adjoining parcels.	the Santa Rita School District. For the project, a deed notification notifying property owners of Lots 73 through 82, inclusive, of the Protection of Agricultural Activities Ordinance (Monterey County Code Section 16.40.020C) will be required as a condition of approval.
	<p><u>Policy 30:0.2:</u> The County shall require that permanent, well-defined buffer areas be provided as part of new non-agricultural development proposals which are located adjacent to agricultural land uses on viable farm lands designated as prime, of statewide importance, unique, or of local importance. These buffer areas shall be dedicated in perpetuity, shall be of sufficient size to protect agriculture from the impacts of incompatible development and to mitigate against the effects of agricultural operations on adjacent land uses, and shall be credited as open space.</p>	<p>Consistent. The proposed residential uses will be separated from the agricultural uses by a 40-foot right-of-way easement, a 6-foot high block wall, a 25-foot wide alley and a 60-foot wide parking lot, providing a sufficient distance (a minimum of 90 feet) between the cultivation and the residential uses. The County is applying a "B-6" building site overlay zoning district to prevent further subdivision. The Santa Rita School District owns the adjoining agricultural lands and may not keep them in cultivation.</p>
<p>Transportation</p>	<p><u>Objective 37.2:</u> Promote optimum use of existing and future transportation facilities.</p> <p><u>Policy 37.2.1:</u> Transportation demands of proposed development shall not exceed an acceptable level of service for existing transportation facilities, unless appropriate increases in capacities are provided for.</p> <p><u>Policy 39.1.4:</u> New development shall be located where there is existing road and highway capacity or where adequate road and highway capacity will be provided.</p>	<p>Consistent. Transportation Impact Analysis for the project was prepared by Fehr & Peers Associates. The analysis concluded that the study intersections are projected to operate at LOS C or better under Project and Year 2020 plus Project conditions. The intersection at San Juan Grade Road and Rogge Road is projected to degrade to LOS F with or without the project. The Commons at Rogge Road project is required to pay TAMC Regional Traffic Impact Fees, pay City of Salinas Traffic Impact Fees, pay fair share contributions toward roadway improvements and make</p>

Resource	Objective/Policy	Finding/Discussion
		physical improvements to adjacent roadways.
<p>Road and Highway Transportation</p>	<p><u>Objective 39.2:</u> Provide an integrated system of roads and highways that serve land use needs. <u>Policy 39.2.1:</u> All new road and interior circulation systems shall be designed, developed, and maintained according to adopted County standards. <u>Policy 39.2.2:</u> The needs of bicyclists, pedestrians, utilities, and drainage shall be considered and, where appropriate, provided for on all public rights-of-way. <u>Policy 39.2.4:</u> Additional local and collector roads shall be located and designed so as to minimize disruption of existing development, discourage through auto traffic, and provide for bicycle and pedestrian traffic.</p>	<p>Consistent. The interior roads for the Commons at Rogge Road project will be private roads constructed to the adopted County standards for private roads. Bicycle lanes and pedestrian access has been incorporated to the project design. As an additional safety improvement, and condition of approval, the applicant will construct a mid-block, pedestrian-actuated lighted crosswalk on Rogge Road to provide safe pedestrian access to the school located across the road. All utilities and drainage facilities are located underground in the common areas parcel. Project approval will require conditions of approval recommended by the Public Works Department, ensuring compliance with these policies.</p>
<p>Public Transit Services</p>	<p><u>Objective 45.1:</u> Map an integrated system of suggested bicycle routes for Monterey County as part of each area plan, and use the map as an initial step for establishing a comprehensive bicycle plan. <u>Policy 45.1.4:</u> Bicycle routes in transportation corridors shall be improved, where feasible. <u>Policy 45.1.5:</u> Construction or expansion of all major arterials shall consider separate bike paths.</p>	<p>Consistent. The Commons at Rogge Road project has incorporated bicycle lanes along Rogge Road and San Juan Grade Road. Project approval will require compliance with mitigation measures recommended by the Public Works Department, ensuring compliance with these policies.</p>
<p>Parks and Recreation Facilities</p>	<p><u>Policy 51.3.3 (GS):</u> Developers of new residential, industrial, and commercial subdivisions shall be required to provide facilities dedicate land and/or pay fees in lieu of dedication for the acquisition and development of recreational facilities which directly serve the</p>	<p>Consistent. To partially fulfill the obligation, the project will dedicate land through out the development for a park, tot lot and par courses. The remainder of the recreational facilities requirement will be satisfied through conditions of approval recommended by the Parks Department, ensuring</p>

Resource	Objective/Policy	Finding/Discussion
	needs of the subdivision.	compliance with these policies. One of the conditions would allow the developer to enter into an agreement with the Santa Rita School District for the construction of recreation facilities at a Santa Rita School District facility as an alternative to paying the in lieu fee at the applicant's discretion.
Water Service	<p><u>Objective 53.1:</u> Achieve a sustained level of adequate water services.</p> <p><u>Policy 53.1.3:</u> The County shall not allow water consuming development in areas which do not have proven adequate water supplies.</p> <p><u>Policy 53.1.4:</u> New development shall be required to connect to existing water service providers which are public utilities, where feasible.</p>	<p>Consistent. The project will be connected to public water facilities. The Monterey County Division of Environmental Health and Water Resources Agency has reviewed the project for compliance with long-term water supply and water quality and quantity. Project approval will require conditions recommended by the Division of Environmental Health and Monterey County Water Resources Agency, ensuring compliance with these policies.</p>
Public Utilities	<p><u>Objective 56.2:</u> Ensure the aesthetic placement of utility lines.</p> <p><u>Policy 56.2.1:</u> The County shall, in accordance with the Monterey County Subdivision Ordinance, require that all new utility lines be placed underground.</p>	<p>Consistent. Project approval will require conditions of approval recommended by the Planning and Building Inspection Department, ensuring compliance with this policy.</p>

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

EVIDENCE: (a) 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 Department, the Housing and Redevelopment Agency, the Monterey County Sheriff's Office and the Salinas Rural Fire Protection District. Recommended conditions for the proposed development have been incorporated.

(b) Technical reports by outside archaeology, environmental, historic resource, hydrology and geotechnical consultants indicate that no physical or environmental constraints exist on the project site that would indicate the site is not suitable for the use proposed. Findings and recommendations from the reports prepared by these professional have

been incorporated into the analysis and impact mitigation. All technical reports are in project File PLN030065.

- (c) Project planner conducted an on-site inspection on September 7, 2005 to verify that the project on the subject parcel conforms to the plans submitted under PLN030065.
- (d) Necessary public facilities are available. The site will be served by California Water Service Company for water service and the Monterey Regional Water Pollution Control Agency for sewer service. Can and Will Serve letters are on file from California Water Service Company and the City of Salinas.
- (e) The Initial Study, dated November 8, 2005, is on file in the office of the Planning and Building Inspection Department and is hereby incorporated by reference (File No. PLN030065).

3. **FINDING: CEQA** – On the basis of the whole record before the Monterey County Board of Supervisors, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- (a) The proposed project is subject to environmental review due to the potential for significant environmental effects pursuant to CEQA Guidelines Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration).
 - (b) Potentially adverse environmental effects were identified during staff review of the development application.
 - (c) Monterey County prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the office of the Planning and Building Inspection Department and is hereby incorporated by reference (File No. PLN030065). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. The Initial Study identified potentially significant effects relative to Aesthetics, Air Quality, Geology & Soils, Hydrology & Water Quality, Noise, and Transportation/Traffic. Substantial evidence supports the conclusion that impacts will be less than significant with mitigation incorporated for these issues.
 - (d) The Mitigated Negative Declaration was circulated for public review from November 8, 2005 to December 7, 2005.
 - (e) The Monterey County Department of Planning and Building Inspection, (located at 168 W. Alisal Street, 2nd Floor, Salinas, CA, 93901) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.
 - (f) A Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is designed to ensure compliance with conditions and that mitigation measures are monitored and reported during project

implementation. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and Reporting Program" as a condition of project approval.

- (g) For purposes of implementing Section 753.5 of Title 14, California Code of Regulations, the project may cause changes to the resources listed under Section 753.5. Therefore, payment of the Fish and Game fee is required.
- (h) Evidence that has been received and considered includes the application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study and contained in project file PLN030065.
- (i) In response to the LAFCO letter dated March 2, 2006, the following language will be added to the Initial Study Project Description to reflect LAFCO's role as a Responsible Agency for the annexation of the project into County Service Area #9 (storm drain and street light maintenance) and the Monterey Regional Water Pollution Control Agency district boundaries (sewer service): LAFCO will utilize this document as a Responsible Agency under CEQA for the annexation of the project site into County Service Area #9 ("CSA #9") and the Monterey Regional Water Pollution Control Agency ("MRWPCA") district boundaries.
- (j) The physical impacts of the project connecting to CSA #9 and the MRWPCA were analyzed in the Mitigated Negative Declaration under Section VI, 16 B, C, & E (Utilities and Service Systems). This analysis demonstrated that the project's impacts to the facilities are less than significant.
- (k) To mitigate the physical impacts of the project, the following is a summary of the mitigation measures proposed:
 - **Aesthetics:** To reduce off-site glare, two mitigation measures have been proposed: Street lights will be full cut-off fixtures and lighting on the dwelling units shall be unobtrusive and illuminate only the intended area. **(Mitigation Measures 1-1 and 1-2)**
 - **Air Quality:** To reduce the air quality impacts expected during construction, two mitigation measures have been proposed: Best Available Control Measures shall be implemented to reduce PM₁₀ and construction equipment shall be retrofitted and properly maintained to reduce vehicle emissions. **(Mitigation Measures 3-1 and 3-2)**
 - **Geology/Soils:** To ensure that the foundations are installed correctly on the site's expansive soils, four mitigation measures have been proposed. Those mitigation measures address the spread footing installation, foundation excavation, foundation slab thickness and subgrade soil moisture for driveways. **(Mitigation Measures 6-1 through 6-4)**
 - **Hydrology and Water Quality:** To reduce the impacts of stormwater run-off, two mitigation measures have been proposed. Those mitigation measures address construction site waste management and the construction of stormwater retention/detention facilities. **(Mitigation Measures 8-1 and 8-2)**

- **Noise:** To ensure that the proposed residences located along San Juan Grade Road and adjacent to the bus barn meet the interior noise standard of 45 dBA CNEL with the windows closed, two mitigation measures have been proposed. Those mitigation measures require documentation that the residences can meet the standard or the lots shall be eliminated. To reduce the impacts of construction noise on the surrounding residential areas, three mitigations measures have been proposed: days and times for noise-generating construction activities shall be limited, construction equipment shall meet the county noise standard of a maximum of 85 decibels at 50 feet and contact information for noise-related complaints shall be posted on the project site and be clearly visible. **(Mitigation Measures 11-1 through 11-5)**
- **Traffic:** To reduce project related traffic impacts, four mitigation measures have been proposed. Those mitigation measures require fair share contribution to a signal at Rogge Road & San Juan Grade Road and left turn channelization at San Juan Grade Road & Crazy Horse Canyon Road, payment of TAMC and City of Salinas traffic impact fees, and the construction of frontage improvements (curb, gutter, sidewalk, left turn channelization and bike lanes) on Rogge Road and San Juan Grade Road. **(Mitigation Measures 15-1 through 15-4)**

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 cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

(b) Project planner conducted an on-site inspection on September 7, 2005 to verify that the project on the subject parcel conforms to the plans submitted under PLN030065.

5. **FINDING: TREE REMOVAL** - The tree removal is the minimum required under the circumstances of the case and the removal will not involve a risk of adverse environmental impacts.

EVIDENCE: (a) A landmark oak tree is in the future San Juan Grade right-of-way and will be removed to make way for the proposed frontage improvements, including the widening to four lanes as required by cumulative growth in the region. Because the tree is in the San Juan Grade right-of-way, removal of the tree is the minimum required under the circumstances.

(b) Monterey County Code Section 21.64.260.C.5 requires that a Use Permit be obtained for the removal of landmark oaks. The removal of any landmark oak trees in any area of the County requires approval of a tree removal permit. Landmark trees are those which are 24 inches or more in

diameter when measured two feet above the ground, or trees which are visually significant, historically significant, or exemplary of their species.

(c) The proposed tree removal will not involve a risk of adverse environmental impacts or ecological impacts. The project site is flat and is in a low erosion hazard zone. The area will be paved over as part of the San Juan Grade Road right-of-way; therefore, tree removal will not contribute to water quality degradation. The tree is an isolated tree so its removal will not have an impact upon existing biological or ecological systems or create a significant reduction of available wildlife habitat for wildlife existence and reproduction or result in the immigration of wildlife from adjacent or associated ecosystems. The tree has no noise reduction qualities nor does it restrict air movement. The conditions of approval require protection measures for the other tree to be retained during construction.

(d) Section 21.64.260 of the Monterey County Zoning Ordinance (Title 21 of the Monterey County Code).

6. **FINDING: TENTATIVE MAP** – None of the findings found in Section 19.03.025.F of the Monterey County Code Title 19 (Subdivision Ordinance) can be made.

EVIDENCE: (a) Section 19.03.025.F requires that the subdivision be denied if any one of the findings is 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, the Greater Salinas Area Plan and the Monterey County Zoning Ordinance (see Evidence for Findings 1, 2, 3, 4, 5, & 8). The site has been determined to be physically suitable for the type and density of development (see Evidence for Findings 1, 2, 3, 4, 7, & 8). The design and improvements, as conditioned, 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 prepared for this project (See Evidence for Findings 1, 2, 3, 4, 5, 8, & 9). The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision.

(b) The Title Report, dated March 4, 2003, shows no evidence of easements on the property.

(c) 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 the project file (PLN030065).

7. **FINDING: DENSITY BONUS** – The project is an affordable development that qualifies for incentives under the State Density Bonus provisions in California Government Code Section 65915.

EVIDENCE: (a) Under the state density bonus law, the level of affordability of the project entitles developer to two incentives or concessions if the concessions result in identifiable, financially sufficient, and actual cost reductions. California Government Code Section 65915 (l) defines incentives as a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards. The two incentives/concessions are the provision of 13.8 units of inclusionary housing credit and a reduction in the width of the agricultural buffer zone for Lots 73 to 82 inclusive (10 units). The reduction in the width of the agricultural buffer achieves the necessary density to make the project economically feasible and achieves the proposed levels of affordability.

(b) Pursuant to Government Code section 65915 (state density bonus law), the applicant has proposed, as a concession /incentive for production of affordable housing units, that applicant be granted 13.8 inclusionary housing credits to be utilized in a future project(s). The provision of the proposed credits is justified in this particular case because of the excess number of deed-restricted inclusionary housing units and the controlled pricing and affordability of the remainder of the units in the Project. The Project provides 13.8 units more deed-restricted housing for very low, low, and moderate income households than is required under the County's inclusionary housing ordinance (Chapter 18.40 of the Monterey County Code), and the Project also provides a controlled pricing structure for the remainder of the units such that the initial sales prices of the non-inclusionary units will be affordable to moderate, Workforce I, and Workforce II households. Because the credits enable the developer to afford this level and degree of affordability in this Project, the credits in this particular case qualify as a concession under Government Code section 65915. The use of such credits for any specific future project will be subject to future evaluation and approval by the appropriate decision-maker.

(c) 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 the project file (PLN030065).

8. **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) 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, Water Resources Agency, Parks Department, Sheriff's Department, Agricultural Commissioner, and Salinas Rural Fire District as part of the project design process and as part of the environmental review process. 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.

- (b) 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 the project file (PLN030065).
- (c) Preceding Findings and supporting evidence.
- (d) The project provides 37 parking spaces in excess of the required number of spaces. In order to achieve the necessary density to make the project economically feasible and to allow for yard space on the smaller lots, the project does not provide for the required two off-street parking spaces for some of the detached units. Therefore, the proposal requires the granting of a Use Permit to allow the reduced number of off-street parking spaces for the single family dwellings (Monterey County Code Section 21.58.050.C).
- (e) In order to achieve the necessary density to make the project economically feasible, the project proposes 48 apartment units on a 1.527 acre parcel (31 units per gross acre). Monterey County Code 21.10.050.A requires a Use Permit for any residential use, except the first single family dwelling on a vacant lot, exceeding 10 dwelling units/acre gross.

9. **FINDING: SUBSTITUTION OF MITIGATION MEASURES** – The new mitigation measures are equivalent or more effective in mitigating or avoiding potential significant effects and will not themselves cause any potentially significant effect on the environment.

EVIDENCE: (a) Mitigation Measure 1-1 has been revised as follows: “The applicant shall place street lights only at road intersections, or as otherwise approved by the Director of Planning and Building Inspection, and the street lights shall be sodium vapor with full cut-off fixtures.” This change will allow the flexibility to add more street lights in the subdivision as necessary for safety while controlling off-site glare in the surrounding neighborhoods. An additional monitoring action to ensure installation of lighting “concurrent with the installation of adjacent subdivision improvements” has been added to the measure. These changes make the mitigation measure more effective by specifying submission requirements for review of the plan. Mitigation Measure 1-2 is still effective in mitigating off-site glare. The timing has been changed to “prior to issuance of grading permits.”

- (b) Mitigation Measure 1-2 has been revised as follows: “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. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits.” The timing has been changed to “prior to issuance of grading permits.” An additional monitoring action to ensure installation of lighting “prior to occupancy” has been added to the measure. These changes make the mitigation measure more effective by specifying submission requirements for review of the plan.
- (c) Mitigation Measure 3-1, 3rd bullet, has been revised as follows: “Haul trucks shall maintain at least two feet a minimum of 6 inches of freeboard or and either be covered or sprinkled with water in such a manner that visible dust will not be emitted during transportation and debris will not be spilt on to public roadways when transporting materials off site.” This change makes the revised mitigation equivalent to the mitigation measure proposed in the Initial Study in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment. Refer to the January 27, 2006 letter from Illingworth and Rodkin, Inc. (see Exhibit “L” of the March 28, 2006 Board of Supervisors staff report).
- (d) Mitigation Measure 3-1, 12th bullet, has been revised as follows: “All exit points to the site used by construction vehicles shall be lined with clean gravel or cobblestones so that debris can be removed. The gravel or cobblestone beds shall be maintained and adjacent roadways shall be kept clean of tracked materials using street sweepers. If necessary, wheels of vehicles exiting the site shall be washed to ensure that debris is not tracked on to roadway. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.” This change makes the revised mitigation equivalent to the mitigation measure proposed in the Initial Study in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment. Refer to the January 27, 2006 letter from Illingworth and Rodkin, Inc. (see Exhibit “L” of the March 28, 2006 Board of Supervisors staff report).
- (e) Mitigation Measure 3-2 has been revised to include the following additions and changes (summarized): 1) Use off-road construction equipment, manufactured during or after 2003 and retrofit off-road construction equipment older than 2003 with diesel oxidation catalyst filters. This change makes the mitigation measure more effective by adding additional methods to ensure that exposure to diesel exhaust will have a less-than-significant impact on sensitive receptors. 2) Use off-road construction equipment, manufactured during or after 1996, that meets the NO_x emissions standard of 6.9 grams per brake horsepower or use alternative fuels such as biodiesel that

~~result in lower particulate emissions.~~ This change makes the mitigation equally effective because biodiesel reduces emissions of volatile organic compounds, particulate matter and acrolein. Low-sulfur diesel reduces nitrogen oxide, but this is not a critical issue in this air basin.

- (f) The timing of Mitigation Measures 11-1 and 11-2 has been changed to "prior to filing the final map." Changing the timing makes the mitigation more effective in the ability to eliminate lots if the interior noise level of 45. dBA cannot be met.
- (g) Mitigation Measure 15-1 has been revised to include the specific dollar amount of the fair share contribution of the costs of the installation of a traffic signal at the San Juan Grade Road/Rogge Road Intersection (\$37,950) and the left turn channelization on San Juan Grade Road at Crazy Horse Canyon Road (\$28,090). The revised mitigation measure is equally effective by providing a specific dollar amount required for the mitigation and merely clarifies the intent of the measure.
- (h) Mitigation Measures 15-3 and 15-4 have been combined into one mitigation measure as MM 15-3. Additional language has been added to not only ensure the bonding of the improvements, but that the improvements are installed. The timing for compliance has been revised to reflect the timing for preparation and approval of improvement plans, bonding of improvements, obtaining encroachment permits and installation of improvements. The mitigation measure now reads: "The applicant shall have plans and specifications prepared by a Registered Civil Engineer, dedicate required right of way, obtain an encroachment permit from the Department of Public Works and construct the following improvements: a) Install curb, gutter and sidewalk, including one driveway, along the frontage of San Juan Grade Road and widen San Juan Grade Road to provide for four through lanes, left turn channelization at the intersection with Rogge Road, two Class 2 bike lanes and a bus stop; b) Install curb, gutter and sidewalk, including one driveway, along the frontage of Rogge Road and widen Rogge Road to provide for two through lanes, left turn channelization and two Class 2 bike lanes. Applicant shall be responsible to obtain all required permits and environmental clearances for the above improvements." The revised mitigation measure is more effective by specifying in detail all of the steps necessary for the construction of the improvements.

10. FINDING: CEQA – Comments received on the project did not present substantial evidence of any unmitigated significant environmental effects. County's response to these comments merely clarifies and amplifies information in the Mitigated Negative Declaration (MND) and does not substantially revise the MND, and therefore recirculation of the MND is not required.

EVIDENCE: (a) California Water Service Company letter dated November 22, 2005. California Water Service Company reiterated language from their "can and will serve" letter stating that it may be necessary for the developer to advance the cost of special facilities, such as wells, booster pumps or a

storage tank, in addition to the cost of mains and services. The "can and will serve" also states that California Water Service Company meets all State and Public Utilities Commission regulations pertaining to water quality and quantity. The letter did not identify any potentially significant environmental effects.

- (b) Cal Trans District 5 letter dated November 30, 2005. Cal Trans District 5 commented that Monterey County has established a PM peak-hour fee for new trips traveling on the Prunedale Highway 101 corridor (Prunedale Improvement Project or "PIP"). Over the past two years, the Public Works Department has been working with the Transportation Agency of Monterey County (TAMC) in the development of the TAMC Regional Development Impact Fee. A Nexus Study ("Study") has been adopted by TAMC. The Study identifies projects to provide adequate transportation infrastructure and the fees necessary to fund the projects. The Commons at Rogge Road will pay the appropriate TAMC fee to fully mitigate its fair share of regional, cumulative impacts. The goal of the County-wide fee is to develop a traffic mitigation fee to address impacts to the regional circulation network, not including the PIP because it is fully funded with other funds.
- (c) Monterey Regional Water Pollution Control Agency (MRWPCA) letter dated December 5, 2005. The MRWPCA commented that the project site has not been annexed into the boundaries of their District. After conducting a sanitary sewer study, the project has received a "can & will serve" letter from the City of Salinas indicating that their system will be able to handle the additional flow and that they will provide sewer service to the project. An additional condition of approval has been placed on the project requiring that proof of annexation into the MRWPCA District be submitted prior to filing the final map.
- (d) Monterey Bay Unified Air Pollution Control District (MBUAPCD) letter dated December 6, 2005. The MBUAPCD submitted comments relating to the demolition of structures and diesel exhaust. Prior to obtaining a demolition permit from Monterey County, applicants are required to have a Certified Asbestos Consultant survey the structures for asbestos. This requirement will be added as an additional condition of approval. New regulations, intending to reduce the impact of diesel exhaust on people during the operation of diesel equipment, require the contractor to use equipment with a model year of 2003 or newer. Contractors using older equipment shall retrofit older equipment with diesel oxygenation catalyst filters. These requirements have been added as further mitigation under Mitigation Measure 3-2 (see Evidence (e) in Finding 9):
- (e) Santa Rita Union School District letters dated December 5, 2005 and January 11, 2006. In the December 5 letter, the Santa Rita Union School District commented that the state statutory developer fees are insufficient to cover the actual cost of the additional students. However, California Government Code Section 65996 (b) is deemed to provide full and

complete mitigation of the impacts on school facilities. In the January 11 letter, the Santa Rita Union School District submitted a letter stating that they will work with the Applicant toward a mutually beneficial arrangement. The January 11, 2006 letter did not identify any potentially significant environmental effects.

- (f) City of Salinas letter dated December 15, 2005. The City of Salinas commented on the following technical aspects of the project:
1. Inconsistencies: The letter notes inconsistencies with City standards pertaining to access and density. The applicant has revised the project by eliminating parking spaces on one side of eastern and western one-way main access roads to accommodate emergency vehicles. The City's proposed standard for detached small-lot single-family residence is being reduced from 4,000 square feet to 3,600 square feet or 2,900 square feet with a density bonus. The overall density proposed for the project is 15 dwelling units per acre, an average of 1,965 square feet per lot, and is consistent with County standards per Monterey County Code Section 21.10.060.A. The lot sizes within the proposed project vary from 1,394 to 3,136 square feet. Because the project is a planned unit development, the project is deviating from development standards as allowed under Monterey County Code Section 21.10.060 [see Evidence (m) in Finding 1].
 2. Open Space: The letter notes that the project has "very little useable open space." The project provides a 0.3-acre park, tot lot and a par course within the development. Condition #50 requires the applicant to comply with Section 19.12.010 of the Monterey County Code, by paying a fee in lieu of parkland dedication for 0.801 acres of the total 1.4-acre park requirement for this project or by providing new recreation improvements to a school site within the Santa Rita School District equivalent to that fee. The acceptance of improvements in lieu of the fee is contingent upon the Applicant entering into a 3-party agreement with the County of Monterey and the Santa Rita School District.
 3. Public Improvements: The letter indicates that the stairs providing pedestrian access to the residences fronting along San Juan Grade and Rogge Roads encroach into the public right-of-way, as shown on the current site plans. The applicant has indicated that these private facilities will be shifted out of the road-widening parcel and public right-of-way.
- (g) Annemarie Tresch letter dated January 12, 2006. In her letter, Ms. Tresch identified the following concerns with the project: 1) the 6-foot block wall along the southeast property line; 2) Project Density; 3) Parking; 4) Fire Hazards; 5) Energy efficient windows; 6) Traffic; 7) Flooding & Run-off; 8) Area of Development Concentration in 1986 Greater Salinas Area Plan; 9) Public Safety (Sheriff); 10) School Impacts; 11) Open Space; 12)

Aesthetics; 13) Emissions from furnaces; 14) Water use; 15) Land use and Planning; 16) Circulation. The issues raised in the letter have been evaluated in the Mitigated Negative Declaration and have been adequately addressed through the project's recommended conditions of approval and mitigation measures.

- (h) John Tresch letter dated January 12, 2006. In his letter, Mr. Tresch identified the following concerns with the project: 1) Aesthetics; 2) Agricultural Resources; 3) Air Quality; 4) Biological Resources; 5) Cultural Resources; 6) Hazards and Hazardous Materials; 7) Hydrology & Water Quality; 8) Land Use and Planning; 9) Noise; 10) Population & Housing; 11) Public Services; 12) Transportation & Traffic. In particular, the letter indicated that the project site has an underground fuel storage tank on it. The Phase I and II Environmental Site Assessments conducted on the project site indicate that although there is an above ground diesel storage tank, no underground tanks were found on the site. The issues raised in the letter have been evaluated in the Mitigated Negative Declaration and have been adequately addressed through the project's recommended conditions of approval and mitigation measures.
- (i) Association of Monterey Bay Area Governments (AMBAG) letter dated January 13, 2006. The letter stated that their Board of Directors considered the project on January 11, 2006 and have no comments at this time.
- (j) Cal Trans District 5 letter dated November 30, 2005. In the letter, Cal Trans District 5 referenced a statement made in the Initial Study about future projects covered by the TAMC Regional Development Impact Fee. Although the Nexus Study clearly states "development impact fees cannot be used to fund maintenance projects, safety projects, or to relieve existing traffic congestion", staff acknowledges that some of the operational projects proposed in the Nexus Study indirectly improve traffic congestion and safety on the public roadways.
- (k) City of Salinas letter dated February 22, 2006. The City of Salinas commented on the adequacy of the environmental review process for the project. Analyses of the policies of both the General Plan and Greater Salinas Area Plan have been prepared to demonstrate how the project is consistent with both plans. Those analyses are summarized in Finding 1 as Evidence (n). Other notable issues raised in the letter are:
 1. The City of Salinas contends that the conversion of prime agricultural land is a potentially significant effect. The Initial Study, dated November 8, 2006, identified the impact as less-than-significant. A church, residential development, strawberry and tomato fields, a school district bus barn, a small commercial shopping center and an elementary school border the site. The current farming activities on the project site are incompatible with these residential and commercial uses. Because strawberry cultivation typically requires the use of fumigants as part of the

operations, maintaining the agricultural uses on the project site requires extra care and buffer zones from these uses when using fumigants. While the proposal would convert prime farmland and conflict with existing zoning for agricultural use, the approval of the proposal would eliminate the zoning conflict and would create a less than significant impact to the overall lands designated as "Prime" in Monterey County. Given the size of the cultivated area, 10-acres, and the fact that the subject location is surrounded by urban-uses, viability of the parcel as a productive working farm is low.

2. The City of Salinas contends the project is inconsistent with the City's General Plan: There are no plans to annex the project at this time because the project is not within the City's new 20 year General Plan and not within the City's sphere of influence. As such, this project is not required to comply with the City's General Plan. However, in recognition of it's proximity to the City boundaries, the project was modified to accommodate the City's concerns.
3. The City of Salinas contends that a biological survey should be performed on the project site: This project site is a completely disturbed site with housing and agriculture. Staff reviewed all resource maps and available data, conducted site visits, and concluded that there was no potential for significant biological impacts. The Initial Study was circulated to the State Clearinghouse and the Department of Fish & Game. They did not identify any concerns with the analysis.
4. The City of Salinas states the development will locate residential uses near existing agricultural uses: A church, residences, a school district bus barn, a small commercial shopping center and an elementary school border the site. The property's current farming activities are incompatible with these residential and commercial uses. The project is consistent with the State Density Bonus Provisions in its reduction of the agricultural setback requirement (see Evidence in Finding 7), which is a requirement of the Monterey County Zoning Ordinance.
5. The City of Salinas contends that Mitigation Measure 1-2 defers mitigation to occupancy of the dwellings: The mitigation measure requires submission and approval of the lighting plan prior to the issuance of building permits. The lighting plan requires that the lighting illuminate only the intended area (see Evidence (a) and (b) in Finding 9).
6. The City of Salinas states that the mitigation measures be fully enforceable: The combined development permit includes mitigation measures as conditions and requires a mitigation

monitoring agreement to address this issue. Both are legally binding.

7. The City of Salinas contends that the environmental document does not sufficiently address the exposure of people to diesel exhaust: The Initial Study identified potential impacts from diesel particulate matter. In response to the air district's letter, County staff contacted the district staff for clarification. The air district suggested two additional methods to better achieve compliance. Those methods are to use off-road construction equipment manufactured during or after 2003 and to retrofit off-road construction equipment older than 2003 with diesel oxidation catalyst filters [see Evidence (e) in Finding 9 and Evidence (d) in Finding 10]. These have been added as conditions of approval.

The remaining issues in the letter have been addressed in the staff report, the conditions of approval, and are addressed in response to other letters in this Finding.

- (l) Local Agency Formation Commission (LAFCO) letter dated March 2, 2006. The letter stated that two actions will need to come before LAFCO after project approval. Those actions are: 1) the annexation of the project area into the existing County Service Area #9 (CSA #9) for storm drain and street light maintenance, and 2) the annexation of the project area into the Monterey Regional Water Pollution Control Agency (MRWPCA) boundary. The letter also requested that the environmental document address any potential environmental impacts for the annexation of the projects into CSA #9 and the MRWPCA district. In a letter to LAFCO, dated March 3, 2006, County staff indicated that the environmental document analyzed the physical impacts the project would have by connecting to the storm drain system (CSA #9) and to the Monterey Regional Water Pollution Control Agency (MRWPCA) under Section VI, 16 B, C, & E (Utilities and Service Systems). This analysis demonstrated that the project's impacts to the facilities are less than significant. Further, staff indicated that the following language would be added to the Initial Study Project Description to reflect LAFCO's role as a Responsible Agency for the annexation of the project into CSA #9 and the MRWPCA: "LAFCO will utilize this document as a Responsible Agency under CEQA for the annexation of the project site into County Service Area #9 ("CSA #9") and the Monterey Regional Water Pollution Control Agency ("MRWPCA") district boundaries" (see Evidence (i) and (j) in Finding 3).
- (m) The Evidence in Findings 1, 2, 3, 4, 5, 6, 7, 8, and 9.
- (n) The Board of Supervisor's staff report dated March 28, 2006.
- (o) The Initial Study dated November 8, 2005, as modified by Findings 1 - 10.

Resolution No. 06-103

II. DECISION

NOW, THEREFORE, BE IT RESOLVED that the Monterey County Board of Supervisors approves the Combined Development Permit and adopts the above findings and conditions of approval set forth in the attached Condition Compliance and Mitigation Monitoring Reporting Plan.

Upon motion of Supervisor Armenta, seconded by Supervisor Calcagno and carried by those members present, the Board hereby:

PASSED AND ADOPTED on this 28th day of March 2006, by the following vote, to-wit:

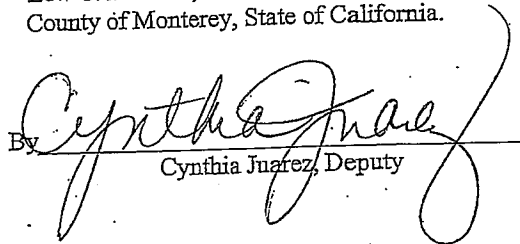
AYES: Supervisors Armenta, Calcagno, Lindley, Potter, and Smith
NOES: None
ABSENT: None

I, Lew C. Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book 73, on March 28, 2006.

Dated: May 11, 2006

Lew C. Bauman, Clerk of the Board of Supervisors,
County of Monterey, State of California.

By


Cynthia Juarez, Deputy

**Monterey County Planning and Building Inspection
Condition Compliance and Mitigation Monitoring
Reporting Plan**

Project Name: The Commons at Rogge Road

File No: PLN030065 **APNs:** 211-012-002-000 and 211-012-040-000

Approval by: Board of Supervisors

Date: March 28, 2006

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Bond Number	Mitig Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance Monitoring Limits to be performed. Where applicable, certification/professionals required for actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
1.		<p>PBD029 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN030065) allows 1) an amendment to the General Plan Land Use Designation from Medium Density Residential (Two Units per Acre) and Farmlands, 40 Acre Minimum to High Density Residential (5-20 Units Per Acre); 2) A Zoning District Reclassification from Medium Density Residential, Two Units per Acre ("MDR/2") and Farmlands, 40 Acre Minimum ("F/40") to High Density Residential, 15 Units per Acre ("HDR/15"); 3) Standard Subdivision Vesting Tentative Map to divide two existing lots of record into 126 lots of varying size, consisting of 123 single-family residential lots; one apartment lot consisting of 48 attached units; one park parcel and one common area parcel for streets, driveways, public utilities and open space; and 4) a Use Permit for removal of one landmark oak tree, parking and an apartment building exceeding 10 Units per Acre. The property is located at 1001 A-E & 1003 Rogge Road (Assessor's Parcel Number 211-012-002 & 040), Salinas. 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

Permit Cont. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, certified professionals required to action to be accepted.	Responsible Party to Compliance	Timing	Verification of Compliance (Name/Date)
		<p>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)</p>	<p>See Previous Page</p>			
2.		<p>PBD025 - NOTICE-PERMIT APPROVAL: The applicant shall record a notice which states: "A permit (Resolution 06-103) was approved by the Board of Supervisors for Assessor's Parcel Numbers 211-012-002-000 and 211-012-040-000 on March 28, 2006. The permit was granted subject to 87 conditions of approval which 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 permits or commencement of the use. (Planning and Building Inspection)</p>	<p>Proof of recordation of this notice shall be furnished to PBI.</p>	Owner/Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		<p>PBD012 - FISH AND GAME FEE-NEG DEC/EIR 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, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is</p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of Planning and Building Inspection.</p>	Owner/Applicant	Within 5 working days of project approval.	

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)
		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. (Planning and Building Inspection)	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 Planning and Building Inspection.	Owner/ Applicant	Prior to the recording of the final map, the start of use or the issuance of building or grading permits	
4.		PBD014 - GRADING-WINTER RESTRICTION 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)	Applicant's engineer shall include note on Final Map.	Owner/ Applicant	Ongoing	

Permit Condition Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed when applicable, or certified professional is required for actions to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (date/date)
5.	<p>PBD022 - MITIGATION MONITORING PROGRAM</p> <p>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. (Planning and Building Inspection)</p>	<p>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</p> <p>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>	Owner/Applicant	Within 60 days after project approval or prior to issuance of grading and building permits, whichever occurs first.	

Return Counsel Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party 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)
6.	<p>PBD016 - 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. (Planning and Building Inspection)</p>	<p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.</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, which- ever occurs first and as applic- able		

Permit Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be Performed. When applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (date/rate)
7.		<p>PBDS001 - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) (NON STANDARD CONDITION)</p> <p>A note shall be placed on the final map stating "The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and fences shall be continuously maintained by the owner; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition." (Planning and Building Inspection)</p>	<p>Final recorded map with notes shall be submitted to PBI & Public Works for review and approval.</p> <p>Submit landscape plans and contractor's estimate to PBI for review and approval. Install landscaping prior to occupancy.</p> <p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant/ Contractor</p> <p>Owner/ Applicant</p>	<p>Prior to recording of final map.</p> <p>At least 60 days prior to final inspection or occupancy</p> <p>Ongoing</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval (and/or Mitigation Measures and Responsible Land Use Department)	Compliance or Mitigating 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)
8.		<p>PBSP002 - LANDSCAPE PLAN AND MAINTENANCE (OPEN SPACE, PARK PARCELS AND APARTMENT PARCEL) (NON STANDARD CONDITION)</p> <p>A note shall be placed on the final map stating "The site shall be landscaped. At least 60 days prior to occupancy or use, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping. The landscaping shall be installed and inspected prior to occupancy or use. All common landscaped areas and fences shall be continuously maintained by the homeowner's association; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition." (Planning and Building Inspection)</p>	<p>Final recorded map with notes shall be submitted to PBI & Public Works for review and approval.</p> <p>Submit landscape plans and contractor's estimate to PBI for review and approval. Install landscaping prior to occupancy.</p> <p>All landscaped areas and fences shall be continuously maintained by the homeowner's association; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant/ Contractor</p> <p>Homeowner's Association</p>	<p>Prior to recording of final map.</p> <p>At least 60 days prior to final inspection or occupancy of adjacent residential unit.</p> <p>Ongoing</p>	

Permit Cond. Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Public Use Department	Compliance of 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/duty)
9.		PBDS003 – OAK TREE PLANTING (NON-STANDARD CONDITION) As referenced above in Planning and Building Inspection's non standard conditions PBDS001 & 002, a landscaping plan shall be submitted for review and approval at least 60 days prior to occupancy. The landscaping plan shall incorporate a minimum of five (5) 15 gallon oak trees to be planted throughout the project site in park/open space areas and along street frontages. (Planning and Building Inspection)	Submit landscape plans to PBI for review and approval. Plans shall incorporate a minimum of five (5) 15 gallon oak trees to be planted throughout the project site in park/open space areas and along street frontages.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	
10.		PBDS004 – LANDSCAPING ALONG SAN JUAN GRADE ROAD FRONTAGE (NON-STANDARD CONDITION) As referenced above in Planning and Building Inspection's non standard conditions PBDS001 & 002, a landscaping plan shall be submitted for review and approval at least 60 days prior to occupancy. The landscaping plan shall demonstrate that the landscaping proposed for the homes fronting along San Juan Grade Road is complimentary to the existing neighborhood. (Planning and Building Inspection)	Submit landscape plans to PBI for review and approval. Plans shall demonstrate that the landscaping proposed for the homes fronting along San Juan Grade Road is complimentary to the existing neighborhood.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	

Permit Contd. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Entity/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)
11.		PBD024 - NOTE ON MAP-STUDIES A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: "A Preliminary Drainage Study dated December 26, 2003, has been prepared on this property by LandSet Engineers, Inc., and is on file in the Monterey County Planning and Building Inspection Department, Library No. LIB050769. 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, (Planning and Building Inspection)	Final recorded map with notes shall be submitted to PBI and Public Works for review and approval.	Owner/ Applicant	Prior to recor- dation of final map.	
12.		PBD024 - NOTE ON MAP-STUDIES A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: "A Geotechnical Investigation report has been prepared for this parcel by Soil Surveys, Inc., dated September 18, 2001 and is on record in the Monterey County Planning and Building Inspection Department, Library No. LIB030121. All development shall be in accordance with this report." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor, (Planning and Building Inspection)	Final recorded map with notes shall be submitted to PBI and Public Works for review and approval.	Owner/ Applicant	Prior to recor- dation of final map.	

Permit Condition Number	Monitoring 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 (date/rate)
13.		<p>PBD024 - NOTE ON MAP-STUDIES</p> <p>A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: "A Transportation Impact Analysis dated November 2004 (LIB040321), a memo entitled 'Supplemental Analysis for Rogge Road Village Traffic Study' dated May 2, 2005 (LIB050772), and a memo entitled 'Turn Restrictions at the San Juan Grade Road Driveway to the Proposed Rogge Road Village Residential Development' dated October 31, 2005 (LIB050771) have been prepared for this parcel. Fehr & Feers, and are on record in the Monterey County Planning and Building Inspection Department. All development shall be in accordance with this report and subsequent memorandum." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (Planning and Building Inspection)</p>	<p>Final recorded map with notes shall be submitted to PBI and Public Works for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to recording of final map.</p>	
14.		<p>PBDF005 - STOP WORK - RESOURCES FOUND (NON STANDARD CONDITION)</p> <p>A note shall be placed on the final map stating that: "If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) the work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. 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 archaeologist shall immediately visit the site to determine</p>	<p>This condition shall be placed as a note on the final map, grading plans and subdivision improvement plans (SIP). Map and plans with notes shall be submitted to PBI and Public Works for review and approval. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection 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</p>	<p>Owner/ Applicant</p>	<p>Prior to recording of final map.</p>	

Permit Condition 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 actions to be assessed.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		the extent of the resources and to develop proper mitigation measures required for the discovery." (Planning and Building Inspection)	the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeo- logist	Ongoing	
15.		PBDSP006 – TREE AND ROOT PROTECTION (NON STANDARD CONDITION) Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)	This condition shall be placed as a note on the grading and subdivision improvement plans (SIP). Map and plans with notes shall be submitted to PBI and Public Works for review and approval.	Owner/ Applicant	Prior to the issuance of a grading permit or approval of SIP	
			Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to Issuance of Grading and/or Building Permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance 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)
16.		<p>PBD033 – UTILITIES – SUBDIVISION 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 (parcel or 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)</p>	Place note on map or a separate sheet and submit to PBI for review and approval.	Applicant/ Owner	Prior to recording of final map.	
17.		<p>PBDSF007 – HEIGHT VERIFICATION FOR APARTMENTS (NON STANDARD CONDITION) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans for the apartment buildings. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for review and approval, that the height of the apartment buildings from the benchmark is consistent with what was approved on the building permit associated with this project. (Planning and Building Inspection)</p>	<p>1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.</p> <p>2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of Planning and Building Inspection for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.</p>	Owner/ Applicant	Prior to Issuance of Grading or Building Permits	Prior to Final Inspection

Permit Cond. Number	MITG 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)
18.		PBDSP008 – GARBAGE COLLECTION (NON-STANDARD CONDITION) A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map as follows: <i>“Mandatory garbage collection shall be required and that the project shall comply with the Monterey County Solid Waste Management Plan including recycling efforts.” (Planning and Building Inspection & Environmental Health)</i>	Applicant's engineer shall include note on Final Map	Engineer/ Owner/ Applicant	Prior to filing of Final Map(s)	
19.		PBDSP009 – TRASH ENCLOSURE (NON-STANDARD CONDITION) A trash enclosure area shall be provided for the apartment units in conformance with the provisions of Monterey County Code Section 21.10.070.A. (Planning and Building Inspection & Environmental Health)	Applicant shall submit a plan showing the location and design of the trash enclosure area to the Director of Environmental Health and the Director of Planning and Building Inspection for review and approval.	Owner/ Applicant	Prior to Issuance of Building Permits	

Permit Condition Number	Mitig. Measure Number	Conditions of Approval and/or Mitigation Measures and Responsible Building Use Department	Compliance Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Findings	Verification of Compliance (name/date)
20.		<p>PBDSP010 – SPECIAL SETBACKS (NON-STANDARD CONDITION)</p> <p>The Final Map shall indicate the following setbacks for the single family dwelling lots:</p> <p>Setbacks for Plan 1 (Lots 84, 86, 88, 90, 92, 94, 98, 101, 103, 104, 106, 109, 111, 115, 119 and 122) shall be Front: 4.0 feet; Side: 3.0 feet; Rear: 2.0 feet.</p> <p>Setbacks for Plan 2 (Lots 85, 87, 89, 91, 93, 95, 96, 97, 99, 100, 102, 105, 107, 108, 110, 112, 113, 114, 116, 117, 118, 120, 121 and 123) shall be Front: 3.5 feet; Side: 3.0 feet; Rear: 2.0 feet.</p> <p>Setbacks for Plan 30 (Lots 5, 6, 13, 14, 18, 21, 24, 25, 30, 33, 36, 37, 40, 44; 49; 53, 57, 59, 64, 65, 69, 73, 76, 79 and 83) shall be Front: 4.0 feet; Side: 3.5 feet; Rear: 5.0 feet.</p> <p>Setbacks for Plan 40 (Lots 2, 8, 11, 16, 19, 23; 26, 28, 31, 35, 42, 46, 48, 51, 54, 56, 60; 61, 62, 63, 66, 68, 70, 72, 74, 78, 80 and 82) shall be Front: 6.0 feet; Side: 3.5 feet; Rear: 5.0 feet.</p> <p>Setbacks for Plan 50 (Lots 1, 3, 4, 7, 9, 10, 12, 15, 17, 20, 22, 27, 29, 32, 34, 38, 39, 41, 43, 45, 47, 50, 52, 55, 58, 67, 71, 75, 77 and 81) shall be Front: 6.0 feet; Side: 3.5 feet; Rear: 5.0 feet.</p> <p>The setbacks shall either be indicated as a note on the final map or applied to each individual lot on the final map. (Planning and Building Inspection)</p>	<p>Applicant's engineer shall include note on Final Map or shall apply the setbacks to each lot on the Final Map</p>	<p>Engineer/ Owner/ Applicant</p>	<p>Prior to filing of Final Map(s)</p>	

Permit Cond. Number	Map Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Uses Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional's required for action to be accepted.	Responsible Party for Compliance	Filing	Verification of Compliance (Name/Date)
21.		PBDSP011 – "B-6" COMBINING DISTRICT (NON-STANDARD CONDITION) The applicant shall request in writing combining B-6 (High Density Residential, 15 Units per Acre, B-6 "HDR/15-B-6") zoning classification for the 123 single family dwelling parcels (Lots 1-123 inclusive). (Planning and Building Inspection)	Applicant shall submit request in writing to the Director of Planning and Building Inspection for review and approval. Rezoning to Board of Supervisors for consideration	Engineer/ Owner/ Applicant PBI	Prior to filing of Final Map(s) Within 120 days of map recording	
22.		PBDSP012 – DEED RESTRICTION – PROTECTION OF AGRICULTURAL ACTIVITIES DISCLOSURE (NON-STANDARD CONDITION) The applicant shall record a deed restriction on Lots 73 through 82 inclusive which states: <i>"As a property owner, you should be aware that Monterey County has an adopted Protection of Agricultural Activities Ordinance (Monterey County Code Chapter 16.40, Ord. 3728, 1993), and you should be prepared to accept agricultural practices that are operated in full compliance with applicable state and county laws and regulations and consistent with accepted customs and standards. Accepted agricultural practices that may cause inconveniences to property owners at any time include, but are not limited to, extended hours of operation, noise, odors, fumes, dust, smoke, pests, operation of farm equipment, storage, application and disposal of manure and the application of pesticides, herbicides, fertilizers and other chemicals by ground or air."</i> (Planning and Building Inspection)	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Concurrent with filing the final map	

Permit Cont. Number	Permit Title	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, certified professionals required for actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
23.		<p>PBSP013 – ASBESTOS SURVEY (NON STANDARD CONDITION)</p> <p>The applicant shall have a Certified Asbestos Consultant conduct an asbestos survey of all the buildings on the project site. A report shall be prepared and submitted to the Monterey Bay Unified Air Pollution Control District for review and approval a minimum of ten (10) working days prior to commencing asbestos removal, or if no asbestos is present, a minimum of ten (10) working days prior to demolition.</p>	<p>A Certified Asbestos Consultant shall conduct an asbestos survey of all the buildings on the project site. A report shall be submitted to the MBUAPCD for review and approval a minimum of ten (10) working days prior to commencing asbestos removal.</p> <p>If no asbestos is present, a report shall be submitted to the MBUAPCD for review and approval a minimum of ten (10) working days prior to demolition.</p>	Certified Asbestos Consultant /Owner/ Applicant	Prior to the issuance of a demolition permit	
FIRE CONDITIONS OF APPROVAL						
24.		<p>FIRESP001 – ROAD ACCESS (NON-STANDARD CONDITION)</p> <p>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. All roads shall be constructed to provide a minimum width of 20 feet with an unobstructed vertical clearance of not less than 13 feet 6 inches. Any on-street parking shall be permitted when the minimum additional road width is provided for the parking spaces as approved by the Salinas Rural Fire District. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. (Salinas Rural Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	
				Applicant or owner	Prior to final building inspection.	

Permit Code Number	Mitig Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance Monitoring Actions to be performed. When applicable, certified professionals required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
25.		<p>FIREP002 – ROADWAY SURFACE (NON-STANDARD CONDITION) The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. 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. (Salinas Rural Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p> <p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p> <p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	
26.		<p>FIRE010 – ROAD SIGNS All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, 1/2-inch stroke, and shall be a color that is reflective and clearly</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance of Monitoring Actions to be performed. (If not applicable, a certificate of substantial compliance is required for action to be accepted.)	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. (Salinas Rural Fire Protection District)</p>	<p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision.</p>	
27.		<p>FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p>	

Permit Cont. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Action to be performed. Where applicable a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Date/Date)
		<p>occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Salinas Rural Fire Protection District)</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	
28.		<p>FIRESP003 -- HYDRANTS AND FIRE FLOW (NON-STANDARD CONDITION) Hydrants for fire protection shall be provided at locations approved by the Salinas Rural Fire District and shall conform to the following requirements: a. Pursuant to Uniform Fire Code Appendix III-A Fire Flow Requirements for Buildings, the minimum fire flow require for the apartment buildings that are protected with approved automatic fire sprinkler systems shall be 1,500 gallons per minute with a</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner.</p>	<p>Prior to issuance of grading and/or building permit.</p>	

Permit Control Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, certified professionals required to act prior to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
		<p>residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. The minimum fire flow for one- and two-family dwellings that are protected with approved automatic fire sprinkler systems is 500 gallons per minute with a residual pressure of 20 psi under normal operation conditions.</p> <p>b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.</p> <p>c. HYDRANT/FIRE VALVE (ADDITION) - A new hydrant shall be installed.</p> <p>d. 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.</p> <p>e. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in Uniform Fire Code Appendix III-B and in accordance with the following specifications:</p> <p>f. HYDRANT SIZE - The hydrant 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.</p> <p>g. SIGNING OF WATER SOURCES - Hydrant or fire valve identification may be allowed as specified in the <u>State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (Salinas Rural Fire Protection District)</u></p>	<p>Applicant shall provide improvement plans to the fire district. Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of Building Permit</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party/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)
29.		<p>FIRESP004 – FIRE SPRINKLER SYSTEM (NON-STANDARD CONDITION) The one- and two-family dwellings and the apartment building(s) shall be fully protected with automatic fire sprinkler system(s). A note shall be placed on the final map or a note be recorded at the time of recordation of the final map which requires that the building shall be fully protected with automatic sprinkler systems. The following notation is required on the plans when a building permit is applied for: <i>“The building 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.”</i> (Salinas Rural Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on Final Map.</p> <p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	Applicant or owner	Prior to recordation of final map.	
30.		<p>FIRESP005 – FIRE SPRINKLERS SYSTEM (NON-STANDARD CONDITION) In the one- and two-family dwellings and the apartment buildings, fire sprinklers shall be installed in attached garages. (Salinas Rural Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	

Permit Control Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, certified professionals required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
31.		<p>FIRESP006 – FIRE ALARM SYSTEM (NON-STANDARD CONDITION) The apartment building(s) 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 - 1999 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 - 1999. (Salinas Rural Fire Protection District)</p>	<p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p> <p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall submit fire alarm plans and obtain approval.</p> <p>Applicant shall schedule fire alarm system acceptance test.</p>	<p>Applicant or owner</p> <p>Applicant or owner</p> <p>Applicant or owner</p> <p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to final framing inspection</p> <p>Prior to final building inspection</p> <p>Prior to issuance of building permit.</p> <p>Prior to rough sprinkler or framing inspection</p> <p>Prior to final building inspection</p>	

Permit Code Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Build 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)
32.		FIREP007 – ROOF CONSTRUCTION (CLASS B MINIMUM) (NON-STANDARD CONDITION) 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)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
PUBLIC WORKS CONDITIONS OF APPROVAL						
33.		PW0015 – UTILITY'S COMMENTS Submit the approved tentative map to impacted utility companies. Subdivider shall provide confirmation to the Department of Public Works that the utility companies have reviewed and approved the tentative map. (Public Works)	Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall provide confirmation to DPW that the utilities have reviewed and approved the tentative map.	Owner/ Applicant	Prior to Recor- dation of Map	
34.		PW0016 – MAINTENANCE OF SUBDIVISIONS Pay for all maintenance and operation of subdivision improvements from the time of installation until acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement 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)	Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.	Subdivider	Ongoing	

Permit Code Number	Item Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Commitments or Monitoring Actions to be performed. Where applicable, a certified professional's required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
35.		PW0020 – PRIVATE ROADS Designate all subdivision roads as private roads. (Public Works)	Subdivider's Surveyor shall designate private roads on final map.	Subdivider	Ongoing	
36.		PW0021 – ROAD NAMES Submit all proposed road names to the Department of Public Works for approval by County Communications. (Public Works)	Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.	Subdivider	Prior to Recording of Final Map	
37.		PW0023 – IMPROVEMENT PLANS Provide improvement plans for approval of the Department of Public Works and that the roads be constructed in accordance with the typical section shown on the tentative map. (Public Works)	Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of final map.	Subdivider	Prior to Recording of Final Map	
38.		PW0024 – STOP SIGN Install and maintain a stop sign on project access roads at Rogge Road and at San Juan Grade Road. (Public Works)	Subdivider/Applicant shall install and maintain stop sign.	Subdivider/ Applicant	Ongoing	

Permit Condition Number	Mitigation Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, specify professional's required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
39.		<p>PW0026 – PLANTING FOR GRADED AREAS</p> <p>Plant and maintain all graded areas of the street right-of-way as required by the Department of Public Works, to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted for approval of the Department of Public Works and include the following:</p> <ol style="list-style-type: none"> That the cut and fill slopes be stabilized. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item (a). Type and amount of maintenance required to satisfy item (a). (Public Works) 	Subdivider's Engineer to include erosion control measures on improvement plans.	Subdivider/ Engineer	Prior to Recordation of Final Map	
40.		<p>PW0027 – CUT/FILL SLOPE (2:1)</p> <p>Cut and fill slopes shall not exceed 2 to 1 except as specifically approved in concurrence with the geotechnical report. (Public Works)</p>	Engineer shall include notes on Improvement Plans	Subdivider/ Engineer	Prior to Recordation of Final Map	
41.		<p>PW0030 – HOMEOWNERS ASSOCIATION</p> <p>Form a homeowners association for road and drainage maintenance. Prepare an operation and maintenance plan for all facilities. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision. (Public Works)</p>	Subdivider shall submit documentation to DPW and WRA for formation of homeowners association or other entity to maintain roads and drainage improvements.	Subdivider	Prior to Recordation of Final Map	

Permit Condition Number	Mitigation Number	Conditions of Approval and/or Mitigation Measures and Responsible Permit 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)
42.		<p>PW0032 – AS BUILT PLANS</p> <p>A Registered Civil Engineer shall file as built plans (originals) in the Department of Public Works with a letter certifying improvements have been made in conformance to improvement plans and local ordinance. (Public Works)</p>	<p>Subdivider's Engineer shall submit as built plans and stamped notice of completion letter to DPW for review and approval.</p>	Subdivider/ Engineer	Prior to Release of Bonds	
43.		<p>PWSP001 – PETITION FOR NO PARKING (NON-STANDARD CONDITION)</p> <p>Applicant shall petition the County for no parking on Rogge Road and San Juan Grade Road. (Public Works)</p>	<p>Applicant shall submit a letter to the Department of Public Works requesting no parking on Rogge Road and on San Juan Grade Road.</p>	Owner/ Applicant	Prior to Issuance of Building Permits	

Permit Cont. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, certified professionals required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
44.		<p>PWSP002 – CONSTRUCT IMPROVEMENTS (NON-STANDARD CONDITION)</p> <p>The applicant shall have plans and specifications prepared by a Registered Civil Engineer, obtain an encroachment permit from the Department of Public Works, provide bonding to ensure construction and construct the following improvement:</p> <ol style="list-style-type: none"> Install a crosswalk with in-road warning lights on Rogge Road. The design and location shall be subject to the approval of the Department of Public Works. <p>Applicant shall be responsible to obtain all required permits and environmental clearances for the above improvement. (Public Works)</p>	<p>Prior to recordation of the final map, applicant's engineer shall prepare improvement plans for the approval of the Department of Public Works and applicant shall provide bonding to ensure construction of the improvement.</p> <p>Following recordation of the final map, applicant shall obtain an encroachment permit and construct the required improvement</p>	Owner/ Applicant	Prior to Recordation of Final Map Bonds provided prior to recordation of the final map. Improvement completed in accordance with the Subdivision Improvement Agreement.	

Permit Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Permitting Department	Compliance or Mitigating Actions to be performed. Where applicable, a certified professional's signature and date to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (date/date)
45.		<p>PWSP003 – ANNEXATION REQUIRED</p> <p>The applicant shall provide evidence from the Local Agency Formation Commission (LAFCO) that the property has been annexed into the County Service Area #9 for storm drain and street light maintenance. (Public Works)</p>	<p>Submit evidence from LAFCO and the CSA #9 that the property has been annexed into the service area for the CSA #9 to the Director of Public Works for review and approval.</p>	Owner/Applicant	Prior to filing the final map	
PARKS CONDITIONS OF APPROVAL						
46.		<p>PKSP001 – PARK AND RECREATION FACILITIES MAINTENANCE AND OPERATION PLAN (NON-STANDARD CONDITION)</p> <p>The Applicant shall submit to the Parks Department a Park and Recreation Facilities Maintenance and Operation Plan. The purpose of this plan is to assure the County that the park and recreational facilities will be maintained and operated in perpetuity for the enjoyment and health and safety of the residents of the subdivision with an appropriate funding source and maintenance entity. (Parks Department)</p>	<p>The Applicant shall submit a Park and Recreation Facilities Maintenance and Operation Plan to the Parks Department for review and approval.</p>	Owner/Applicant	Prior to filing of first final map	

Permit Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Entity/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)
47.		<p>PKSSP002 – RECREATION REQUIREMENTS/ LAND DEDICATION (NON-STANDARD CONDITION)</p> <p>The Applicant shall comply with Section 19.12.010 – Recreation Requirements, of the County Subdivision Ordinance, Title 19, Monterey County Code, by dedicating land and constructing recreation improvements in accordance with the Park and Open Space Areas Plan Sheet for The Commons At Rogge Road, dated 2/1/05, and amended on 10/4/05, the Recreation Facilities Detail Sheet, dated 1/17/05, and the Playground Submittals for The Commons, dated 1/19/04. The total park requirement of 1.4 acres for this project shall be satisfied by the dedication of 0.599 acres of parkland on-site and by payment of a park in-lieu fee to cover the remaining 0.801 acres. The amount of the fee shall be "net" of credit for improvements to and recreational equipment installed on the project site, as determined by the Monterey County Parks Department. (Parks Department)</p>	<p>The Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.</p>	Owner/ Applicant	Prior to filing of first final map	

Permit Condition Number	Miting Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance Monitoring Terms to be performed. Where applicable, a certified professional's required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
48.		<p>PKSSP003 – PARK AND RECREATION FACILITIES PLAN (NON-STANDARD CONDITION)</p> <p>The Applicant shall submit a final Park and Recreation Facilities Plan and cost estimate for the improvements to be made on the dedicated parcels to the Parks Department for review and approval. The Plan shall delineate park and recreation structures, park improvement and landscaping components with a cost estimate for each park site. The Plan shall also include the design plans for the mid-block, lighted crosswalk on Rogge Road, as approved by the Public Works Department, which will provide pedestrian access to the school located across the road from the project site. If the development is phased, the Recreation Plan shall also indicate the phasing and construction schedule for each park site. The final approved Park and Recreation Plan shall be recorded concurrently with the recordation of the first Final Map. (Parks Department)</p>	<p>The Applicant shall submit a final Park and Recreation Facilities Plan and cost estimate for the improvements to be made on the dedicated parcels to the Parks Department for review and approval.</p>	Owner/ Applicant	Prior to filing of first final map	

Permit Cond. Number	Mittig Number	Conditions of Approval and/or Mitigation Measures with Responsible Land Use Department	Compliance of Monitoring Actions to be performed. Where applicable Certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
49.		<p>PKSSP004 – PARK AND RECREATION FACILITIES PERFORMANCE BOND (NON-STANDARD CONDITION)</p> <p>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 in the amount of one hundred percent (100%) of the costs for the recreation improvements shown on the final approved Park and Recreation Plan. This requirement shall be met prior to recordation of the Final Map or, if the development is phased, prior to recordation of the Final Map for each phase of development that incorporates a park site. (Parks Department)</p>	<p>Submit evidence to the satisfaction of Monterey County Parks Department that adequate financial surety has been provided.</p>	<p>Owner/ Applicant</p>	<p>Prior to recordation of final map or, if development is phased, prior to recordation of final map for each phase of development that incorporates a park site.</p>	

Permit Condition Number	Mitig Number	Conditions of Approval and of 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)
50.		<p>PKSSP005 – RECREATION REQUIREMENTS/ FEES (NON-STANDARD CONDITION) The Applicant shall comply with Section 19.12.010 – Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of parkland dedication for 0.801 acres of the total 1.4-acre park requirement for this project. Prior to recordation of the Final Map (first phase), the Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(G). The amount of the fee shall be "net" of credit for improvements to and recreational equipment installed on the project site, as determined by the Monterey County Parks Department. (Parks Department)</p>	<p>Applicant shall, at applicant's discretion, comply with either Action 1 or 2 below:</p> <p>1. The Applicant shall enter into a 3-party agreement between the Applicant, the Monterey County Parks Department ("County") and the Santa Rita School District. The agreement shall outline the terms of use, in perpetuity, of the school recreation facilities at La Joya Elementary School, or other Santa Rita School District Facility acceptable to the County, by the residents of the Homeowner's Association. In return for use by the Homeowner's Association, in perpetuity, the applicant shall construct new recreation improvements at La Joya Elementary School, or other Santa Rita School District Facility acceptable to the County, equivalent to the dollar amount of the in lieu fee as determined by the Monterey County Parks Department.</p> <p>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 in the amount of one hundred percent (100%) of the costs for the</p>	<p>Owner/ Applicant</p>	<p>Prior to recordation of first final map.</p>	
				<p>Owner/ Applicant</p>	<p>Prior to recordation of first final map</p>	

Permit Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measure and Responsible Entity Use Department	Compliance or Monitoring Actions to be performed where applicable, a certified professional is required for actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
50. cont.	See Previous Page		recreation improvements within the Santa Rita School District. The Applicant shall submit a final School Recreation Facilities Plan and cost estimate for the improvements to be made within the Santa Rita School District to the Santa Rita School District and the Parks Department for review and approval. The Applicant shall construct new recreation improvements within the Santa Rita School District. 2. The Applicant shall pay the fee required to the Monterey County Parks Department in lieu of full park dedication.	Owner/ Applicant Owner/ Applicant	Prior to recorda- tion of first final map Prior to occupan- cy of the first unit	
				Owner/ Applicant	Prior to recorda- tion of first final map	

ENVIRONMENTAL HEALTH CONDITIONS OF APPROVAL

Permit Cond. Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance of Mitigating Actions to be performed where applicable or certified professionals required for action to be accepted	Responsible Party for Compliance	Mining Timeline	Completion of Compliance (month/date)
51.		EH3 - WATER SYSTEM IMPROVEMENTS (STATE PERMITTED SYSTEM) Design the water system improvements to meet the standards as found in Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. (Environmental Health)	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	CA Licensed Engineer/ /Owner/ Applicant	Prior to filing final map	
52.		EH4 - FIRE FLOW STANDARDS Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. (Environmental Health)	Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency.	CA Licensed Engineer/ /Owner/ Applicant	Prior to install- ing or bonding water system improve ments	
53.		EH5 - INSTALL/BOND WATER SYSTEM IMPROVEMENTS The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement. (Environmental Health)	The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.	CA Licensed Engineer/ /Owner/ Applicant	Prior to filing final map	

Permit Condition 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)
54.		EH7 - ABANDONED WELLS Destroy the existing abandoned well(s) according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code. The well shall not be considered abandoned if satisfactory evidence is provided that the well is functional, is used on a regular basis, and does not act as a conduit for contamination of groundwater. (Environmental Health)	Prior to destruction, a permit for the destruction of the well(s) shall be obtained by a CA licensed well contractor from the Division of Environmental Health. After destruction submit the Well Completion Report to the Division of Environmental Health	CA Licensed Engineer /Owner/ Applicant	Prior to filing a final map and/or issuance of a building permit	
55.		EH25 - INSTALL/BOND SEWER SYSTEM IMPROVEMENTS The developer shall install the sewer system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the sewer system improvements and provide security guaranteeing the performance of the Agreement. (Environmental Health)	Submit evidence to the Division of Environmental Health that the sewer system improvement installation has been accepted by the regulating agency or that the developer has entered into a Subdivision Improvement Agreement and has provided security acceptable to the County.	Owner/ Applicant	Prior to filing the final parcel map.	
56.		EH27 - SEWER SYSTEM IMPROVEMENTS Engineered plans for the sewage disposal system including all necessary redundancies shall be submitted to and approved by the appropriate sewer service district. (Environmental Health)	Submit written verification to the Division of Environmental Health that plans have been reviewed and approved.	Owner/ Applicant	Prior to filing the final/ parcel map or issuance of a building permit.	

Permit Cond. Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Completion of Monitoring Actions to be performed. Where applicable, certified professionals required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Date)
57.		EH37 - RECYCLABLES IN RENTAL HOUSING Submit a written plan on how recyclables will be collected and stored for each of the multifamily rental housing units. (Environmental Health)	Submit a plan to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
58.		EH38 - SEPARATE RECYCLABLES All persons shall separate all recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to facilitate segregation at a solid waste facility (MCC 10.41.020.B). (Environmental Health)	Submit a plan to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits/ Continuous condition	
59.		EHSP001 - ANNEXATION REQUIRED The applicant shall provide evidence from the Local Agency Formation Commission (LAFCO) that the property has been annexed into the Monterey Regional Water Pollution Control Agency (MRWPCA) District. (Environmental Health)	Submit evidence from LAFCO and the MRWPCA that the property has been annexed into the service area for the MRWPCA to the Director of Environmental Health for review and approval.	Owner/ Applicant	Prior to filing the final map	

Permit Condition Number	Mits Number	Conditions of Approval and/or Mitigation Measures and Responsible Fund-Use Department	Compliance Monitoring Terms 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)
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HOUSING AND REDEVELOPMENT CONDITIONS OF APPROVAL

60.		<p>OHRSP001 – INCLUSIONARY HOUSING (NON-STANDARD CONDITION) The project shall provide 48 residential rental units as inclusionary housing units to be located on the project site. Of these, 15 units shall be affordable to very low income, 15 units to low-income, and 18 units to moderate-income households. Prior to the recordation of the final subdivision map that will cover the entire development, the developers and property owners shall execute a Master Developer Inclusionary Housing Agreement with the County, in a form acceptable to the County, that will permanently deed restrict the Inclusionary rental units for affordability and provide the specific requirements for the project's Inclusionary Housing component, in compliance with Ordinance #04185 and the adopted Inclusionary Housing Administrative Manual. (Housing and Redevelopment Agency)</p>	<p>The developers and property owners shall execute a Master Developer Inclusionary Housing Agreement with the County, in a form acceptable to the County, that will permanently deed restrict the Inclusionary rental units for affordability and provide the specific requirements for the project's Inclusionary Housing component, in compliance with Ordinance #04185 and the adopted Inclusionary Housing Administrative Manual.</p>	Owner/ Applicant	Prior to filing of final map	
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Permit Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed where applicable or certified professional is required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
61.		<p>OHRSP002 – SINGLE FAMILY AFFORDABLE (NON-INCLUSIONARY) HOUSING (NON-STANDARD CONDITION) The project shall provide 123 for sale residential units within the project as non-inclusionary moderate-income units and workforce level housing units. Of these, 19 units shall be affordable for moderate-income households (up to 110% of County median income), 59 to Workforce I level households (up to 140% of County median income), and 45 to Workforce II level households (up to 180% of County median income). Prior to the recordation of the final subdivision map that will cover the entire development the developers and property owners shall execute an Affordable Housing Development Agreement with the County, in a form acceptable to the County, that sets forth the specific requirements for the project's workforce housing component, consistent with the adopted Commons at Rogge Road Affordable Housing Program and including, but not limited to, subsequent regulatory agreements, the number of units to be provided, the affordability levels, the affordability restrictions, the type and location of units, and the marketing and selection of buyers.</p>	<p>The developers and property owners shall execute an Affordable Housing Development Agreement with the County, in a form acceptable to the County, that sets forth the specific requirements for the project's workforce housing component, consistent with the adopted Commons at Rogge Road Affordable Housing Program and including, but not limited to, subsequent regulatory agreements, the number of units to be provided, the affordability levels, the affordability restrictions, the type and location of units, and the marketing and selection of buyers.</p>	Owner/ Applicant	Prior to filing of final map	

Permit Condition Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Completion of Monitoring Actions to be performed Where applicable a certified professional is required for activity to be completed.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
WATER RESOURCES AGENCY CONDITIONS OF APPROVAL					
62.	WRSP001 - HOMEOWNERS ASSOCIATION CC&R'S (NON STANDARD CONDITION) A homeowner's association shall be formed for the maintenance of roads, drainage facilities, and open spaces. The Director of Public Works, the Director of Planning and Building Inspection, and the County Water Resources Agency shall approve documents for formation of association. The covenants, conditions and restrictions (CC&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 and Public Works)	Subdivider shall submit documentation to the Director of Public Works, the Director of Planning and Building Inspection, and the County Water Resources Agency for review and approval for the formation of a homeowners association or other entity to maintain roads and drainage improvements. Submit the CC&R's to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to filing of final map	
63.	WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS 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 No. 3932." Prior to recording of the final map, a copy of the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)	Submit a recorded notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Recorda- tion of the notice shall occur concur- rently with the final map	

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 certified professionals' signature action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Date)
64.		<p>WR37 - DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT</p> <p>If the homeowners' association after notice and hearing fails to properly maintain, repair or operate the drainage and flood control facilities in the project, 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. Prior to filing the final map, a copy of a signed and notarized <i>Drainage and Flood Control Systems Agreement</i> shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</p>	<p>Submit the signed and notarized original Agreement to the Water Resources Agency for review and approval prior to recordation. (A copy of the County's standard agreement can be obtained at the Water Resources Agency.)</p>	Owner/ Applicant	The agreement shall be recorded concurrently with the final map	
65.		<p>WR42 - LANDSCAPING REQUIREMENTS</p> <p>A notice shall be recorded on the deed for each lot stating: "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." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</p>	<p>Submit the recorded notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)</p>	Owner/ Applicant	Recordation of the notice shall occur concurrently with the final map	

Permit Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed where applicable to certified professionals' required for installation, be completed	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
66.		<p>WR46 - C.C.&R. WATER CONSERVATION PROVISIONS</p> <p>The applicant shall provide the Water Resources Agency with a copy of the subdivision Covenants, Conditions and Restrictions containing the following provisions from Monterey County Ordinance No. 3932:</p> <p>"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 shutoff 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." (Water Resources Agency)</p>	<p>Submit the CC&R's to the Water Resources Agency for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to filing the final map</p>	
67.		<p>WRSP002 - STORMWATER DETENTION (NON STANDARD CONDITION)</p> <p>The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer addressing on-site and off-site impacts with supporting calculations and construction details. The plan shall include detention facilities to mitigate the impact of impervious surface stormwater runoff, and oil-grease water separators for the paved parking areas. Pond(s) shall be fenced for public safety. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	<p>Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to filing of the final map</p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Field Use Department	Compliance Monitoring Action 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)
68.		<p>WRSP003 - DRAINAGE NOTE (NON STANDARD CONDITION)</p> <p>A note shall be recorded on the final map stating: "Impervious surface stormwater runoff shall be directed to the stormwater drainage system for The Commons @ Rogge Road. If stormwater runoff from an individual lot cannot be directed to the subdivision drainage improvements, a drainage plan shall be prepared by a registered civil engineer or architect prior to issuance of any building permits. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency." Prior to recordation of the final map, the applicant shall provide the Water Resources Agency a copy of the map to be recorded. (Water Resources Agency)</p>	<p>Submit a copy of the final map to the Water Resources Agency for review and approval prior to recordation.</p>	Owner/ Applicant	Prior to filing of final map	

SHERIFF'S OFFICE CONDITIONS OF APPROVAL

Permit Condition 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)
69.		<p>SOSP001 – PUBLIC SAFETY AND SECURITY (NON-STANDARD CONDITION)</p> <p>Prior to occupancy, the applicant shall comply with the Monterey County Public Safety and Security Guidelines to the satisfaction of the Monterey County Sheriff's Department. Each of the 171 units shall meet the required conditions regarding security measures, addressing, signage, doors, windows, locks, lighting, rooftops, parking, and landscaping. (Sheriff-Marshals-Coroner-Public Administrator Department)</p>	<p>Applicant shall incorporate specifications into the design of the project. Applicant shall prepare a security plan for the review and approval of the Monterey County Sheriff.</p>	Owner/ Applicant	Prior to occupancy	
MITIGATION MEASURES						

Permit Condition Number	Mitig. Number	Conditions of Approval/Minor Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required to act on to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/dates)
70.	MM 1-1	The applicant shall place street lights only at road intersections, or as otherwise approved by the Director of Planning and Building Inspection, and the street lights shall be sodium vapor with full cut-off fixtures. (Planning and Building Inspection)	Submit three copies of the lighting plans to PBI for review and approval. This mitigation measure shall be placed as a note on the subdivision improvement plans.	Owner/Applicant	Prior to issuance of grading permits or approval of subdivision improvement plans.	
71.	MM 1-2	PBD021 - LIGHTING - EXTERIOR LIGHTING PLAN 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. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location,	The lighting shall be installed in accordance with the approved lighting plan. Submit three copies of the lighting plans to PBI for review and approval. This mitigation measure shall be placed as a note on the final map and shall be incorporated into the CC&R's of the homeowner's association.	Owner/Applicant	Concurrent with the installation of adjacent subdivision improvements Prior to issuance of building permits.	

Permit Condition Number	Conditions of Approval and/or Mitigation Measures and Responsible Entity 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)
	type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)	The lighting shall be installed in accordance with the approved lighting plan.	Owner/ Applicant	Prior to occupancy	
72.	<p>The use of best available control measures (BACMs) shall be required during grading and construction operations. BACMs that shall be incorporated into the project are described below.</p> <ul style="list-style-type: none"> On-site grading and construction activities will be limited to two-acres or less per day to ensure that thresholds for construction-related air impacts are not exceeded. During the grading and construction phase of the Project, the active grading and construction areas shall be watered at least twice daily or more often when conditions warrant. Frequency shall be based on the type of operation, soil and wind conditions. Haul trucks shall maintain a minimum of 6 inches of freeboard and either be covered or sprinkled with water in such a manner that visible dust will not be emitted during transportation and debris will not be split on to public roadways. 	<p>This mitigation measure shall be placed as a note on the grading plans and subdivision improvement plans.</p> <p>The Applicant shall submit a plan to the Director of PBI for review and approval, demonstrating how the best available control measures for controlling PM10 emissions will be implemented during grading and construction.</p> <p>Contractor shall be responsible for implementing the approved plan to ensure control of PM10 emissions during construction.</p>	Owner/ Applicant / Contractor	On-going during grading & construction	

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, at certified professional's required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
	MM 3-1 cont.	<ul style="list-style-type: none"> • Pave, apply water three times daily or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. • Sweep daily all paved access roads, parking areas and staging areas at construction sites. • Sweep streets daily if visible soil material is carried onto adjacent public streets. • Hydrosseed or apply non-toxic soil stabilizers to inactive construction areas. • Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles such as dirt, sand, etc. • Limit traffic speeds on unpaved roads to 15 miles per hour. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. • All exit points to the site used by construction vehicles shall be lined with clean gravel or cobblestones so that debris can be removed. The gravel or cobblestone beds shall be maintained and adjacent roadways shall be kept clean of tracked materials using street sweepers. If necessary, wheels of vehicles exiting the site shall be washed to ensure that debris is not tracked on to roadway. • Suspend grading activities when winds exceed 25 miles per hour (mph) and visible dust clouds cannot be prevented from extending beyond active construction areas. 	See Previous Page	Owner/ Applicant/ Contractor	On-going during grading & construction	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Action 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)
	MM 3-1 cont.	<ul style="list-style-type: none"> Post a publicly visible sign at the Project site which specifies the telephone number and person to contact regarding complaints related to air pollution. This person shall respond to complaints and take necessary corrective actions within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall be visible on the sign to ensure compliance with Rule 402 (Nuisance). Limit the area subject to excavation, grading and other construction activity at any one time. <p>This mitigation measure shall be placed as a note on the grading plans and subdivision improvement plans.</p>	See Previous Page	Owner/ Applicant/ Contractor	On-going during grading & cons- truction	

Permit Condition Number	Mitigation 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 (name/date)
73.	MM 3-2	<p>In order to reduce diesel particulate emissions from onsite construction equipment, the following measures shall be incorporated into the project:</p> <ul style="list-style-type: none"> • Use off-road construction equipment, manufactured during or after 2003. • Use off-road construction equipment, manufactured during or after 1996 or use biodiesel. • Retrofit off-road construction equipment older than 2003 with diesel oxidation catalyst filters. • Properly maintain all construction equipment. • Minimize equipment idling times to 5 minutes or less. <p>This mitigation measure shall be placed as a note on the grading plans.</p>	<p>This mitigation measure shall be placed as a note on the grading plans.</p> <p>The Applicant shall submit a plan to the Director of PBI for review and approval, demonstrating how the equipment meets the emissions standard.</p> <p>Contractor shall maintain equipment in order for the equipment to meet the emissions standard.</p> <p>Equipment operators shall minimize idling times to 5 minutes or less.</p>	Owner/Applicant/Contractor	Prior to issuance of grading permits and On-going during grading & construction	
74.	MM 6-1	<p>Spread footings (constructed in native soil) shall be constructed a minimum 12 inches below finished inside building pad (soil) grade for one-story buildings and 18 inches below finished inside building pad (soil) grade for two-story buildings, measured from the low side of the footing, and continuous footings shall be reinforced with two #4 reinforcing bars placed near the bottom of the footing.</p>	<p>This mitigation measure shall be placed as a note on the foundation plans. The Applicant shall submit foundation plans from a Registered Civil Engineer to the Building Division of the Planning and Building Inspection Department for review and approval.</p>	Owner/Applicant	Prior to issuance of Grading Permits	

Permit Code Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party/Use Department	Compliance or Monitoring Actions to be performed. Where applicable, identify responsibilities and the action to be completed.	Responsible Party for Compliance	Timing	Verification of Compliance (date/rate)
75.	MM 6-2	Foundation excavations shall be flooded with three to four inches of water at least 24 hours prior to pouring concrete, and subgrade for building slabs and foundations shall be brought to the plastic limit range of moisture (9% to 11%) for a depth of at least eight inches prior to pouring concrete. No standing water shall be allowed to remain in the footing during concrete pour.	This mitigation measure shall be placed as a note on the foundation plans. The Building Division of the Planning and Building Inspection Department shall inspect the project site for compliance.	Owner/ Applicant	At least 24 hours prior to concrete pour	
76.	MM 6-3	Concrete floor slabs-on-grade shall be at least 5 inches thick and shall be reinforced with a minimum of #3 steel rebar placed 18 inches on center, each way or #4 steel rebar placed 24 inches on center, each way; rebar shall be bent a minimum of eight inches into the perimeter footings.	This mitigation measure shall be placed as a note on the foundation plans. The Applicant shall submit foundation plans from a Registered Civil Engineer to the Building Division of the Planning and Building Inspection Department for review and approval.	Owner/ Applicant	Prior to issuance of Building Permits	
77.	MM 6-4	Prior to placing aggregate base, the subgrade soil for driveways shall be brought to at least 3% over optimum moisture for a depth of eight inches.	This mitigation measure shall be placed as a note on the foundation & building plans. The Building Division of the Planning and Building Inspection Department shall inspect the project site for compliance.	Owner/ Applicant	Prior to issuance of Building Permits	
78.	MM 8-1	WR47 - WASTE MANAGEMENT PLAN The applicant shall provide the Water Resources Agency a Construction Site Waste Management Plan prepared by a registered civil engineer that addresses the proper disposal of building materials and other construction site wastes including, but not limited to, discarded building materials; concrete truck washout, chemicals, litter and sanitary wastes. The Site Waste Management Plan must also address spill prevention, control and clean up of materials such as petroleum products, fertilizers, solvents, pesticides, paints and cleaners. (Water Resources Agency)	Submit the plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	

Permit Cont Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance of Monitoring Actions to be Performed Where applicable (certified professional required by action table approval)	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
79.	MM 8-2	WR8 - COMPLETION CERTIFICATION The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency) Documentation shall be provided to show that the residences located along the San Juan Grade Road frontage (lots 5 through 14 inclusive) meet the interior noise standard of 45 dBA CNEL with the windows closed. Where the interior noise levels would not be less than 45 dBA CNEL, the documentation shall identify architectural or other measures to be taken to assure that interior noise levels will not exceed 45 dBA. If the interior noise standard of 45 dBA CNEL cannot be met, the lots shall be eliminated.	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan. Applicant shall submit evidence from a licensed Acoustical Engineer that the residences along the San Juan Grade Road frontage meet the interior noise standard of 45 dBA CNEL with the windows closed. If the residences cannot meet the interior noise standard, the documentation shall identify architectural or other measures to be taken to assure that interior noise levels will not exceed 45 dBA. If the interior noise standard of 45 dBA CNEL cannot be met, the lots shall be eliminated.	Owner/ Applicant/ Engineer/ Contractor	Prior to final inspect- ion	
80.	MM 11-1	Documentation shall be provided to show that the residences located along the San Juan Grade Road frontage (lots 5 through 14 inclusive) meet the interior noise standard of 45 dBA CNEL with the windows closed. Where the interior noise levels would not be less than 45 dBA CNEL, the documentation shall identify architectural or other measures to be taken to assure that interior noise levels will not exceed 45 dBA. If the interior noise standard of 45 dBA CNEL cannot be met, the lots shall be eliminated.	Applicant shall submit evidence from a licensed Acoustical Engineer that the residences along the San Juan Grade Road frontage meet the interior noise standard of 45 dBA CNEL with the windows closed. If the residences cannot meet the interior noise standard, the documentation shall identify architectural or other measures to be taken to assure that interior noise levels will not exceed 45 dBA. If the interior noise standard of 45 dBA CNEL cannot be met, the lots shall be eliminated.	Owner/ Applicant	Prior to Filing the Final Map	

Permit Code Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Fund 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)
81.	MM 11-2	Documentation shall be provided to show that the 6-foot block wall constructed along the southeastern property line reduces exterior noise to a level that the residences located along the southeastern property line (lots 57, 58, and 74-83 inclusive) meet the interior noise standard of 45 dBA CNEL with the windows closed. Where the interior noise levels would not be less than 45 dBA CNEL, the documentation shall identify architectural or other measures to be taken to assure that interior noise levels will not exceed 45 dBA. If the interior noise standard of 45 dBA CNEL cannot be met, the lots shall be eliminated.	Applicant shall submit evidence from a licensed Acoustical Engineer that the 6-foot block wall constructed along the southeastern property line reduces exterior noise to a level that the residences meet the interior noise standard of 45 dBA CNEL with the windows closed. If the residences cannot meet the interior noise standard, the documentation shall identify architectural or other measures to be taken to assure that interior noise levels will not exceed 45 dBA. If the interior noise standard of 45 dBA CNEL cannot be met, the lots shall be eliminated.	Owner/ Applicant	Prior to Filing the Final Map	
82.	MM 11-3	The applicant shall ensure that noise generating construction activities are limited to Monday through Friday between the hours of 7:00 am and 7:00 pm, and Saturdays between 8:00 am and 5:00 pm. Noise generating construction is not allowed on Sundays or County holidays.	The Applicant shall restrict noise-generating construction activities to Monday through Friday between the hours of 7:00 am and 7:00 pm, and Saturdays between 8:00 am and 5:00 pm to the satisfaction of the Director of the Planning and Building Inspection Department.	Owner/ Applicant/ Contractor	On-going	
83.	MM 11-4	The applicant shall ensure that all construction equipment operated on the project site shall be equipped to limit noise generation to a maximum of 85 decibels 50 feet from the source. If the equipment does not meet the noise standard, work shall be stopped until that equipment is removed or is equipped to meet noise standards.	Applicant shall submit evidence acceptable to the Director of PBI that the equipment operated on the project site does not exceed the County Noise Standard of 85 decibels, 50 feet from the source.	Owner/ Applicant/ Contractor	On-going	

Permit Condition Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Action to be performed. Where applicable a certified professional's requirement action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Mileposts)
84.	MM 11-5	Prior to the commencement of construction activities, the applicant shall post a publicly visible sign that specifies the project construction noise mitigation measures, the telephone number of the on-site contractor and telephone number of the person to contact regarding noise complaints. This contact person shall respond to complaints and take corrective action within 24 hours. The telephone number of Monterey County Planning and Building Inspection Department shall be posted on the sign.	Applicant shall submit evidence acceptable to the Director of PBI that the required sign has been visibly posted.	Owner/Applicant	Prior to Start of Construction Activities	
85.	MM 15-1	Prior to the issuance of building permits, the applicant shall pay the appropriate fair share contribution of the costs of the installation of a traffic signal at the San Juan Grade Road/Rogge Road Intersection (\$37,950) and the left turn channelization on San Juan Grade Road at Crazy Horse Canyon Road (\$28,090).	Submit evidence to the satisfaction of Monterey County Public Works that the appropriate fees have been paid.	Owner/Applicant	Prior to Issuance of First Building Permit	
86.	MM 15-2	Prior to the issuance of building permits, the applicant shall pay the appropriate Transportation Agency of Monterey County (TAMC) Regional Development Impact Fee and City of Salinas traffic impact fees.	Submit evidence to the satisfaction of Monterey County Public Works that the appropriate fees have been paid.	Owner/Applicant	Prior to Issuance of First Building Permit	
87.	MM 15-3	The applicant shall have plans and specifications prepared by a Registered Civil Engineer, dedicate required right of way, obtain an encroachment permit from the Department of Public Works, provide bonding to ensure construction and construct the following improvements: a. Install curb, gutter and sidewalk, including one-way driveway, along the frontage of San Juan Grade Road and widen San Juan Grade Road to provide	The applicant's engineer shall prepare improvement plans for the approval of the Department of Public Works and applicant shall provide bonding to ensure construction of the improvements. Dedication of any required right-of-way shall be done on the final map.	Owner/Applicant	Prior to Recording of Final Map	

Permit Cond Number	Mitg. 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)
	MM 15-3 cont.	<p>for four through lanes, left turn channelization at the intersection with Rogge Road, two Class 2 bike lanes and a bus stop.</p> <p>b. Install curb, gutter and sidewalk, including one driveway, along the frontage of Rogge Road and widen Rogge Road to provide for two through lanes, left turn channelization and two Class 2 bike lanes.</p> <p>Applicant shall be responsible to obtain all required permits and environmental clearances for the above improvements.</p>	<p>Following recordation of the final map, applicant shall obtain an encroachment permit and construct the required improvements.</p>	Owner/ Applicant	Bonds provided prior to recordation of the final map. Improvements completed in accordance with the Subdivision Improvement Agreement	

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MAY 12 2006

MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.

**Before the Board of Supervisors
County of Monterey, State of California**

Resolution No. 06-091

Resolution of the Board of Supervisors)
 approving the Affordable Housing Program)
 for the Commons at Rogge Road (**The**)
Commons at Rogge Road – PLN030065))
 APNs 211-012-002-000 and 211-012-040-)
 000; located at 1001 A-E & 1003 Rogge)
 Road, Salinas, in the Greater Salinas Valley)
 Area.)

The Board of Supervisors makes this resolution with reference to the following facts:

I. RECITALS

1. On October 28, 2003, the Monterey County Board of Supervisors designated the Commons at Rogge Road (PLN030065) ("Project") as a pilot project for the preparation of a Affordable/Workforce Housing Developer Incentive Program.
2. On January 24, 2006, the Monterey County Board of Supervisors received a presentation on the Commons at Rogge Road Project, which included a summary of the affordable housing program, and preliminarily endorsed the concepts presented.
3. On November 4, 2003, the Board of Supervisors adopted a Housing Element for the planning period of 2002-2008, which the State Department of Housing and Community Development have certified as being in compliance with State law. The Housing Element responds to the Association of Monterey Bay Area Governments' formulated Regional Housing Needs Allocation plan for the region. To that end, the Housing Element calls for the development of 2,511 new housing units by 2008, with at least 821 units affordable to very-low income households; 608 to low income households, 937 to moderate income households, and 145 market rate homes. The Project provides 171 housing units towards meeting the Regional Needs Allocation.
4. The County's Housing Element sets as a goal the provision of increased housing supply in areas that can be served with regional infrastructure and are in close proximity to job locations. The Housing Element also contains programs aimed at encouraging major employers to produce housing and at producing more multi-family housing. The Commons at Rogge Road is located in a generally urbanized area close to services, schools, and major employment centers. The Project proposes a mixed

- residential development of 171 consisting of both single-family for sale and rental units affordable to very-low, low, moderate, and workforce income level households, and therefore advances the Housing Element's goals.
5. On January 24, 2006, the Board of Supervisors approved the 2006 Monterey County Annual Housing Report, which stresses that the lack of affordable housing is one of the most critical issues currently facing Monterey County. The 2006 Annual Housing Report also includes a priority of implementing an Affordable/Workforce Housing Incentive program, citing the Commons at Rogge Road as a pilot project for the purpose of preparing the program.
 6. Pursuant to Government Code section 65915 (state density bonus law), the applicant has proposed, as a concession /incentive for production of affordable housing units, that applicant be granted 13.8 inclusionary housing credits to be utilized in a future project(s). Under the state density bonus law, the level of affordability of the project entitles developer to two incentives or concessions if the concessions result in identifiable, financially sufficient, and actual cost reductions. The provision of the proposed credits is justified in this particular case because of the excess number of deed-restricted inclusionary housing units and the controlled pricing and affordability of the remainder of the units in the Project. The Project provides 13.8 units more deed-restricted housing for very low, low, and moderate income households than is required under the County's inclusionary housing ordinance (Chapter 18.40 of the Monterey County Code), and the Project also provides a controlled pricing structure for the remainder of the units such that the initial sales prices of the non-inclusionary units will be affordable to moderate, Workforce I, and Workforce II households. Because the credits enable the developer to afford this level and degree of affordability in this Project, the credits in this particular case qualify as a concession under Government Code section 65915. The use of such credits for any specific future project will be subject to future evaluation and approval by the appropriate decision-maker.
 7. Concurrent with the adoption of this Resolution, the Board of Supervisors approved the Project based on Findings and Evidence in said approval (PLN030065) which Findings and Evidence are incorporated herein by this reference.

II. DECISION

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors hereby:

1. Approves the Affordable Housing terms for the Commons at Rogge Road project contained in Attachment 1; and
2. Grants 13.8 Inclusionary Housing credits to the Don Chapin Company and its affiliates, as specified in Attachment 1, provided that the use of aforementioned credits for any specific project will be subject to appropriate environmental review and approval by the

- appropriate decision-maker, pursuant to Section 18.40.050B of the Monterey County Code; and
3. Directs staff to prepare an Affordable Housing Developer Agreement and an Inclusionary Housing Developer Agreement ("Agreements") consistent with the terms contained in Attachment 1; and.
 4. Authorizes the Director of the Resource Management Agency or his designee to execute said Agreements.

PASSED AND ADOPTED on this 28th day of March, 2006, upon motion of Supervisor Armenta, seconded by Supervisor Calcagno by the following vote to wit:

AYES: Supervisors Armenta, Calcagno, Lindley, Potter and Smith

NOES: None

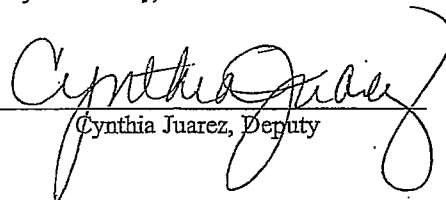
ABSENT: None

I, Lew C. Bauman, Clerk to the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered into Minute Book 73, on March 28, 2006

Dated: May 1, 2006

Lew C. Bauman, Clerk of the Board of Supervisors,
County of Monterey, State of California

By


Cynthia Juarez, Deputy

ATTACHMENT 1

THE COMMONS AT ROGGE ROAD AFFORDABLE HOUSING TERMS

March 28, 2006

Approval of the Commons at Rogge Road shall require that the applicant enter into two agreements with the County, an Inclusionary Housing Developer Agreement and an Affordable Housing Developer Agreement. The Inclusionary Housing Developer Agreement will set forth the requirements for providing the 48 rental units consistent with the County's adopted Inclusionary Housing Program. The Affordable Housing Developer Agreement will set forth the requirements for providing the 123 affordable single-family residential units in the project. The Agreements shall be consistent with the following terms:

A. Number of units and affordability levels:

Levels of Affordability	Definition*	Number of Units
Very Low (inclusionary)	Household that makes less than 50% of the median income for the area	15
Low (inclusionary)	Household that makes 50% to 70% of the median income for the area	15
Moderate (Inclusionary)	Household that makes 70% to 110% of the median income for the area	18
Moderate (SFD)	Household that makes 70% to 110% of the median income for the area	19
Workforce I (SFD)	Household that makes 110% to 140% of the median income for the area	59
Workforce II (SFD)	Household that makes 140% to 180% of the median income for the area	45

*Median Income to be determined at the time of sale or rental of the units.

B. Inclusionary Credits:

The project is subject to the County's Inclusionary Housing Ordinance (#04185), as codified in Chapter 18.40 of the County Code. The Inclusionary Ordinance requires that the project contribute a minimum of 20% (34.2 units) of the total number of units in the project as Inclusionary. Further the Ordinance requires that the 20% consist of 6% very low, 6% low and 8% moderate income units. For each Inclusionary unit provided in excess of the aforementioned 20% contribution requirement, the Don Chapin Company or its affiliates will receive a 1:1 inclusionary housing credit equaling a total of 13.8 credits, of which 4.74 will be for very low income, 4.74 for low income and 4.32 for moderate income level units. The credits would only be transferable to any project or projects proposed to be developed within the unincorporated areas of Monterey County in the future by the Don Chapin Company or its affiliates, provided that the use of those credits will be subject to appropriate environmental review and specifically approved by the Appropriate Authority, as part of the approval for the project or projects for which the credits are being used, pursuant to Section 18.40.050.B (as an "unusual circumstance") of the County's Inclusionary Housing Ordinance.

C. Selection and qualifying of initial buyers:

The Project applicant shall market and select buyers for the 123 single family units in accordance with all applicable state and federal Fair Housing Laws. Prior to the close of any sales of the units, the developer shall submit documentation to the County demonstrating that the developer or developer's designee has verified that the incomes of the selected initial buyers comply with the approved affordability levels for the project.

D. Subsequent Agreements and affordability restrictions for single-family units:

Initial and subsequent buyers of the 123 single family units will be required to enter into an Affordable Housing Homeowner Agreement with Monterey County Work Force Housing, Inc. ("MCWFH"). This agreement will restrict the re-sale values of the homes through a shared appreciation program consistent with the terms herein, established via CC&Rs for the project. The Homebuyer Agreement shall allow initial and subsequent buyers to sell their home at any time, and shall allow an increase in the sales price up to¹ a maximum of 5% per year based on the original sales price for the home. For each year the buyer remains in the house, the buyer's share in the appreciation in the house will increase gradually (10% per year). For example if the buyer sells at the end of year one, he would receive 10% of the 5% appreciation, minus applicable fees and administrative costs.² The MCWFH would get the balance (e.g. 90%) share of appreciation upon resale to a pre-qualified buyer.³ If the buyer sells at the end of year two, the buyer's share in appreciation would have increased to 20% of the 10% appreciation in the value of the home, with 80% of the 10% accruing to the MCWFH. If the buyer remains in the home for ten years, they would fully vest in the above described allowed appreciated value of the home and can then sell to another qualified buyer at the maximum sales price. This subsequent sales price restriction (i.e., 5% appreciation/yr.) would remain in place for twenty years with the original owner and would run with the land. If the original owner sells before the expiration of the twenty-year term, the subsequent owner would be subject to the same terms, and the sales price restriction upon that buyer would commence anew and remain in place for a new twenty-year period.⁴ This program will be overseen and implemented by the MCWFH. Provided that the initial sales prices are affordable to Moderate, Workforce I and Workforce II consistent with the Project approval and such sales prices are acceptable to the County, MCWFH may amend the other terms of the shared appreciation program.

In the event of a sale of a unit or default by the buyer, if the lender, with first priority mortgage rights, forecloses, the MCWFH will be given a right of first refusal to purchase the home and satisfy the debt so the home can be resold as affordable consistent with the appreciation program.

Buyers will be allowed to make capital improvements to their homes, and enjoy 100% of the increased value such improvements bring to the home upon resale, subject to such improvements first obtaining County permits of the same and documentation of value. In addition, in order to take advantage of such increased value the initial cost of such improvements must be at least one percent (1%) of the original purchase price.

E. Project Status Reports:

The project developer or designee shall provide the County with annual status reports for three years, in a form acceptable to the County, starting not later than one year from the date of the last sale of the single family units which documents the initial sales prices of units sold and sales prices from any re-sales, and specifies the amount of funds accruing to MCWFH from the appreciation sharing component of the program.

¹ Any increase in sales price is dependent on the "market" value of the unit. If the market value of the unit is less than the 5%/yr. appreciation allowance then the appreciation shall be limited to the market value only. Measurement of appreciation shall be determined by MCWFH and may relate to an index such as Association of Realtors median home price appreciation in the Greater Salinas Area. 5% annual appreciation is NOT A GUARANTEE return to unit purchasers.

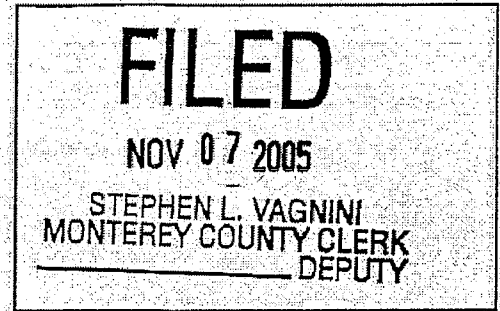
² Upon resale an administrative fee equal to 3% of the sales price will be due to MCWFH. Said fee will be waived to the extent the amount is otherwise collected by MCWFH by way of MCWFH's share of appreciation upon resale.

³ Following the initial sale, the MCWFH will be responsible for qualifying and screening buyers and will determine criteria regarding the same. MCWFH shall also have a right of first refusal to purchase the home for subsequent resale. County moderate and workforce re-sale pricing criteria will not necessarily apply to second buyers.

⁴ The original owner may devise the home via any legal method of testamentary succession, but the devisee will still be bound by the original owner's twenty-year restriction.

FILE COPY

County of Monterey, State of California
**MITIGATED NEGATIVE
DECLARATION**



Project Title: THE COMMONS AT ROGGE ROAD
File Number: PLN030065
Owner: BLOHM ROAD JOINT VENTURE
440 CRAZY HORSE CYN RD
SALINAS CA 93907

Project Location: 1001 A-E & 1003 ROGGE RD SALINAS
Primary APN: 211-012-002-000-M
Project Planner: LAURA LAWRENCE
Permit Type: Standard Subdivision

Project Description: COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) AN AMENDMENT TO THE CENTRAL SALINAS AREA PLAN LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL (TWO UNITS PER ACRE) TO HIGH DENSITY RESIDENTIAL (15 UNITS PER ACRE); 2) A ZONING RECLASSIFICATION FROM MEDIUM DENSITY RESIDENTIAL, TWO UNITS / ACRE (MDR/2) AND FARMLANDS, 40 ACRES / UNIT (F/40) TO HIGH DENSITY RESIDENTIAL, 15 UNITS PER ACRE (HDR/15); STANDARD SUBDIVISION VESTING TENTATIVE MAP TO DIVIDE TWO EXISTING LOTS OF RECORD INTO 126 LOTS OF VARYING SIZE, CONSISTING OF 123 SINGLE-FAMILY RESIDENTIAL LOTS; ONE APARTMENT LOT CONSISTING OF 48 ATTACHED UNITS; ONE PARK PARCEL AND ONE COMMON AREA PARCEL FOR STREETS, DRIVEWAYS, PUBLIC UTILITIES AND OPEN SPACE; AND A USE PERMIT FOR REMOVAL OF ONE LANDMARK OAK TREE, PARKING AND A RESIDENTIAL USE EXCEEDING 10 UNITS PER ACRE. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF SAN JUAN GRADE ROAD AND ROGGE ROAD, SALINAS AREA (ASSESSOR'S PARCEL NUMBER 211-012-002 AND 211-012-040), GREATER SALINAS AREA PLAN.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Project Title: THE COMMONS AT ROGGE ROAD
File Number: PLN030065
Owner: BLOHM ROAD JOINT VENTURE
440 CRAZY HORSE CYN RD
SALINAS CA 93907

Project Location: 1001 A-E & 1003 ROGGE RD SALINAS
Primary APN: 211-012-002-000-M
Project Planner: LAURA LAWRENCE
Permit Type: Standard Subdivision

Decision Making Body (check one):

- Planning Commission
 Zoning Administrator
 Board of Supervisors

- Subdivision Committee
 Chief of Planning Services
 Other: _____

Responsible Agency: County of Monterey
Review Period Begins: 11/08/2005
Review Period Ends: 12/07/2005

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2nd Floor, Salinas, CA (831) 755-5025

Date Printed: 11/07/2005

INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: The Commons at Rogge Road Combined Development Permit consisting of General/Area Plan Amendment, Zone Change, Standard Subdivision Vesting Tentative Map, and Use Permit for Parking, Tree Removal and Planned Unit Development Residential Use Exceeding 10 Units per Acre.

File No.: PLN030065

Project Location: 1001 A-E and 1003 Rogge Road

Name of Property Owner: Blohm Road Joint Venture

Name of Applicant: Don Chapin, Managing Partner

Assessor's Parcel Number(s): 211-012-002 and 211-012-040

Acreage of Property: Approximately 12.5 acres

General Plan Designation: **Existing:** Medium-Density Residential (2 units/ac) and Farmlands
Proposed: High-Density Residential (15 units/acre)

Zoning District: **Existing:** MDR/2 (Medium-Density Residential, 2 units per acre) and F/40 (Farmlands, 40 acres per unit)
Proposed: HDR/15 High Density Residential

Lead Agency: Monterey County Planning and Building Inspection Dept.

Prepared By: Laura M. Lawrence, R.E.H.S., Senior Planner

Date Prepared: November 8, 2005

Contact Person: Preparer

Phone Number: (831) 755-5148

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Project Description:

The project is a Combined Development Permit consisting of General/Area Plan Amendment, Zone Change, Standard Subdivision Vesting Tentative Map, and Use Permits to develop a 100% affordable housing development consisting of 171 dwelling units. This project is a pilot project under the Affordable Housing Developer Incentive Program proposed by the Board of Supervisors. The project will be located at the northeast corner of Rogge Road and San Juan Grade Road, east of the City of Salinas, in unincorporated Monterey County. The site is approximately 12.5 acres. On the southwest side of the property, approximately 2.5 acres of the project site is developed with one 1920's-era craftsman bungalow, a barn, equipment shed, garage/storage sheds, two small cabins and two other single-family dwellings. The two remaining dwelling units are a double-wide mobile home and a single family dwelling built in the late 1960's or early 1970's. These structures are proposed to be demolished to make way for the project. The remaining 10 acres of the site is or has been under strawberry cultivation.

Out of the 171 units proposed, 123 will be detached, for-sale, single-family dwellings and 48 will be attached rental apartments. Overall density is approximately 14 units per acre. Water is to be supplied by California Water Service Company. Sewage disposal is to be provided by connection to the City of Salinas public sewer. Below is the project affordability profile:

Rogge Road Village: Affordable Housing Profile			
Levels of Affordability	Definition	Percent of Project	Number of Units
Very Low (inclusionary)	Household that makes less than 50% of the median income for the area	6.4	11 ¹
Low (inclusionary)	Household that makes 50% to 70% of the median income for the area	6.4	11 ¹
Moderate (inclusionary)	Household that makes 70% to 110% of the median income for the area	15.2	26 ^{1,2}
Moderate SFD	Household that makes 70% to 110% of the median income for the area	21.1	36 ³
Workforce I SFD	Household that makes 110% to 140% of the median income for the area	23.4	40 ³
Workforce II SFD	Household that makes 140% to 180% of the median income for the area	27.5	47 ³

The project will require a General Plan amendment and rezoning of the project site. The Greater Salinas Area Plan (a part of the Monterey County General Plan) and the Zoning Ordinance

¹ Inclusionary per Monterey County Code Chapter 18.40

² Includes 13.8 unit inclusionary housing credit for use by Don Chapin or affiliates on projects elsewhere in Monterey County of Monterey

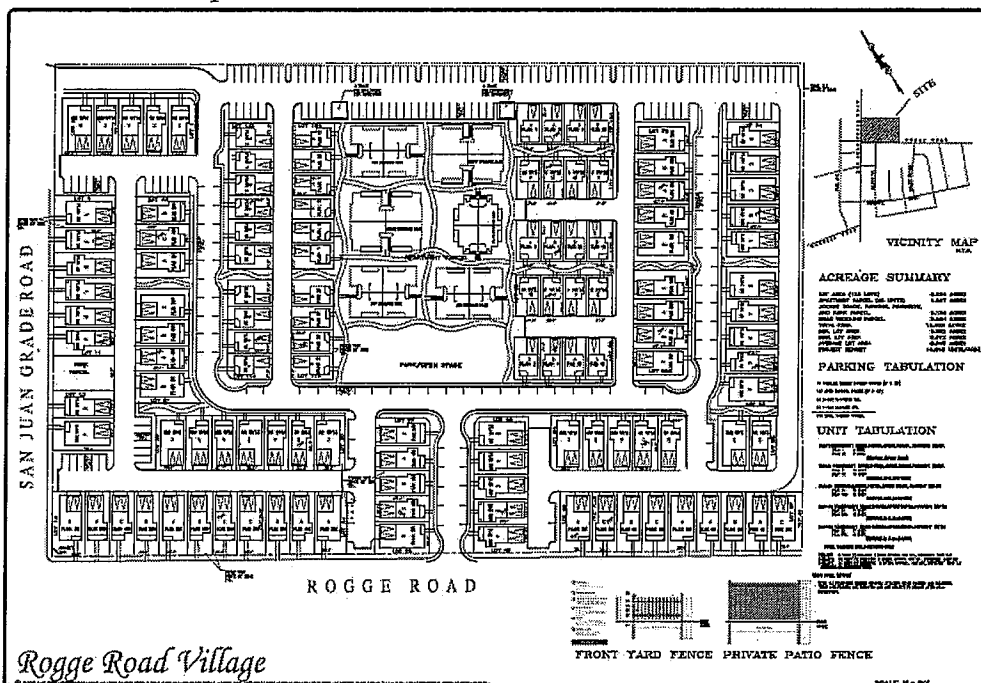
³ Actual mix of non-inclusionary units (Moderate, Workforce I, and Workforce II) may vary depending upon qualifying criteria, family size, etc.

currently designate the site as Medium Density Residential (2 units per acre) and Farmland (40 acres/unit). The project will change the General/Area Plan designation and zoning to High Density Residential, 15 units per acre.

The application also consists of a Standard Subdivision Vesting Tentative Map to subdivide 2 existing lots into 126 lots consisting of 123 single-family residential lots, one apartment lot, one park parcel and one common area parcel for streets, driveways, public utilities and open space. Use Permits are required to modify the required parking spaces, for the removal of one landmark oak tree and because proposed planned unit development residential use exceeds 10 dwelling units per acre.

Site Plan

The project site is bordered by San Juan Grade Road to the northwest and Rogge Road to the southwest. Driveway access to both streets is proposed. The attached multi-family units will be situated in the middle of the site, surrounded on three sides by the detached, for sale units. Apartment units will range in size from one to three bedrooms, and the detached units will be three to four-bedrooms, and range in size from 1,095 to 1,518 square feet. Lot sizes will range from 1,394 square feet to 3,136 square feet. Dwelling units along the street frontages will face onto the street. The setbacks deviate from the development standard in order to achieve the necessary density to make the project economically feasible. Front setbacks for interior units are five feet, but are 15 feet for outer, street-facing units. Side setbacks vary from three to five feet, and rear setbacks are five feet. As part of the overall open-space component of the project, a 0.297-acre, 209' x 62', open space/recreation/multi-use area is proposed on the apartment parcel, at the center of the development.



All detached units will incorporate one or two covered parking spaces (carport), served by alleys. Open parking for the attached units will be located along the apartment lot boundary and the northeast property line. Open parking for the detached units will be located along the interior primary roads and along the northeast property line. Interior primary roads allow for two lanes

of traffic and allow for street parking on one or both sides. Alleys are two-way, with no parking lanes.

Architecture

Detached units will be two-story and incorporate a combination of lap and stucco siding, with hipped roofs. Front porches will be included on all detached units. Windows will be single-hung. Additionally, the same siding, windows and the roof style incorporated on the detached units will be repeated on the two-story apartment buildings.

Parks and Recreation

The park and recreation facilities proposed by the Applicant are presented in the Park & Playground Conceptual Plan from Snow Consulting, dated February 7, 2005. This Conceptual Plan is comprised of three components: 1) Playground Submittals for the Commons from Ross Recreation Equipment Company, Inc., dated 1/19/04, 2) updated Park and Open Space Areas plan sheet from LandSet Engineers, dated 2/1/05, and 3) detail sheet of recreational facilities from Landscape Structures, dated 1/17/05. The total amount of parkland required for this development is 1.4 acres. The project proposed includes 0.559 acres of parkland and open space areas. The Applicant proposes to satisfy the remaining portion of the requirement pursuant to Monterey County Code 19.12.010.

Other Improvements

The Public Works Department has required, as conditions of approval, the following traffic improvements:

- a. Fair share contribution toward future traffic signalization at the intersection of San Juan Grade Road and Rogge Road.
- b. Install curb, gutter and sidewalk, including one driveway, along the project frontage on San Juan Grade Road and widen San Juan Grade Road to provide for four through lanes, left turn channelization, two Class 2 bike lanes and a bus stop.
- c. Install curb, gutter and sidewalk, including one driveway, along the project frontage on Rogge Road and widen Rogge Road to provide for two through lanes, left turn channelization and two Class 2 bike lanes.

As an additional safety improvement, the applicant proposes to construct a mid-block, lighted crosswalk on Rogge Road to provide safe pedestrian access to the school located across Rogge Road.

Grading

The property generally slopes from southeast to northwest, toward San Juan Grade Road, with an elevation difference ranging from 10 to 15 feet from the lower to higher elevations. Project grading will generally follow the existing natural grade, but will lower the grade in the northwest half by two to four feet to construct building pads. Approximately 74,000 cubic yards will be cut

from this area and exported off-site. As a result of the grading, building pads will be approximately six feet above the street grade at the intersection of San Juan Grade Road and Rogge Road. This height differential diminishes to approximately two feet at the north corner of the site along San Juan Grade Road and the south corner along Rogge Road, as illustrated on the next page.

B. Environmental Setting and Surrounding Land Uses:

The project site is within a suburban / agricultural interface area, and is bordered across San Juan Grade Road by a single-family neighborhood and across Rogge Road by a commercial center and school. A church exists adjacent to the northwest boundary of the site and agricultural fields and school bus yard adjacent to the southeast border. (Source: 1, 32)

The approved Rancho San Juan Specific Plan area is in the vicinity of the project site. The Specific Plan area includes 4,000 residential units, including the 1,077 residential units in the approved Butterfly Village project. The City of Salinas boundaries are near the project site. The City of Salinas projects a future population of 69,287 additional people, and an increase of approximately 18,397 residential units. (Source: 23, 43)

Aesthetic Values

The project site is developed with seven single-family residences, several out buildings and contains two mature oak trees. One tree is proposed to be retained in the project on the designated park parcel. The other tree is in the future San Juan Grade right-of-way and will be removed to make way for the proposed frontage improvements. The residence most visible from the road intersection is Craftsman in style and has not been significantly altered. The barn has deteriorated over the years due to neglect. The equipment shed, garage/storage sheds, two small cabins and two other single-family dwellings have been altered from their original character over the years. The two remaining dwelling units are a double-wide mobile home and a single family dwelling built in the late 1960's or early 1970's. Any remaining aesthetic value of the farmstead has been compromised by the surrounding new housing, school, church and commercial uses. (Source: 10, 32)

Biological Resources (flora / fauna)

Two mature oaks exist on the site, in addition to various other trees. Remaining landscaping in the developed area of the parcel has been introduced or is comprised of seasonal grasses. The

remainder of the property is in strawberry cultivation. Because the parcel is in agricultural production and is developed for residential uses, no known biological resources or endangered species are known to exist on the project site. (Source: 1, 32)

Geology / Soils

The project site is classified within a moderately low geologic hazard area by the Greater Salinas Area Plan. According to the soils report prepared for the project, no known faults have been mapped or projected through the site. The Zayante-Vergeles Fault, the closest known fault, is 5.5 miles north of the site. The nearest active fault, the San Andreas Fault, is 9.1 miles northeast of the project site. (Source: 2, 19)

Near surface native soils at the site tend to be slightly to moderately expansive and the deeper soils underlying the project site were found to be dense to very dense sands. Residential construction is feasible on these soils, provided the foundation design recommendations in the project geotechnical report are followed. (Source: 19)

Agricultural Resources

The project site is currently zoned as both Medium Density Residential and Farmland. Approximately 10-acres of the 12.5-acre parcel are designated as prime farmland by the Greater Salinas Area Plan and by the California Department of Conservation Farmland Mapping and Monitoring Program, and are presently in strawberry cultivation. The parcel is not under a Williamson Act Contract. A church, residential development, a school district bus barn, a small commercial shopping center and an elementary school border or are in close proximity to the site. The current farming activities are incompatible with these residential and commercial uses. Strawberry cultivation typically requires the use of fumigants as part of the operations. Maintaining the agricultural uses on the project site would require extra care and buffer zones from these uses when using fumigants. A portion of the parcel southeast of the project site is currently under strawberry and tomato cultivation. The proposed residential uses may be exposed to noise, dust and the use of fumigants. (Source 1, 30, 31, 32, 34)

While the proposal would convert prime farmland and conflict with existing zoning for agricultural use, the approval of the proposal would eliminate the zoning conflict. Given the size of the cultivated area, 10-acres, and the fact that the subject location is surrounded by urban uses, the continued viability of the parcel as a productive working farm is low. (Source: 1, 2, 30, 31)

Cultural Resources

The historical report prepared for the project evaluated the property for its significance as a historic, cultural and architectural resource. According to the historical report prepared for the property the original use of the property was an early 20th Century farmstead. The historical integrity of the farmstead, however, has been compromised by the significant amount of surrounding newer housing and commercial uses. Based on National, State and County criterion, the property does not meet any of the criteria for event, person or design and, therefore, is not considered a historic resource. (Source: 10)

The project site is located in an area of "low" archaeological sensitivity, according to County resource maps. No known archaeological sites are recorded within one kilometer of the project

site. The project area lies within the currently recognized ethnographic territory of the Costanoan (often called Ohlone) linguistic group. Factors & materials which influence the location habitation, gathering and processing areas of the group were not noted on the project site during the archaeological survey. The project will not directly or indirectly destroy a unique paleontological resource, or disturb any human remains. (Source: 20)

Air Quality

Information on air quality is obtained from the 2004 Air Quality Management Plan for the Monterey Bay Region and 2004 CEQA Air Quality Guidelines. The project site is located within the North Coast Central Air Basin (NCCAB). The NCCAB is comprised of Monterey, Santa Cruz and San Benito Counties. Based on monitoring data from monitoring stations ozone concentrations exceeded State Ambient Air Quality Standards (AAQS) on 4 days in 2000, 3 days in 2001, 11 days in 2002 and 3 days in 2003. The majority of these violations occurred at the Pinnacles monitoring station, where the AAQS was exceeded on 15 days between 1999 and 2003. Ozone concentrations exceeded the federal 8-hour ozone standard on 1 day in 1999, 2 days in 2001, 5 days in 2002 and 2 days in 2003. All of these exceedances occurred at the Pinnacles monitoring station. The nearest air monitoring station to the project site is located approximately 2.5 miles to the south on Natividad Road in Salinas. This station reported only two days of PM-10 exceedances between 1999 and 2003. Air quality in the project area is therefore generally good. (Source: 4, 5, 6)

Hazards / Hazardous Materials

The project site is surrounded by Farmlands zoning on the northeast and southeast. Strawberries and tomatoes are currently being cultivated approximately 40 feet from the southeastern border of project site. Strawberry cultivation typically requires the use of fumigants as part of the operations. Placing residences adjacent to these agricultural uses would require extra care and buffer zones from these uses when using fumigants. The project, through construction or use, will not in itself create a hazard to the public or the environment through the release of hazardous materials. The project site is not located on a site that is included on a list of hazardous materials sites, but has been historically used for agricultural production. A Phase I Environmental Site Assessment, prepared by LandSet Engineers in January 2003, concluded that due to the long history of farming activities on the property, there is a significant chance that highly persistent organochlorine pesticides were applied and could remain in the farm field soil. A Phase II Environmental Site Assessment was prepared by LandSet Engineers on July 8, 2005. The soil samples analyzed demonstrated pesticide and heavy metal concentrations below the California Human Health Screening Levels (CHHSLs) for Residential Land Use. (Source: 1, 2, 18, 29, 35)

Hydrology / Water Quality

WATER USE

Water use on the project site is allocated for residential uses and strawberry cultivation. The applicant has provided the Monterey County Water Resources Agency (MCWRA) with documentation that the historic land use on site has been agricultural cultivation. According to the meter records from California Water Service Company, the seven existing residences utilize the equivalent of 2.58 acre-feet (AF) per year. Agricultural water use on the parcel has been difficult to quantify. Historically, the strawberries were furrow-irrigated, but were converted to drip irrigation two years ago. In addition, a report was submitted that quantified water use based upon the electric power consumption of the onsite irrigation well. From January 2002 to February 2003, the site used approximately 72 acre-feet of water for irrigation, or about 7.2 AF/year/acre of irrigated land. According to the Monterey County Cooperative Agricultural Extension, 4.0 AF/year/acre is a more customary quantity of applied water for furrow-irrigated strawberries in Northeast Salinas or 40.0 AF/year for the site. Monterey County Water Resources Agency has determined the water use factor for drip irrigated berries to be approximately 2.5 AF/year/acre or 25.0 AF/year for the site.

For the proposed residential uses and landscaping, the 123 single family dwellings will use an average of 0.3 AF/year per unit and the 48 apartments will use an average of 0.2 AF/year per unit. The total proposed water use is 46.5 AF/year. The project water use is summarized in the table below:

The Commons at Rogge Road	Power Use (7.2 AF/year/acre)	Average Use*** (AF/year/acre)	Furrow Irrigation (4 AF/year/acre)	Drip Irrigation (2.5 AF/year/acre)
Agricultural Water Use (for 10 acres)	72.0	56.0	40.0	25.0
Residential Water Use*	2.58	2.58	2.58	2.58
Total Historic Water Use	74.58	58.58	42.58	27.58
Proposed Water Use**	46.5	46.5	46.5	46.5
Difference	28.08	12.08	<3.92>	<18.92>

* Based on Cal Water Service records

** 0.3 AF/year for detached (123 units) and 0.2 AF/year for attached (48 units)

***Average of Power Use and Furrow Irrigation (Source: 24)

(Source: 1, 24, 25, 26, 32)

DRAINAGE

The easterly two-thirds of the property drain southwesterly to Rogge Road, then northwesterly along the road to its intersection with San Juan Grade Road and into the existing storm drain system. All but 0.472 acres of the westerly one-third of the property drain northwesterly to San Juan Grade Road, then southwesterly along the road to its intersection with Rogge Road and into the existing storm drain system. The northerly corner (0.472 acres) of the property drains to San Juan Grade Road, then northeasterly to an existing culvert that runs under the road and outlets into a drainage swale. The estimated undeveloped runoff from the site is 4.87 cubic feet per second (cfs) with the majority of the runoff (4.44 cfs) entering the existing storm drain system at Rogge Road and San Juan Grade Road. The remaining portion of the site (0.43 cfs) drains to the

culvert located on San Juan Grade Road. (Source: 28)

The drainage for the project will be collected in catch basins and conveyed by the storm drain system detention facilities to be installed under the open space area on the apartment parcel and under the parking area on the southwestern side of the project site. The detention facilities consist of a series of storage pipes that are designed to accommodate the difference between the 100 year developed runoff and the 10 year undeveloped runoff per MCWRA requirements. (Source: 28)

Land Use / Planning

Seven single-family dwellings exist on the property, and the remainder of the site (approximately 10 acres) is under strawberry cultivation. These uses are consistent with the Medium Density Residential and Farmlands zoning of the property. The parcels on the northeast and southeast sides of the property are also zoned Farmlands. The proposed general plan zone change from Medium Density Residential and Farmlands to High-Density Residential, 15 units per acre will accommodate the proposed project density of approximately 14 units per acre. This project is a pilot project under the Affordable Housing Developer Incentive Program proposed by the Board of Supervisors. In addition, the project qualifies for incentives under the State Density Bonus provisions, as codified in the California Government Code Section 65915 (b). The State Density Bonus provisions state that local land use agencies must provide density bonuses and/or incentives for qualified projects that supply a minimum of one of the following: 5% very low, 10% low, 10% moderate in a condo or PUD or a qualified senior's development. California Government Code Section 65915 (l) defines incentives to include, among other things, a reduction in site development standards or a modification of zoning code requirements including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces. As a result, the elements of the project deviate from the development standard and the zoning code in order to achieve the necessary density to make the project economically feasible. (Source: 1, 2, 32, 33)

Noise

The southeastern portion of the project site is adjacent to a parcel currently under strawberry and tomato cultivation. The remainder of the parcel is developed with a school district bus facility. The residences adjacent to this parcel may be exposed to periods of noise from farm equipment and busses. The proposed project is within the vicinity of the Rancho San Juan Specific Plan area. In that Final Environmental Impact Report (FEIR), it is illustrated that San Juan Grade Road between Russell Road and Stirling Road will carry enough traffic in the year 2020 to cause exterior noise levels to exceed the 60 dBA CNEL, the high end of what the County General Plan deems "normally acceptable." Exterior noise levels in excess of 60 dBA CNEL could result in interior noise levels in excess of 45 dBA unless sound attenuation measures are undertaken. (Source: 1, 2, 23)

Public Services

FIRE PROTECTION

The project area is served by the Salinas Rural Fire Protection District. All county agencies and cities share in a mutual aid agreement for cooperative response. The Salinas Rural Fire

Protection District (SRFD) was formed in 1934 with the original boundaries surrounding the City of Salinas, extending along River Road to Pine Canyon. Over the years, annexations into the District have increased the service area to approximately 232 square miles with a population of about 30,000 residents. SRFD and the City of Salinas signed an Emergency Services Agreement to provide fire and EMS service through the Salinas Fire District (SFD) for approximately 30 square miles of land within the SFRD directly north of the City of Salinas including the project area.

The primary station that would respond is City Fire Station #6; located on East Bolivar Street, 1.6 miles from the project site. Travel time from the station to this site is approximately three minutes. The station is staffed by a three-person paramedic engine company and has one fire engine for structural fires and a patrol vehicle for wildland fires. This station obtains additional support by the City's five other stations, second alarm apparatus from Salinas Rural and mutual aid. (Source: 23)

POLICE

The Monterey County Sheriff's Office (MCSO) provides law enforcement services in all unincorporated areas of the County, including the project area. The primary station that would serve the project is the Central Patrol Station, located at 1414 Natividad Road in Salinas. Stations located in the City of Monterey and King City may have staff available for additional assistance as needed. Mutual aid maybe utilized when assistance is not available. The Sheriff's Office has a staff of approximately 100 patrol deputies, and the County has a goal for a 1:1,000 deputy-to-population ratio standard for community areas. The Central Patrol Station has anywhere from 4 to 8 deputies on patrol during a 24-hour period. A minimum of six deputies are on duty during the day and four deputies are on duty at night. The project is located within Beat 3a, which has an average response time of 13 minutes, 40 seconds. (Source: 23, 40)

SCHOOLS

Grades K through 8 will be served by the Santa Rita Union School District. The Salinas Union High School District provides education for grades 9 through 12 within the project area.

The elementary schools that would serve the project area would be La Joya Elementary, with a current enrollment of 725 students and Gavilan View Middle School with a current enrollment of 1,050 students. Both schools have a design capacity for only 300 students each. Therefore, La Joya Elementary is approximately 140 percent over capacity, and Gavilan View Middle School is approximately 250 percent over capacity. (Source: 23)

The project area is within the Salinas Union High School District, which includes 14 middle and high schools. High school-aged children within the project area would attend Everett Alvarez High School, located within the City of Salinas. Everett Alvarez High School was designed to accommodate 1,180 students; however, the current enrollment is 2,071 students. An expansion of facilities is planned in the near future for Everett Alvarez High School to accommodate an additional 594 students. Even with this expansion, the school would be over its design capacity with current enrollment. The District has plans to acquire about 50 acres of property on the south side of Rogge Road, east of the project site, for a future high school. The City of Salinas has initiated preliminary actions to incorporate the property into the Salinas city limits. The Monterey County Planning Commission recommended site acquisition provided that the school is developed within the city limits and not in the unincorporated area. (Source: 23, 38)

Regional Parks and Recreation

The County of Monterey designates two kinds of parks: local and regional parks. Local parks are located largely within developments; therefore the County does not maintain information about these parks. For years, larger subdivisions have been required to provide a minimum of 3 acres of park per 1,000 in population. The discussion below focuses on regional parks.

The County of Monterey's Department of Parks maintains nine regional parks encompassing over 12,155 acres of land and 10,000 acres of lakes. Of this total, over 800 acres are considered to be developed parkland. A variety of activities occur in the County park system, including camping, hiking, nature interpretation, lake activities, day use, group sports and special events.

Manzanita Park is a 464-acre park located approximately six miles north of the project area in Prunedale and is the closest regional park to the project site. Currently, the North County Youth Recreation Association has developed 56 acres of Manzanita Park, including a sports complex for soccer, Little League baseball, and other activities as well as hiking and equestrian trails. This portion of the park is not open to the general public and is not operated as a public park in the traditional sense.

Toro Park, located south of Salinas on SR 68, is the largest regional park in the County system. This park contains 4,783 acres, of which 77 acres have been developed for day uses. The park includes nearly 20 miles of trails available to hikers, equestrian users and mountain bikes.

Royal Oaks Park, located north of the project site off of Highway 101, is located in the project vicinity. Approximately 40 of its 122 acres have been developed for day use. The park provides recreational opportunities for soccer, basketball, volleyball, horseshoes and tennis. There are also trails for hiking and facilities for youth overnight campouts, group meetings and weddings. (Source: 23)

Transportation / Traffic (Access / Regional setting)

Regional access to the project site is provided by US 101, while local access is provided by San Juan Grade Road, Russell Road and Rogge Road. Full access between the project site and US 101 is provided via the East Boronda Road interchange, while limited access to and from northbound US 101 is provided at Russell Road. Access between US 101 and San Juan Grade Road north of the study area is also provided via Crazy Horse Canyon Road.

San Juan Grade Road is a north-south roadway extending between North Main Street and State Route (SR) 156 in San Benito County. Near the site, San Juan Grade Road is two- to four-lanes wide and includes unsignalized intersection at Rogge Road.

Russell Road is an east-west roadway between San Juan Grade Road and US 101. West of US 101, this roadway is designated Espinoza Road.

Rogge Road is a two-lane, east-west roadway between Paul Avenue (west of San Juan Grade Road) and Natividad Road. At the all-way stop controlled San Juan Grade Road intersection, the Rogge Road approaches are offset by approximately 65 feet.

The minimum acceptable Level of Service (LOS) for signalized intersections in the County is considered to be LOS C (between 20 and 35 seconds for each vehicle). For the City of Salinas, the minimum acceptable policy standard level of service, during peak hours, for road segments and intersections is LOS D. The existing conditions for weekday AM and PM peak periods at

the Rogge Road/San Juan Grade Road intersection is LOS B.

Monterey-Salinas Transit (MST) provides fixed-route bus service in Monterey County and in the City of Salinas. The only bus route in the vicinity of the project site is Route 32: Santa Rita. Route 32 provides service between the Salinas Transit Center and the Bolsa Knolls neighborhood. Within the project area, Route 32 operates on a one-way loop (northbound on Paul Avenue, eastbound on Rogge Road, and southbound on San Juan Grade Road). The closest stop to the project site is located on eastbound Rogge Road at San Juan Grade Road. Weekday service is provided from 6:00 am to 7:00 pm, while weekend service is provided between 9:00 am and 7:00 pm. Weekday and weekend service is provided at 60-minute headways.

Sidewalks are located on the east side of San Juan Grade Road south of Rogge Road, on the north side of Rogge Road east of the property line, and on the south side of Rogge Road between San Juan Grade Road and Jade Drive. Crosswalks are provided at the San Juan Grade Road / Rogge Road intersection only.

There are no existing bike lanes in the project area. (Source: 15, 23, 43)

Utilities / Service Systems

Existing water and sewer lines are available in the area to serve the project. The seven residences on the project site obtain their water from California Water Service Company. Sewage disposal is provided through onsite septic systems. Water service for the project will be provided by California Water Service Company. California Water Service issued a "can and will serve" letter for water service to the project on October 27, 2003. Sewage generated by the project will be collected by the City of Salinas and processed by the Monterey Regional Water Pollution Control Agency (MRWPCA) regional treatment plant in Marina. The plant has a treatment capacity of 29.6 million gallons per day (mgd) although it is currently permitted to only treat 27 mgd. The existing use is 21.5 mgd, leaving a remaining capacity of 8.1 mgd. The facility has adequate capacity to serve the proposed project. The City of Salinas issued a "can and will serve" letter for sewage disposal on May 16, 2004. (Source: 1, 23)

Waste from the project area is currently taken to the Crazy Horse Landfill located on Crazy Horse Canyon Road approximately four miles north of the project site. As of March 3, 2004, the remaining capacity of this landfill was approximately 1.31 million tons. It is estimated that the landfill will reach maximum capacity in March 2009. (Source: 22)

Following closure of the Crazy Horse Landfill in 2009, refuse from the project site will be sent to the Johnson Canyon Landfill, located approximately two miles east of the City of Gonzales. The Johnson Canyon Landfill has remaining capacity of approximately 4.14 million tons as of May 2003. It is anticipated that this landfill will reach capacity in 2043 (based on the current jurisdictions served by the landfill). (Source: 22)

To address long-term solid waste management on a regional basis, the Salinas Valley Solid Waste Authority (SVSWA) certified an EIR in January 2003, which examines the actions and activities necessary to provide for approximately 70 years of solid waste capacity, assuming a population growth rate of 1.5 percent in the Salinas Valley (Regional Solid Waste Facilities Project EIR). The approved project includes development of a Salinas Transfer Station and King City Transfer Station; an expansion of Crazy Horse Landfill (that was implemented in January 2004); a 100 foot vertical expansion of the Johnson Canyon Road Landfill to increase capacity by 4.5 million tons and the life of the landfill by 18 to 22 years; and vertical expansion of Jolon

Road Landfill by 4.5 million tons and the life of the landfill by 13 to 17 years. (Source: 22, 36)

The SVSWA is also currently studying the feasibility of siting of a new regional landfill in South County. Should siting of a new landfill be deemed infeasible, the SVSWA will either implement the expansion of the Johnson Canyon and Jolon Landfills, as approved in the 2003 EIR, or transfer waste to the Monterey Regional Waste Management District in Marina, which is anticipated to reach capacity in 2107. (Source: 22, 37)

III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input type="checkbox"/>

General Plan/ Area Plan The proposal was reviewed for consistency with the General Plan and Greater Salinas Area Plan. Section IV.A. (Land Use and Planning) below, discusses whether the project physically divides an established community, conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project or conflicts with any applicable habitat conservation plan or natural community conservation plan. The Subdivision, General/Area Plan Amendment, Zone Change and Use Permit proposal is consistent with the land use categories and densities of these plans.

Air Quality Management Plan Consistency of a project with regional population and employment forecasts will result in consistency of the project with the Air Quality Management Plan (AQMP). The Monterey Bay Unified Air Pollution Control District (MBUAPCD) incorporates the Association of Monterey Bay Area Government population forecasts in its preparation of regional air quality plans, making this project consistent with the applicable Air Quality Plan. The AQMP addresses the attainment and maintenance of State and Federal ambient air quality standards within the North Central Coast Air Basin (NCCAB). The proposed project will not substantially increase the population of the area nor generate substantial additional vehicle trips. Therefore, the project will be consistent with the AQMP.

Water Quality Control Plan

The Regional Water Quality Control Board incorporates the County's General Plan in its preparation of regional water quality plans. The project is consistent with the General Plan and with AMBAG'S regional population and employment forecast and, therefore, is consistent with the Regional Water Quality Control Plan. Section VI, 8 (Hydrology and Water Quality) below discusses whether a particular project violates any water quality standards or waste discharge requirements, substantially depletes groundwater supplies or interferes substantially with groundwater recharge, substantially alters the existing drainage pattern of the site or area or

creates or contributes runoff water that would exceed the capacity of existing or planned stormwater drainage.

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Population/Housing |
| <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | | |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

Check here if this finding is not applicable

FINDING:

For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist (Sections VI & VII) is necessary.

EVIDENCE:

Due to prior disturbance of the site from agricultural activities, lack of sensitive resources and the density of the subdivision proposal, many of the above topics on the checklist do not apply.

Less than significant or less than significant with mitigation incorporated impacts are identified for:

- | | |
|----------------------------------|------------------------------------|
| Aesthetics | Population / Housing |
| Agricultural Resources | Public Services |
| Air Quality | Recreation |
| Geology / Soils | Transportation / Traffic |
| Hydrology / Water Quality | Utilities / Service Systems |
| Land Use and Planning | |

Mitigation measures are provided as warranted. The project will have no quantifiable adverse environmental effect on the categories not checked above, as follows:

- Biological Resources** The project site is 100% disturbed by human activity, and does not provide habitat for any sensitive plant or animal species. One of the mature oaks on the property will be retained in the project. As explained in the *Environmental Setting* Section, no biological resources are found within the vicinity of the project. (Source: 1, 32)
- Cultural Resources** The historical report prepared for the project evaluated the property for its significance as a historic, cultural and architectural resource. According to the historical report prepared for the property the original use of the property was an early 20th Century farmstead. The historical integrity of the farmstead, however, has been compromised by the significant amount of surrounding newer housing and commercial uses. Based on National, State and County criteria, the property does not meet any of the criteria for event, person or design and, therefore, is not considered a historic resource.
- The project will not directly or indirectly destroy a unique paleontological resource, or disturb any human remains. The project site is located in an area of "low" archaeological sensitivity, according to County resource maps. Conclusions from the Preliminary Archaeological Reconnaissance by Archaeological Consulting, recommend that the project not be delayed for archaeological reasons. Should any cultural resources be discovered during construction, standard permit conditions regarding the identification, treatment and protection of cultural resources would apply. (Source: 1, 2, 10, 20)
- Hazards / Hazardous Materials** The project, through construction or use, will not create a hazard to the public or the environment through the release of hazardous materials. The project site is not located on a site that is included on a list of hazardous materials sites, but has been historically used for agricultural production. As explained in the *Environmental Setting* Section, there is a significant chance that highly persistent organochlorine pesticides were applied and could remain in the farm field soil. To determine if pesticide residuals exist in the shallow site soil, a Phase II Environmental Site Assessment was prepared by LandSet Engineers on July 8, 2005. Eleven soil samples were

taken from the project site. The samples were analyzed for Organochlorine Pesticides and Heavy Metals (arsenic, mercury and lead). The soil samples analyzed demonstrated pesticide and heavy metal concentrations below the California Human Health Screening Levels (CHHSLs) for Residential Land Use. Since the concentrations are below the threshold of concern for risks to human health, no additional sampling or remediation is recommended or required.

The project site is presently developed with seven residences and is in strawberry cultivation. The parcel is surrounded by residential development, a church, school district bus barn and a commercial shopping center and is not adjacent to a wildland area. Development of the project will not expose people or structures to significant risk involving fires. Development of the project will not interfere with an adopted emergency response plan or emergency evacuation plan. The project is not within an airport land use plan or within the vicinity of a private airstrip. (Source: 1, 2, 18, 29, 32, 35)

Mineral Resources No mineral resources have been identified or will be affected by this project. (Source: 1, 2)

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Laura M. Lawrence, R.E.H.S., Senior Planner

Date

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously

prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

A. The project site is not located in an area of visual sensitivity or a state scenic highway identified by the Greater Salinas Area Plan. The site is within a developed area, and is not a component of a scenic vista. Therefore, approval of the proposed project will result in *no impact*. (Source: 1)

B. Two mature oaks exist on the site, in addition to various other trees. One landmark oak tree is proposed to be retained in the project on the designated park parcel. The other landmark oak tree is in the future San Juan Grade right-of-way and will be removed to make way for the proposed frontage improvements. Because of the size of the tree and the density of dwellings on the project site, relocation of the tree on the project site is not feasible. The landscape plan for the project will be required to incorporate the planting of oak trees on the project site as a condition of approval for the project. Therefore, the impact is *less than significant*. (Source: 1, 2)

C. The project site is developed with seven single-family residences. The residence most visible from the road intersection is Craftsman in style and has not been significantly altered. The barn has deteriorated over the years due to neglect. The equipment shed, garage/storage sheds, two small cabins and two other single-family dwellings have been altered from their original character over the years. The two remaining dwelling units are a double-wide mobile home and a single family dwelling built in the late 1960's or early 1970's. Any remaining aesthetic value of the structures, however, has been compromised by the surrounding new housing, church and commercial uses. The proposed street-facing orientation, architectural details and site amenities of the proposed homes, such as front porches and landscaped front yards with picket fences, will result in a high-quality visual appearance compatible with the existing neighborhood. (Source: 1, 10)

Two mature oaks exist on the site, in addition to various other trees. One landmark oak tree is proposed to be retained in the project on the designated park parcel. The other landmark oak tree is in the future San Juan Grade right-of-way and will be removed to make way for the proposed frontage improvements. In order to grant a permit for tree removal, Section 21.64.260.D of the Monterey County Code requires that findings be made based on substantial evidence. Because the tree is in the San Juan Grade right-of-way, removal of the tree is the minimum required under the circumstances. Removal of the tree will not cause soil erosion, degrade water quality, impact biological or ecological systems, increase noise pollution, affect wind velocities or reduce wildlife habitat. Because of the size of the tree and the density of dwellings on the project site, relocation of the tree on the project site is not feasible. The landscape plan for the project will be required to incorporate the planting of oak trees on the project site as a condition of approval for the project. In addition, the homes fronting along San Juan Grade Road will be landscaped to compliment the existing neighborhood. Therefore, approval of the project would not substantially degrade the existing visual character or quality of the site and its surroundings and the impact is *less than significant*. (Source 1, 2, 33)

D. The construction of dwellings in the subdivision has the potential for introducing new light and glare in the area through the installation of pole and wall-mounted street, parking area and security parking lights which could adversely affect views in this area. Fremont Peak State Park to the east has an observatory used for educational and scientific purposes. The addition of lighting, if uncontrolled, could change the character of the area. General Plan Policy 26.1.20 requires that all exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced and off-site glare is fully controlled. The Planning and Building Inspection Department Standard Conditions for street lights and exterior lighting shall be applied to this project. (Source: 1, 2)

MM 1-1 Prior to occupancy, the applicant shall place street lights only at road intersections and the street lights shall be sodium vapor with full cut-off fixtures.

MM 1-2 Prior to occupancy, the applicant shall demonstrate that lighting associated with the dwelling units is unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced, and off-site glare is fully controlled.

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 2, 30, 31, 34)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

A-C. The project site is currently zoned for both medium density residential and farmland. Approximately 10 acres of the 12.5-acre parcel are designated as prime farmland by the Greater Salinas Area Plan and by the California Department of Conservation Farmland Mapping and Monitoring Program, and are presently in strawberry cultivation. The parcel is not under a Williamson Act Contract. A church, residential development, strawberry and tomato fields, a school district bus barn, a small commercial shopping center and an elementary school border or are in close proximity to the site. The current farming activities are incompatible with these residential and commercial uses. Strawberry cultivation typically requires the use of fumigants as part of the operations. Maintaining the agricultural uses on the project site would require extra care and buffer zones from these uses when using fumigants. A portion of the parcel southeast of the project site is currently under strawberry and tomato cultivation. The proposed residential uses may be exposed to noise, dust and the use of fumigants as a result of farming activities.

The design of proposed residential uses does maintain the maximum buffer possible between the cultivation and the residential uses. While the proposal would convert prime farmland and conflict with existing zoning for agricultural use, the approval of the proposal would eliminate the zoning conflict and would create a less than significant impact to the overall lands designated as "Prime" in Monterey County. Given the size of the cultivated area, 10-acres, and the fact that the subject location is surrounded by urban uses, viability of the parcel as a productive working farm is low. Therefore, the impact is *less than significant*.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

A. According to AMBAG, the project is consistent with 2004 regional forecasts for Monterey County and the Air Quality Management Plan (AQMP). Therefore, the project will not conflict with or obstruct the implementation of the MBUAPCD's 2004 *Air Quality Management Plan for the Monterey Bay Region*, the fourth revision of the 1991 Air Quality Management Plan for the

Monterey Bay Region. The projected population, assuming occupancy of this project by 2015, would not exceed AMBAG forecasts. Therefore, approval of the proposed project will result in *no impact*. (Source: 1, 2, 4, 5, 6)

B-C. As discussed in Section III above, air quality in the project area is good, with only two exceedances of PM-10 standards between 1993 and 2003 and 10 exceedances of the federal 8-hour ozone standard between 1999 and 2003. The majority of these violations occurred at the Pinnacles monitoring station. The URBEMIS2002 Model was used to predict air pollutant emissions associated with project-related automobile use. No other significant air pollutants are expected from this residential project. Utilizing the project trip generation data provided by the traffic engineer, Fehr and Peers, the project emissions are predicted to be below the significance thresholds established by the MBUAPCD. Therefore, the addition of 171 units will not violate any air quality standard or cause the level of air pollutants to exceed established thresholds. Therefore, the impact is *less than significant*. (Source: 1, 2, 4, 5, 6)

D. Air quality will be temporarily worsened by grading and construction activities. (Source: 1, 2, 4, 5, 6)

The following mitigation measures will ensure that air quality impacts during construction will be reduced to a less than significant level:

- MM 3-1** The use of best available control measures (BACMs) shall be required during grading and construction operations. BACMs that shall be incorporated into the project are described below.
- On-site grading and construction activities will be limited to two-acres or less per day to ensure that thresholds for construction-related air impacts are not exceeded.
 - During the grading and construction phase of the Project, the active grading and construction areas shall be watered at least twice daily or more often when conditions warrant. Frequency shall be based on the type of operation, soil and wind conditions.
 - Haul trucks shall maintain at least two feet of freeboard or be covered when transporting materials off-site.
 - Pave, apply water three times daily or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - Sweep daily all paved access roads, parking areas and staging areas at construction sites.
 - Sweep streets daily if visible soil material is carried onto adjacent public streets.

- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles such as dirt, sand, etc.
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
- Suspend grading activities when winds exceed 25 miles per hour (mph) and visible dust clouds cannot be prevented from extending beyond active construction areas.
- Post a publicly visible sign at the Project site which specifies the telephone number and person to contact regarding complaints related to air pollution. This person shall respond to complaints and take necessary corrective actions within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall be visible on the sign to ensure compliance with Rule 402 (Nuisance).
- Limit the area subject to excavation, grading and other construction activity at any one time.

This mitigation measure shall be placed as a note on the grading plans.

MM 3-2 In order to reduce diesel particulate emissions from onsite construction equipment, the following measures shall be incorporated into the project:

- Use off-road construction equipment, manufactured during or after 1996, that meets the NO_x emissions standard of 6.9 grams per brake-horsepower hour or use alternative fuels (such as biodiesel) that result in lower particulate emissions.
- Properly maintain all construction equipment.
- Minimize equipment idling times to 5 minutes or less.

This mitigation measure shall be placed as a note on the grading plans.

E-F. A church, residential development, strawberry and tomato fields, a school district bus barn, a small commercial shopping center and an elementary school border or are in close proximity to the site. The project will not create objectionable odors affecting a substantial number of people or expose sensitive receptors to substantial pollutant concentrations. A subdivision for residential

purposes will not generate odors, or expose new residents to existing sources of odor. The site is currently in strawberry cultivation and typically requires the use of fumigants as part of the operations. Development of the project will eliminate this use. Therefore, approval of the proposed project will result in *no impact*. (Source: 1, 2, 6, 30, 31)

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See discussion in Section IV, above.

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See discussion in Section IV, above.

6. GEOLOGY AND SOILS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

A-C. The project site is classified within a moderately low geologic hazard area by the Greater Salinas Area Plan. According to the soils report prepared for the project, no known faults have been mapped or projected through the site. The project site is 5.5 miles south of the Zayante-Vergeles Fault, the closest known fault, 7.6 miles northeast of the Riconanda Fault and 9.1 miles southwest of the San Andreas Fault. Surface rupture usually occurs along fault lines and no known fault has been found or traced through the project site; therefore the potential for surface rupture is considered low. (Source: 1, 2, 19)

The most severe earthquakes in the Salinas area are centered on the San Andreas fault system nine miles northeasterly of the project site, or on the Monterey Bay Fault Zone eleven miles westerly of the project site. It has been estimated that an earthquake with an intensity of 7.0 to 8.0 on the Richter scale could occur along this section of the San Andreas Fault within a 50 year return period. A major earthquake of that intensity could possibly damage the proposed buildings, but the risk of catastrophic failure is considered small if the buildings are designed to withstand the relatively high amplitudes expected from moderate to severe ground shaking on sedimentary soils. With proper design, seismic damage to the project buildings should be lessened for foreseeable earthquakes centered in nearby faults. (Source: 1, 2, 19)

The deeper soils underlying the project site were found to be dense to very dense sands. Considering the terrain, soils and groundwater conditions, the potential risk for occurrence of damaging liquefaction is considered to be very low. (Source: 1, 2, 19)

The project site generally slopes from southeast to northwest, toward San Juan Grade Road, with an elevation difference ranging from 10 to 15 feet from the lower to higher elevations. Project grading will generally follow the existing natural grade, but will lower the grade in the northwest half by two to four feet to construct building pads. Landslides generally occur during large magnitude earthquakes. Since the site has gentle slopes, the potential for a seismic induced landslide is low. Therefore, the impact is *less than significant*. (Source: 1, 2, 19)

D. Near surface native soils at the site tend to be slightly to moderately expansive and deeper subsurface soils range from non-expansive to moderately expansive. Residential construction is

feasible on these soils, provided the foundation design recommendations in the project geotechnical report are followed. County Policy requires that a note be placed on the map stating that a Geotechnical Report has been prepared for the project and that all development be in accordance with the report recommendations. (Source: 1, 2, 19)

The following mitigation measures are included to mitigate potential impacts to a less than significant level:

- MM 6-1** Spread footings (constructed in native soil) shall be constructed a minimum 12 inches below finished inside building pad (soil) grade for one-story buildings and 18 inches below finished inside building pad (soil) grade for two-story buildings, measured from the low side of the footing; and continuous footings shall be reinforced with two #4 reinforcing bars placed near the bottom of the footing.
- MM 6-2** Foundation excavations shall be flooded with three to four inches of water at least 24 hours prior to pouring concrete, and subgrade for building slabs and foundations shall be brought to the plastic limit range of moisture (9% to 11%) for a depth of at least eight inches prior to pouring concrete. No standing water shall be allowed to remain in the footing during concrete pour.
- MM 6-3** Concrete floor slabs-on-grade shall be at least 5 inches thick and shall be reinforced with a minimum of #3 steel rebars placed 18 inches on center, each way or #4 steel rebars placed 24 inches on center, each way; rebars shall be bent a minimum of eight inches into the perimeter footings.
- MM 6-4** Prior to placing aggregate base, the subgrade soil for driveways shall be brought to at least 3% over optimum moisture for a depth of eight inches.

E. Existing sewer lines are available in the area to serve the project. Sewage generated by the project will be collected by the City of Salinas and processed by the Monterey Regional Water Pollution Control Agency (MRWPCA) regional treatment plant in Marina. Therefore, approval of the proposed project will result in *no impact*. (Source: 1, 2, 23, 39)

7. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See discussion in Section IV, above.

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

A. Approval of the project will not violate any water quality standards or waste discharge requirements of the County of Monterey. The project wastewater will be collected by the City of Salinas and processed by the Monterey Regional Water Pollution Control Agency (MRWPCA) regional treatment plant in Marina. Water supply for the project will be provided by California Water Service Company. Both the Water Resources Agency and Environmental Health Department have reviewed this proposal and have determined that the impact to these resources is *less than significant*.

B. Approval of the project will not substantially deplete groundwater supplies of the County of Monterey or the local aquifer. Water use on the project site is allocated for residential uses and strawberry cultivation. The applicant has provided the Monterey County Water Resources Agency (MCWRA) with documentation that the historic land use on site has been agricultural cultivation. According to the meter records from California Water Service Company, the seven existing residences utilize the equivalent of 2.58 acre-feet (AF) per year. Agricultural water use on the parcel has been difficult to quantify. Historically, the strawberries were furrow irrigated, but were converted to drip irrigation two years ago. According to the Monterey County Cooperative Agricultural Extension, 4.0 AF/year/acre is the customary quantity of applied water for furrow-irrigated strawberries in Northeast Salinas. Using the water use factor of 4.0 AF/year/acre, we establish a historical agricultural irrigation baseline of 40.0 AF/year for the site. The Monterey County Water Resources Agency has determined the water use factor for drip-irrigated berries to be approximately 2.5 AF/year. Using the water use factor of 2.5 AF/year/acre, the current agricultural irrigation needs are 25.0 AF/year. The total baseline water use for the entire project site ranges from 27.58 to 42.58 AF/year for the project site. For the proposed residential uses and landscaping, the 123 single family dwellings will use an average of 0.3 AF/year per unit and the 48 apartments will use an average of 0.2 AF/year per unit. The total proposed water use is 46.5 AF/year. With the proposed project, water use will increase by an estimated 3.92 to 18.92 AF/year. (Source: 1, 24, 25, 26, 32)

With an average of 3.16 people per dwelling unit, the production of wastewater on the project site is estimated to be 60 gallons per day (gpd) per person (36.32 AF/year). The wastewater from the project site will be collected by the City of Salinas and processed by the Monterey Regional Water Pollution Control Agency (MRWPCA) regional treatment plant in Marina. The wastewater from that facility is treated to tertiary standards and is reused for crop irrigation 7 months of the year as one of the primary water projects within the Monterey County Water Resources Agency Zone 2C. As a result, an estimated 21.18 AF/year of the project wastewater will be recycled for irrigation uses. Reuse of the wastewater within the groundwater basin will further reduce the impact of the project's water use. (Source: 1, 23, 24, 25, 26)

Groundwater levels in the area of the parcel have declined over time. The parcel is centered within a "pumping trough" that extends at least 1 mile to the northwest and southeast from the intersection of Rogge Road and San Juan Grade Road. Development of the project will lessen this effect locally because use of the onsite irrigation well will be discontinued and the well will be properly destroyed under permit to the Division of Environmental Health as a project condition of approval. (Source: 1, 24, 25, 26) Overall, development of the project will not

substantially deplete water supplies or interfere substantially with groundwater recharge, and therefore the impact is *less than significant*.

C-D. A preliminary drainage plan, prepared and submitted by LandSet Engineers, Inc., has been reviewed and approved by the MCWRA. The easterly two-thirds of the property drain southwesterly to Rogge Road, then northwesterly along the road to its intersection with San Juan Grade Road and into the existing storm drain system. All but 0.472 acres of the westerly one-third of the property drain northwesterly to San Juan Grade Road, then southwesterly along the road to its intersection with Rogge Road and into the existing storm drain system. The northerly corner (0.472 acres) of the property drains to San Juan Grade Road, then northeasterly to an existing culvert that runs under the road and outlets into a drainage swale. The estimated existing runoff from the site is 4.87 cubic feet per second (cfs) with the majority of the runoff (4.44 cfs) entering the existing storm drain system at Rogge Road and San Juan Grade Road. The remaining portion of the site (0.43 cfs) drains to the culvert located on San Juan Grade Road. Although the site's existing drainage will be altered through the construction of access drives and residences, there are no streams or rivers on the project site to be affected and no increases to the rate or amount of surface water run-off that would result in erosion, siltation or flooding on- or off-site. Therefore, the impact is *less than significant*. (Source: 1, 28)

E. The drainage for the project will be collected in catch basins and conveyed by a storm drain system to detention facilities underneath the open space area on the apartment parcel and under the parking area on the southwestern side of the project site. The detention facilities consist of a series of storage pipes that are designed to accommodate the difference between the 100 year developed runoff rate and the 10 year predevelopment runoff rate per MCWRA requirements. The stormwater generated on the project site will be detained in the storage pipes and metered out at the pre-development rate to the storm drain system. (Source: 1, 28)

The following mitigation measures are included to mitigate potential impacts to a less than significant level:

- MM 8-1** Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency with a Construction Site Waste Management Plan prepared by a registered civil engineer that addresses the proper disposal of building materials and other construction site wastes including, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary wastes. The Site Waste Management Plan must also address spill prevention, control and clean up of materials such as petroleum products, fertilizers, solvents, pesticides, paints and cleaners.
- MM 8-2** Prior to final inspection, the applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans.

F. The project will not substantially degrade water quality. Therefore, approval of the proposed project will result in *no impact*. (Source: 1, 28)

G-J. The project site is not located in a 100-year floodplain, will not place housing within a 100-year floodplain and is not beneath a dam or behind a levee. The project site is not subject to inundation by seiche, tsunami or mudflow, based on its non-coastal location and local geologic conditions. Therefore, approval of the proposed project will result in *no impact*. (Source: 1, 2, 19)

9. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

A. The project will not physically divide an established community or conflict with any applicable land use plan, policy or regulation. Therefore, the project will have *no impact*. (Source: 1, 2, 32)

B. The project site is surrounded by Farmlands zoning on the northeast and southeast. Strawberries and tomatoes are currently being cultivated approximately 40 feet from the southeastern border of project site. Strawberry cultivation typically requires the use of fumigants as part of the operations. Placing residences adjacent to these agricultural uses would require extra care and buffer zones from these uses when using fumigants. General Plan Policy 27.3.3 states that residential subdivisions shall be sited with sufficient distance from normal agricultural activities to prevent these activities from becoming hazardous. A 40-foot right-of-way easement, between the project and the fields, currently exists along the southeast property line to provide access to Salinas Valley Community Church from Rogge Road. The proposed residential uses will also be separated from the agricultural uses by a physical barrier, a 6-foot block wall, along the property line. Project parking areas provide further separation between the residential and the agricultural uses. The project design maintains a sufficient distance between the cultivation

and the residential uses in order to achieve the necessary density to make the project economically feasible (Source: 1, 2, 32, 33, 44)

Because this is an affordable development, the project qualifies for incentives under the State Density Bonus provisions, as codified in the California Government Code Section 65915. California Government Code Section 65915 (l) defines incentives as, among other things, a reduction in site development standards or a modification of zoning code requirements including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces. As a result, elements of the project deviate from the development standard and the zoning code in order to achieve the necessary density to make the project economically feasible. The project, as proposed with the General Plan amendment and rezoning, is consistent with the Monterey County General Plan, Greater Salinas Area Plan, Zoning Ordinance and Subdivision Ordinance with regard to density, lot size and natural resource protection. The project will not result in development on slopes over 30%, and will not result in ridgeline development. Therefore, the impact is *less than significant*. (Source: 1, 2, 32)

C. There are no applicable habitat conservation plans or natural community conservation plans that apply to the property. Therefore, approval of the proposed project will result in *no impact*. (Source: 1, 2, 32)

10. MINERAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See discussion in Section IV, above.

11. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

A. The southeastern portion of the project site is adjacent to a parcel currently under strawberry and tomato cultivation. The remainder of the parcel is developed with a school district bus facility. The residences adjacent to this parcel may be exposed to periods of noise from farm equipment and busses. As part of the project, the developer will construct a 6-foot concrete block wall along the southeastern and northeastern property lines.

The proposed project is within the vicinity of the Rancho San Juan Specific Plan area. In that Final Environmental Impact Report (FEIR), it is illustrated that San Juan Grade Road between Russell Road and Stirling Road will carry enough traffic in the year 2020 to cause exterior noise levels to exceed the 60 dBA CNEL, the high end of what the County General Plan deems "normally acceptable." Exterior noise levels in excess of 60 dBA CNEL could result in interior noise levels in excess of 45 dBA unless sound attenuation measures are undertaken. (Source: 1, 2, 23)

The following mitigation measure is included to mitigate potential impacts to a less than significant level:

MM 11-1 Prior to the issuance of building permits for the residences located along the San Juan Grade Road frontage (lots 5 through 14 inclusive), documentation shall be provided to show that the residences meet the interior noise standard of 45 dBA CNEL with the windows closed. Where the interior noise levels would not be less than 45 dBA CNEL, the documentation shall identify architectural or other measures to be taken to assure that interior noise levels will not exceed 45 dBA. If the interior noise standard of 45 dBA CNEL cannot be met, the lots shall be eliminated.

MM 11-2 Prior to the issuance of building permits for the residences located along the southeastern property line (lots 57, 58, and 74-83 inclusive), documentation shall be provided to show that the 6-foot block wall constructed along the southeastern property line reduces exterior noise to a level that the residences meet the interior noise standard of 45 dBA CNEL with the windows closed. Where the interior noise levels would not be less than 45 dBA CNEL, the documentation shall identify architectural or other measures to be taken to assure that interior noise levels will not exceed 45 dBA. If the interior noise standard of 45 dBA CNEL cannot be met, the lots shall be eliminated.

B-C. The project is a subdivision of land for the eventual construction of 123 single family dwellings (SFD) and one apartment lot with 48 apartment units. Ultimate construction and operation of the project will not generate excessive groundborne vibration or groundborne noise levels or create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Therefore, approval of the proposed project will result in *no impact*. (Source: 1)

D. Construction noise, generally, represents a short-term impact on ambient noise levels. Typically, the equipment used for site grading will generate the highest construction noise levels. Construction and grading on the western portion of project site will occur directly adjacent to existing residences. Noise levels during construction have the potential to exceed the California Model Noise Ordinance. However, the Model Noise Ordinance exempts construction activities from the noise level limits during specific hours of the day. (Source: 1, 23)

The following mitigation measures are included to mitigate potential impacts to a less than significant level:

MM 11-3 The applicant shall ensure that noise generating construction activities limited to Monday through Friday between the hours of 7:00 am and 7:00 pm, and Saturdays between 8:00 am and 5:00 pm. Noise generating construction is not allowed on Sundays or County holidays.

MM 11-4 The applicant shall ensure that all construction equipment operated on the project site shall be equipped to limit noise generation to a maximum of 85 decibels 50 feet from the source. If the equipment does not meet the noise standard, work shall be

stopped until that equipment is removed or is equipped to meet noise standards.

MM 11-5 Prior to the commencement of construction activities, the applicant shall post a publicly visible sign that specifies the project construction noise mitigation measures, the telephone number of the on-site contractor and telephone number of the person to contact regarding noise complaints. This contact person shall respond to complaints and take corrective action within 24 hours. The telephone number of Monterey County Planning and Building Inspection Department shall be posted on the sign.

E-F. The project is not located within the Salinas Airport Land Use plan area or within the vicinity of a private airstrip. The project will not expose people residing in the project area to excessive noise levels. Therefore, approval of the proposed project will result in *no impact*. (Source: 1, 2)

12. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

A. The project will result in the construction of 171 dwelling units on a parcel presently containing seven dwellings. The project is within a developed area, and will be adequately served by existing and improved transportation infrastructure, water service and public sewer service and therefore the impact is *less than significant*. (Source: 1, 2, 12-17, 24, 25, 26)

B-C. The project will not create a demand for additional housing. Instead, the project will create affordable housing in an area severely lacking in affordable housing. Construction of the project will result in the demolition of seven existing residences, but will not necessitate the construction of replacement housing elsewhere. Therefore, the impact is *less than significant*. (Source: 1, 2)

13. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

A. The project will be served by the Salinas Rural Fire Protection District, and is required to comply with standard fire prevention / protection requirements, such as fire equipment access standards, installation of fire sprinklers, hydrants, etc. The fire district has reviewed the project, and has indicated that the proposed project would not require new or physically altered fire facilities, nor impact acceptable service ratios and response times. Therefore, the impact is *less than significant*. (Source: 1)

B. The Monterey County Sheriff's Office (MCSO) provides law enforcement services in all unincorporated areas of the County, including the project area. The Department has reviewed the project, and has recommended various security-related conditions of approval, such as provision of adequate lighting and clearly legible address numbers / signage. No additional off-site infrastructure is required, and the Sheriff Department has not indicated that the proposed project would require new or physically altered Sheriff facilities, nor impact acceptable service ratios and response times. Therefore, the impact is *less than significant*. (Source: 1, 40)

C. The property is located in the Salinas School District. Pursuant to California Government Code Section 65996 (b), standard school district fees are required of the developer to offset project impacts to school districts. The proposed project itself would not require new or physically altered school facilities. Therefore, the impact is *less than significant*. (Source: 1)

D. The total amount of parkland required for this development is 1.4 acres. The project proposed includes 0.559 acres of parkland. The parkland proposed for the project area will be less than the County's standard for developed local parkland of 0.009 acres per detached unit and 0.0063 acres per attached unit. According to County standards, the park needs of the proposed project are based on the proposed 123 detached units and 48 attached units. Based upon the number of dwelling units proposed, the project creates the need for 1.4 total acres of parkland. Because the amount of parkland dedication proposed by the Applicant is insufficient to meet the requirements of the County's Subdivision Ordinance, the Applicant proposes to satisfy the remaining portion of the requirement pursuant to Monterey County Code 19.12.010. Therefore, the impact is *less than significant*. (Source: 1, 3, 7)

E. The proposed project would not require any other new public facilities. Therefore, the impact is *less than significant*. (Source: 1)

14. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

A. The County of Monterey standard for local developed parkland is 3 acres per 1,000 people while the standard for developed regional parkland is 0.7 acre per 1,000 people. In addition, the City of Salinas standard for local developed parkland is also 3 acres per 1,000 people; the city does not have a requirement for regional parkland. Development of the project will increase demand for developed regional as well as local parkland. Based on the developed regional parkland standard, approximately 0.3 acres of developed regional parkland would be required to accommodate population generation of the project. Based on the total population of Monterey County and the total acres of regional parks, the County as a whole has well over the 0.7 acre per 1,000 people requirement. Although developed regional parkland is not proposed as part of the project, the project will not impact the County's regional park system because the County as a whole has an adequate supply. Manzanita Regional Park is approximately six miles from the project area, and Royal Oaks Regional Park is located approximately two miles further north. Therefore, the impact is *less than significant*. (Source: 1, 2, 7, 41)

B. The total amount of parkland required for this development is 1.4 acres. The project proposed includes 0.559 acres of parkland. The Applicant proposes to satisfy the remaining portion of the requirement pursuant to Monterey County Code 19.12.010. No physical impacts would occur from construction of the parks beyond that associated with grading the property for development. The proposed park/open space is located within the proposed project area and any temporary air quality impacts as a result of grading and construction will be addressed by mitigation measures in the Air Quality section, above. Therefore, approval of the proposed project will result in *no impact*. (Source: 1, 2, 7, 41)

15. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

A-B: The site currently consists of light agriculture uses and seven single-family detached homes. Access to the project site will be provided via one full access (left- and right-turns in and out) driveway on Rogge Road and one partial access (right-turns in and out) driveway on San Juan Grade Road. The proposed project is estimated to generate 1,640 net new daily trips, including 118 net new AM peak-hour trips (28 inbound / 90 outbound) and 167 net new PM

peak-hour trips (106 inbound / 61 outbound). All study intersections are projected to operate at LOS B or better, under Project Conditions. The intersection at San Juan Grade Road and Rogge Road is projected to degrade to LOS F, an unacceptable level under Year 2020 cumulative Conditions. The remaining intersections are projected to operate at LOS C or better under Year 2020 cumulative Conditions.

Intersection	Existing		Background		Project		Year 2020 No Project		Year 2020 Plus Project	
	Delay ¹	LOS ²	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
San Juan Grade Rd/ Crazy Horse Canyon Rd	7.9 8.1	A A	8.2 8.5	A A	8.6 8.9	A A	9.7 15.1	A C	9.9 16.8	A C
San Juan Grade Road/ Rogge Road	10.7 9.8	B A	13.2 11.2	B B	14.5 11.8	B B	>80 >80	F F	>80 >80	F F
San Juan Grade Road/ Russell Road	13.6 12.7	B B	16.4 15.3	B B	15.3 15.8	B B	26.4 21.7	C C	26.6 21.8	C C
Natividad Road/ Rogge Road	10.4 11.2	B B	11.0 12.2	B B	11.1 12.4	B B	17.8 20.2	C C	18.2 20.8	C C

Notes:
 1 Whole intersection weighted average control delay expressed in seconds per vehicle for signalized intersections. For two-way stop controlled unsignalized intersections, average control delay for the worst movement/approach, expressed in seconds per vehicle, is presented. For all-way stop controlled unsignalized intersection, average control delay, expressed in seconds per vehicles, is presented for the entire intersection. Calculations performed using the 2000 Highway Capacity Manual (HCM) methodology.
 2 LOS = Level of service

(Table is from Transportation Impact Analysis for Rogge Road Village – Fehr & Peers, November, 2004)

At signalized intersections, a significant impact is defined to occur when the addition of project traffic causes intersection operations to deteriorate from an acceptable level (LOS A, B, or C) under Background Conditions to an unacceptable level (LOS D, E, or F) under Project Conditions. The signalized intersection of San Juan Grade Road and Russell Road is operating under LOS C or better under all study scenarios. Therefore the project impact at this intersection is *less-than-significant*. (Source: 1, 2, 12-17, 45)

The project will contribute incremental cumulative impacts to existing regional traffic, particularly at unsignalized intersections. At unsignalized intersections, a significant impact is defined to occur if any traffic movement is operating at LOS F under Project Conditions or if any traffic signal warrant from Caltrans' *Traffic Manual* is met. All three unsignalized intersections meet the peak hour signal warrant under Year 2020+ Project Conditions. Mainly, the intersection at San Juan Grade Road and Rogge Road is projected to degrade to LOS F, an unacceptable level under Year 2020 Conditions. The remaining intersections are projected to operate at LOS C or better under Year 2020 Conditions. (Source: 1, 2, 12-17)

The project is required to pay appropriate Transportation Agency of Monterey County (TAMC) Regional Development Impact Fee and the City of Salinas traffic impact fees. These fees are applied toward the construction and completion of city and regional transportation projects, not

for maintenance projects, safety projects or to relieve existing traffic congestion. TAMC proposes this regional traffic impact fee to assure that “growth pays for growth” and its impact on the transportation infrastructure in Monterey County. TAMC proposes 15 projects to address future network deficiencies. The City of Salinas General Plan identifies 41 roadway network improvements, including the widening of San Juan Grade Road from a two to a four-lane arterial between Boronda Road and Rogge Road. In addition to payment of fees as mitigation, the applicant will be required to make physical improvements to the adjacent roadways. The applicant will widen San Juan Grade Road to provide four through lanes and left turn channelization and widen Rogge Road to provide two through lanes and left turn channelization. (Source: 1, 2, 12-17, 42, 43)

The following mitigation measures are included to mitigate these impacts to a less than significant level:

- MM 15-1** Prior to the issuance of building permits, the applicant shall pay the appropriate fair share contribution of the costs of the installation of a traffic signal at the San Juan Grade Road/Rogge Road Intersection and the left turn channelization on San Juan Grade Road at Crazy Horse Canyon Road.
- MM 15-2** Prior to the issuance of building permits, the applicant shall pay the appropriate Transportation Agency of Monterey County (TAMC) Regional Development Impact Fee and City of Salinas traffic impact fees.
- MM 15-3** Prior to filing the Final Map, the applicant shall post a bond or other financial surety to cover the cost of installing curb, gutter and sidewalk, including one driveway, along the frontage of San Juan Grade Road and the widening of San Juan Grade Road to provide for four through lanes, left turn channelization, two Class 2 bike lanes and a bus stop.
- MM 15-4** Prior to filing the Final Map, the applicant shall post a bond or other financial surety to cover the cost of installing curb, gutter and sidewalk, including one driveway, along the frontage of Rogge Road and the widening Rogge Road to provide for two through lanes, left turn channelization and two Class 2 bike lanes.

C-E: The project will not result in a change in air traffic patterns for the Salinas Airport or substantially increase hazards due to road design features of the project. The project unobstructed road widths are designed to the minimum 20 foot width or better as required by Salinas Rural Fire District. As an additional safety improvement, and condition of approval, the applicant will construct a mid-block, pedestrian-actuated lighted crosswalk on Rogge Road to provide safe pedestrian access to the school located across the road. Approval of the proposed project will not result in inadequate emergency access. Therefore, approval of the proposed project will result in *no impact*. (Source: 1, 2, 12-17)

F: The project is required to have a total of 354 parking spaces distributed as follows: 108 parking spaces for resident and guest parking in the attached units and 206 (123 covered) parking spaces for each of the detached units. The project proposes a total of 413 parking spaces

distributed as follows: 134 open parking spaces for the detached units, 73 parallel street parking spaces on interior privately maintained streets and 206 parking spaces for the detached single family dwellings. Although the project provides 59 spaces in excess of the required number, the project does not provide for the required two spaces (including one covered) for each of the detached units. Therefore, the proposal would not meet parking requirements as identified in the County's Zoning Ordinance. The Ordinance provides an opportunity for a Use Permit to be granted reducing the number of required spaces. California Government Code Section 65915 (b) states that local land use agencies must provide density bonus and/or incentives for qualified projects that supply a minimum of one of the following: 5% very low, 10% low, 10% moderate in a condo or PUD or a qualified senior's development. Because the project qualifies for incentives under the State's Density Bonus laws relating to affordable housing projects issuance of the Use Permit is justified. Therefore, the impact is *less than significant*. (Source: 1, 2)

G. The project will not conflict with any adopted policies, plans or programs supporting alternative transportation. Currently, there are no designated bicycle facilities or transit service adjacent to the project site. The City of Salinas General Plan specifies that Class III bike paths are planned along San Juan Grade Road to the city limit. As specified in Mitigation Measure 15-3 and 15-4, the applicant will construct two Class 2 bike lanes along the frontage of San Juan Grade Road and Rogge Road and will provide a bus stop for future use along the frontage of San Juan Grade Road. Therefore, the impact is *less than significant*. (Source: 1, 2, 12-17, 43)

16. UTILITIES AND SERVICE SYSTEMS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

A. The project will not discharge wastewater on the project site. The project wastewater will be collected by the City of Salinas and processed by the Monterey Regional Water Pollution Control Agency (MRWPCA) regional treatment plant in Marina. Therefore, approval of the proposed project will result in *no impact*. (Source: 1, 2)

B. Existing water and sewer lines are available in the area to serve the project. Water service for the project will be provided by California Water Service Company. California Water Service issued a "can and will serve" letter for water service to the project on October 27, 2003. Sewage generated by the project will be collected by the City of Salinas and processed by the Monterey Regional Water Pollution Control Agency (MRWPCA) regional treatment plant in Marina. The City of Salinas issued a "can and will serve" letter for sewage disposal on May 16, 2004. The addition of project will not require or result in the expansion of new water or wastewater treatment facilities the construction of which could cause significant environmental effects. Therefore, approval of the proposed project will result in *no impact*. (Source: 1, 2)

C. The drainage for the project will be collected in catch basins and conveyed by a storm drain system to new detention facilities (storage pipes) underneath the open space area on the apartment parcel. The storm water generated on the project site will be detained in the storage pipes and metered out at the 10-year storm pre-development rate to the storm drain system. The effects of construction of the new facilities will be *less than significant*. (Source: 1, 2, 28)

D. Existing water lines of adequate size are available in the area to serve the project. Water service for the project will be provided by California Water Service Company. California Water Service issued a "can and will serve" letter for water service to the project on October 27, 2003. In that letter, California Water Service Company only indicated that the developer may need to advance the cost of special facilities such as wells, booster pumps and a storage tank in addition

to the cost of mains and services. However, these new facilities and their locations are not yet determined. The effects of construction of the new facilities will be *less than significant*. (Source: 1, 2)

E. Existing sewer lines are available in the area to serve the project. Sewage generated by the project will be collected by the City of Salinas and processed by the Monterey Regional Water Pollution Control Agency (MRWPCA) regional treatment plant in Marina. The MRWPCA maintains a regional treatment plant just north of Marina, with a treatment capacity of 29.6 million gallons per day (mgd) although it is currently permitted to only treat 27 mgd. The existing use is 21.5 mgd, leaving a remaining capacity of 8.1 mgd. The facility has adequate capacity to serve the proposed project. In a technical memorandum prepared for the City of Salinas, Kennedy/Jenks Consultants evaluated the impact of the proposed project to the city's existing sanitary sewer serving the area and the Santa Rita Pump Station. The document concluded that the existing sewer system will be able to handle the additional flow from the project. Therefore, impacts are considered *less than significant*. (Source: 1, 2, 23, 39)

F. Solid waste from the project area is currently taken to the Crazy Horse Landfill located on Crazy Horse Canyon Road approximately four miles north of the project site. As of March 3, 2004, the remaining capacity of this landfill was approximately 1.31 million tons. It is estimated that the landfill will reach maximum capacity in March 2009. Following closure of the Crazy Horse Landfill in 2009, refuse from the project site will be sent to the Johnson Canyon Landfill, located approximately two miles east of the City of Gonzales. The Johnson Canyon Landfill has remaining capacity of approximately 4.14 million tons as of May 2003. Based on the current jurisdictions served by the landfill, it is anticipated that this landfill will reach capacity in 2043.

The SVSWA is currently studying the feasibility of siting of a new regional landfill. Should siting of a new landfill be deemed infeasible, the SVSWA will either implement the expansion of the Johnson Canyon and Jolon Landfills, as approved in the 2003 EIR, or transfer waste to the Monterey Regional Waste Management District in Marina. Therefore, impacts are considered *less than significant*. (Source: 22)

G. Any increases in solid waste generation are considered negligible, and less than significant. The project will be required to implement recycling and waste reduction in accordance with AB 939 and Title 10.41 of the Monterey County Code. Therefore, impacts are considered *less than significant*. (Source: 11, 22)

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

A. The project does not have the potential to degrade the quality of the environment or substantially reduce the habitat or population of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

B. The project will contribute incremental cumulative impacts to air quality degradation and existing regional traffic as described in Section VI 3 (Air Quality) and 15 (Transportation / Traffic). To mitigate air quality impacts to a less-than-significant level, the applicant is required to implement best available control measures (BACMs) during grading and construction operations and to reduce diesel particulate emissions from onsite construction equipment. (Source: 1, 2, 4, 5, 6) To mitigate traffic impacts to a less-than-significant level, the applicant will be required to pay appropriate the City of Salinas traffic impact fees and the TAMC Regional Development Impact fee. These fees fund regional improvements associated with future growth in the Salinas area. As mitigation measures, the applicant will contribute the project's pro rata share of toward the cost of a traffic signal at San Juan Grade Road and Rogge Road and the left turn channelization on San Juan Grade Road at Crazy Horse Canyon Road. (Source: 1, 2, 12-17, 42)

In addition to payment of fees as mitigation, the applicant will be required to make physical improvements to the adjacent roadways. The applicant will widen San Juan Grade Road to provide four through lanes and left turn channelization and widen Rogge Road to provide two through lanes and left turn channelization. Through the payment of fees and physical improvements, the traffic impacts are *less than significant*. (Source: 1, 2, 12-17, 42)

C. The project itself does not create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. The project site is surrounded by Farmlands zoning on the northeast and southeast. The southeastern portion of the project site is adjacent to a parcel currently under strawberry and tomato cultivation. The remainder of that parcel is developed with a school district bus facility. The residences adjacent to this parcel may be exposed to periods of noise, dust fumigants and litter from the farming activities and periods of noise bus facility. A 40-foot right-of-way easement, between the project site and the adjacent parcel, currently exists along the southeast property line to provide access to Salinas Valley Community Church from Rogge Road. Only parking areas and three of the proposed residences are within the remaining 160 feet of required easement. The proposed residential uses will also be separated from the agricultural & commercial uses by a physical barrier, a 6-foot block wall. Therefore, the hazard impacts are *less than significant*. (Source: 1, 2, 3, 4, 5, 18, 29, 32, 33, 35, 44)

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

For purposes of implementing Section 735.5 of Title 14, California Code of Regulations: If based on the record as a whole, the Planner determines that implementation of the project described herein, will result in changes to resources A-G listed below, then a **Fish and Game Document Filing Fee** must be assessed. Based upon analysis using the criteria A-G, and information contained in the record, state conclusions with evidence below.

- A) Riparian land, rivers, streams, water courses, and wetlands under state and federal jurisdiction.
- B) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
- C) Rare and unique plant life and ecological communities dependent on plant life, and;
- D) Listed threatened and endangered plant and animals and the habitat in which they are believed to reside.
- E) All species of plant or animals listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, and the Water Code, or regulations adopted thereunder.
- F) All marine terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside.

- G) All air and water resources the degradation of which will individually or cumulatively result in the loss of biological diversity among plants and animals residing in air or water.

De Minimis Fee Exemption: For purposes of implementing Section 735.5 of the California Code of Regulations: A *De Minimis Exemption* may be granted to the **Environmental Document Fee** if there is substantial evidence, based on the record as a whole, that there **will not** be changes to the above named resources V. A-G caused by implementation of the project. Using the above criteria, state conclusions with evidence below, and follow Planning and Building Inspection Department Procedures for filing a *de minimis* exemption.

Conclusion: The project will be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning and Building Inspection files pertaining to PLN030065 and the attached Initial Study / Proposed Mitigated Negative Declaration, implementation of the project described herein may potentially affect changes to the above named resource in Section VIII as native and non-native plant life and soils will be disturbed. State Department of Fish and Game will review the Mitigated Negative Declaration to comment and recommend necessary conditions to protect the Santa Rita Creek.

IX. REFERENCES

1. Project Application File – PLN030065 - Blohm Road Joint Venture (The Commons at Rogge Road)
2. General Plan and Greater Salinas Area Plan
3. Monterey County Code Title 19 Subdivision Ordinance
4. 2004 Air Quality Management Plan for the Monterey Bay Region.
5. 2004 MBUAPCD CEQA Air Quality Guidelines
6. Letter & Attachment to Don Chapin from James A. Reyff, Project Scientist – Illingworth & Rodkin, Inc. “Environmental Air Quality Analysis for Proposed Rogge Road Village Residential Project,” January 19, 2005.
7. Park & Playground Conceptual Plan, Snow Consulting, February 7, 2005
8. Playground Submittals for the Commons, Salinas CA, Ross Recreation Equipment Co., Inc., January 19, 2004
9. Letter to Don Chapin from Sheila McElroy - Circa: Historic Property Development, “Preliminary Evaluation Report,” June 27, 2003
10. “Historic Assessment Report for 1001 – 1003 Rogge Road (APN 211-012-040)”, Circa: Historic Property Development, December 10, 2004

11. Memorandum from Jack Conner, Assistant District Manager – Waste Management, “Trash Enclosures,” May 5, 2005
12. Transportation Impact Analysis for Proposed Church/School Developments, Fehr & Peers, May 25, 1999.
13. Memorandum from Sohrab Rashid, Fehr & Peers Associates to Joseph Mendes, “Supplemental Analysis for Rogge Road Village Traffic Study,” October 10, 2001
14. Transportation Impact Analysis for Rogge Road Village – Draft Report, Fehr & Peers, August, 2004
15. Transportation Impact Analysis for Rogge Road Village – Final Report, Fehr & Peers, November, 2004

16. Memorandum from Norman Wong, Fehr & Peers Associates to Enrique Saavedra – Monterey County Public Works Department, “Supplemental Analysis for Rogge Road Village Traffic Study,” February 22, 2005.
17. Supplemental Analysis for Rogge Road Village Traffic Study, Fehr & Peers, May 2, 2005.
18. Phase I Environmental Site Assessment – North Salinas Baptist Church Property, LandSet Engineers, Inc., January 2003.
19. Soil Survey for Rogge Road and San Juan Grade Road (APN 211-012-040), Soil Survey, Inc., September 18, 2001.
20. Preliminary Archaeological Reconnaissance of APN 211-012-002 & 040), Archaeological Consulting, September 14, 2001.
21. Letter to Mr. Donald D. Chapin Jr., from Brian Papurello and Charles E. Potter – LandSet Engineers, Inc., Regarding: Change of Soil Engineer of Record and Geotechnical Investigation Review, dated March 22, 2004.
22. E-mail & attachment from Karen Schkolnick, MCDEH, dated August 19, 2005.
23. “Final Environmental Impact Report for the Rancho San Juan Specific Plan and HYH Property Project”, prepared by ProjectDesign Consultants, certified December 14, 2004.
24. Hydrogeologic Analysis for Proposed Residential Development, San Juan Grade Road and Rogge Road, Salinas, California, Geoconsultants, Inc., June 12, 2003.
25. Letter to Sue Snow from Jeremy C. Wire, Geoconsultants, Inc., Regarding: Existing Labor/Residential Water Use, 12-Acre Parcel, San Juan Grade Road and Rogge Road, Salinas, California, dated June 30, 2003.
26. Letter to Laura Lawrence, R.E.H.S., MCDEH, from Jeremy C. Wire, Geoconsultants, Inc., Regarding: Water Use for Proposed Residential Development, PLN030065, Rogge Road Village, Salinas, California, dated September 8, 2004.
27. Letter to Don Chapin from Charles E. Potter, P.E., LandSet Engineers, Inc., Regarding: Rogge Road Village, PLN030065, dated September 28, 2004.

28. Preliminary Drainage Study, The Commons at Rogge Road, LandSet Engineers, Inc., December 26, 2003.
29. Phase II Environmental Site Assessment – The Commons at Rogge Road, 1001 and 1003 Rogge Road, Salinas, California; LandSet Engineers, Inc., July 8, 2005.
30. Telephone conversation with Bob Roach, Assistant Ag Commissioner, County of Monterey, August 30, 2005.
31. E-mail from Bob Roach to Therese Schmidt, dated October 27, 2004, regarding “Conversion of Prime Farmland for PLN030065 Blohm Road - Rogge Road Village”
32. Site visit by Laura Lawrence, Project Planner, September 7, 2005.
33. Monterey County Code Title 21 (Zoning Ordinance)

34. Map of the project site and vicinity showing the farmland designations according to the California Department of Conservation Farmland Mapping and Monitoring Program, prepared by Marc Gomes, Monterey County Agricultural Commissioner’s Office, August 30, 2005.
35. *List of Contaminated Sites*, Monterey County Division of Environmental Health, dated July 21, 2005.
36. Salinas Valley Solid Waste Authority’s *Regional Solid Waste Facilities Project EIR*, prepared by RBF Consulting, dated March 2002.
37. Monterey Regional Waste Management District website: <http://www.mrwmd.org/info/district.htm>
38. E-mail from Dale Ellis, PBI, dated September 6, 2005, regarding the Planning Commission meeting on August 31, 2005.
39. Letter to Don Chapin from the City of Salinas, Regarding: Sewage Disposal Service for the Commons at Rogge Road Development, dated May 16, 2004.
40. Telephone conversation with Dave Crozier, Monterey County Sheriff’s Office, September 7, 2005.
41. E-mail from Lynn Burgess, Monterey County Parks Department, dated August 19, 2005, regarding comments on the initial study for The Commons at Rogge Road.
42. *Nexus Study for a Regional Development Impact Fee*, prepared by DKS Associates for the Transportation Agency for Monterey County (TAMC), dated May 2004.
43. City of Salinas General Plan, dated September 2002.
44. Telephone conversation with Bob Roach, Assistant Ag Commissioner, County of Monterey, September 8, 2005.
45. Memorandum from Norman Wong, Fehr & Peers Associates to Enrique Saavedra – Monterey County Public Works Department, “Turn Restrictions at the San Juan Grade

Road Driveway to the Proposed Rogge Road Village Residential Development," October 31, 2005.

X. ATTACHMENTS

- A. Vicinity Map
 - B. Aerial Photograph
 - C. Plan Set – prepared by LandSet Engineers, Inc., March 21, 2003
 - D. Plan Set – Park and Open Space Areas, The Commons at Rogge Road, prepared by LandSet Engineers, Inc., February 1, 2005
-