

MONTEREY COUNTY PLANNING COMMISSION

Meeting: September 24, 2008 Time: A.M/P.M		Agenda Item No.:
Project Description: Combined Development Permit consisting of: 1) A Lot Line Adjustment to combine four existing lots (total 67,229 square feet) into two new lots of 58,502 square feet and 8,720 square feet; and 2) A General Development plan for a mixed-use development including 40, 100% affordable apartments and townhouses, an 1,850 square feet community center, and 750 square foot retail/office/commercial uses; 3) Site Plan And Design Review for development in the Castroville Community Plan Merritt Street Corridor Opportunity Area. The project includes a 1,850 community center for residents; grading is approximately 20,000 cubic yards fill and 20 cubic yards cut.		
Project Location: 10860 Merritt Street, Castroville		APN: 030-166-002-000, 030-166-003-000, 030-166-008-000 and 030-166-009-000
Planning File Number: PLN070566		Name: Mid-Peninsula Housing Coalition, Property Owner/Agent
Plan Area: Castroville Community Plan and North County Non-Coastal Area		Flagged and staked: No
Zoning Designation: "LC-Z" Light Commercial Improvement Zoning District		
CEQA Action: Mitigated Negative Declaration, per Section 15070		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission and approve the following actions:

- (1) Adopt the Mitigated Negative Declaration (**Exhibit H**); and
- (2) Approve the Combined Development Permit consisting of: 1) A Lot Line Adjustment to combine four existing lots (total 67,222 square feet) into two new lots of 58,502 square feet and 8,720 square feet; and 2) A General Development plan for a mixed-use development including 40, 100% affordable apartments and townhouses, an 1,850 square feet community center, and 750 square foot retail/office/commercial uses; 3) Site Plan And Design Review for development in the Castroville Community Plan Merritt Street Corridor Opportunity Area based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**); and
- (3) Adopt a Mitigation Monitoring and/or Reporting Program (**Exhibit D**).

PROJECT OVERVIEW:

The proposed project consists of a 100% affordable housing component being developed by Mid-Peninsula Housing Coalition (Mid-Pen), a non-profit housing developer, and a commercial component being developed by a for-profit developer. The proposed project is located within the community of Castroville, southwest of Merritt Street, Rico and Crane Streets. The project site is a vacant 1.55 acre infill lot, formerly the site for a used car storage and towing and is surrounded by commercial uses in an urban setting. This project has two components the subject Cynara Court 1, and Cynara Court 2 located on Merritt Street between Mead and Washington Streets (PLN070567). The sites are in the Castroville Redevelopment area and the Redevelopment and Housing Agency is providing significant funding for the combined project. The developer/owner will construct both projects at the same time and will own and manage the properties as a single project. The proposed project will provide 100% affordable, high quality rental housing with a mix of very low an low income affordability levels.

This is the first project to be approved under the Castroville Community Plan (CCP) in the Merritt Street Corridor and will further the goal of revitalizing the commercial corridor. The mixed use project meets the goals and policies of the Design Guidelines and Development Standards as well as the zoning code and features attractive quality materials and landscaping, and extensive site improvements.

The draft Initial Study/Mitigated Negative Declaration concluded that impacts from the project would be potentially significant for biological resources, and less than significant for aesthetics, air quality, cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, land use planning, noise, population, recreation, transportation/traffic, and utilities/service systems. The Initial Study identified preconstruction surveys as mitigations to avoid potential impacts to protected birds. Standard conditions address all other issues including geological and hydrological issues by increasing the elevation to avoid flooding, installing a storm water and drainage system, and payment of traffic improvement fees. The provision of these mitigation measures provides substantial evidence that impacts will be less than significant. A Mitigated Negative Declaration was filed on August 17, 2008.

Based on resource information contained in the Castroville Community Plan (CCP), the CCP EIR, application materials and site visits, staff finds that this project has no issues that have not been adequately addressed with appropriate mitigations and conditions of approval. The project is consistent with the CCP and the Monterey County Zoning Ordinance (Title 21).

OTHER AGENCY INVOLVEMENT:

- ✓ (North County Fire) Protection District
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Housing and Redevelopment have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to the North County Non-Coastal Land Use Advisory Committee and instead was referred to the Castroville Citizen's Advisory Committee (CAC) on August 27, 2008 for site plan and design review. The Monterey County Board of Supervisors amended the Monterey County General Plan and North County Plan to incorporate the Castroville Community Plan (Resolution No. 07-102) requiring Site Plan and Design Guidelines review by the CAC per CCP Appendix A. The project has been reviewed by the CAC over the last two years including on March 25, 2008. The CAC voted unanimously that the project is consistent with the CCP and recommended approval of the project design to the Planning Commission. CAC members expressed concerns regarding on-going maintenance, selection of tenants and parking control. The applicant will conduct tours of their other properties prior to a special CAC meeting on September 22, 2008, present their "House Rules" and other information concerning management and maintenance.

Note: The decision on this project is appealable to the Board of Supervisors.

Paula Bradley, MCP, AICP, Associate Planner
(831) 755-5158, bradley@co.monterey.ca.us
September 11, 2008

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; North County Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Marti Noel, Redevelopment; and Housing Office; Taven Kinison Brown, Planning Services Manager; Planner; Carol Allen; Jessica deWit, Agent; File PLN070566.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval and Mitigation Monitoring and Reporting Program
	Exhibit E	Assessor's Parcel Map and Vicinity Map
	Exhibit F	Site Plan, Floor Plans, Elevations
	Exhibit G	Improvement Plans, Lot Line Adjustment Map
	Exhibit H	Mitigated Negative Declaration, Technical Reports
	Exhibit I	Design Approval
	Exhibit J	Consistency Analysis
	Exhibit K	General Development Plan

This report was reviewed by Taven Kinison Brown, Planning Services Manager

EXHIBIT B DISCUSSION

Project Description

The project site is a blighted 1.55 acre vacant infill lot, vegetated with non-native weeds and grasses, and is surrounded on three sides by commercial uses in an urban setting. To the southwest and adjacent to the site is the Tembladero Slough. The site is partially paved and was formerly the site for used car storage and towing. The project is a Combined Development Permit consisting of: 1) A Lot Line Adjustment to combine four existing lots (total 67,222 square feet) into two new lots; and 2) A General Development plan for a mixed-use development including 40, 100% affordable apartments, an 1,850 square foot community center for the residents, and 750 square foot retail/office/commercial uses; and 3) Site Plan And Design Review for development in the Castroville Community Plan Merritt Street Corridor Opportunity Area.

Site access will be from a two-way driveway onto Merritt Street with parking along the south side and rear of the lot. The site slopes to the southwest towards the Tembladero Slough and will require substantial fill (20,000 cubic yards) to comply with flood zone elevation requirements. A new 8,720 square foot lot adjacent to Tembladero Slough will be dedicated to the County for flood control access, maintenance and future slough enhancement. Infrastructure including sidewalks, gutters, a new storm water and drainage system, and connections to the Castroville Water District's water main and sewer system will be incorporated in the project design. Retaining walls are proposed along the rear and two rear sides along the property lines.

Compliance with the Castroville Community Plan (CCP)

The project application was submitted following the adoption of the CCP. The project embodies many of the characteristics envisioned by the Community Plan for enhancing the Merritt Street Corridor including well designed mixed use projects that consist of commercial uses on the ground floor along Merritt and housing above and/or behind. In addition, the project will provide quality affordable rental housing that will meet a desperate need in the community. The project design also provides a separate parcel along the Tembladero Slough that will be dedicated to the County for future flood control, road improvements and Slough enhancements as contained in the CCP.

Policy 1.2 of the CCP requires that new development shall be consistent with the Community Plan Design Guidelines and Development Standards. The project, as proposed, is consistent with CCP Policies pertaining to the project and the site as follows: community character, development compatibility, infrastructure and service standards, contributing to the cost of infrastructure and service, flood control improvements that reduce the threat of flooding to the existing community and provide opportunities for new development in areas currently subject to flood hazards, and providing adequate park and recreational facilities that meet the needs of the community (see Finding No. 3). A "Consistency Analysis" provided (see Exhibit I) analyzes the project's consistency with the CCP Design Guidelines.

Under the CCP, the proposed project is an infill, mixed-use, multi-family residential and commercial development. It is adjacent to commercial uses on three sides and the Tembladero Slough to the southwest. The project is consistent with the Design Guidelines (CCP Appendix A) and Development Regulations (CCP Appendix B). Where development regulations are not specifically addressed within the CCP, the existing Zoning Code shall be applicable. Parking regulations are not included within the CCP, therefore the project shall meet the parking

regulation outlined in Section 21.58.050.F of the Monterey County Zoning Ordinance (Title 21). The proposed architectural style and design meets the Design Objectives contained in Appendix A of the CCP.

Project Analysis and Issues

During analysis of the subject property and proposed project, issues identified included biological resources, development within the floodplain of the Tembladero Slough, drainage, parking and transportation. These issues are addressed by mitigation measures and standard conditions including geological and hydrological issues by increasing the elevation to avoid flooding, installing a storm water and drainage system, and payment of traffic improvement fees. Since there is a substantial amount of grading and fill in heavy traffic area of Merritt Street/Highway 183, a Traffic Construction Management Plan (TCMP) is required for staff review and approval prior to grading and shall recommend measures to minimize traffic impacts. The applicant has requested reduced parking allowed by the State Density Bonus law (see Finding No. 8).

Land Use and Zoning

The project site is adjacent to an existing retail building and car wash to the northwest, commercial buildings and a vacant lot across Merritt Street, a building recycling yard/flea market to the south, and agricultural fields and Tembladero Slough to the southwest. The project site and surrounding properties, except the Tembladero Slough, are designated as “MU-C”, Mixed Use land uses. The Tembladero Slough is designated as “RC-C”, Resource Conservation land use. A separate lot will be created for the portion of the property within 50 foot to the top of bank of the slough to be dedicated to the County for access and maintenance for flood control and future slough enhancement improvements, consistent with CCP policies 10.8. No development is proposed on the 8,720 square lot. According the CCP, the “MU-C” land use designation provides for residential development on the same site or in the same building as commercial, office and/or public uses. Residential development within the Mixed Use land use designation is allowed at a minimum density of 15 dwelling units per acre and a maximum of 30 dwelling units per acre. Based on the new 1.34 acre lot the proposed density is 30 units per acre.

The project site is currently zoned “LC-Z”, Light Commercial Improvement Zoning District (Title 21), which allows for commercial development in conjunction with residential, as long as it doesn’t exceed the commercial development square footage, and requires improvements including curbs, gutters and sidewalks. The General Plan supersedes the current zoning code and the Monterey County Resource Management Agency is in the process of amending Title 21 to be consistent with the adopted Community Plan land use designations, which would rezone this site as “MU-C”. The proposed setbacks are zero setbacks on the street frontage, and the northwest and side (adjacent to an existing building) and a proposed height of 36 feet, six inches. The “MU-C” development standards allow zero setbacks and up to three stories with maximum height of 42 feet. The second and third floor are setback from the first story, include balconies and recessed openings to reduce the mass.

The applicant has requested reduced parking allowed by the State Density Bonus Law (Section 65915), see Finding No. 8. The following table shows the parking required by Title 21 and the State Bonus Density Law. The applicant will provide 83 spaces where 96 were required by Title 21. The CCP allows uncovered parking spaces although four spaces will be covered.

Cynara Court 1 Parking Analysis

<i>Parking Spaces Required, Title 21, Section 21.64.030</i>	<i>Units</i>	<i>Title 21 Requires</i>	<i>State Density Bonus Allows Section 65915(p)(1)</i>	<i>Parking Spaces Required Bonus Density</i>	<i>Parking Spaces Provided</i>	<i>DIFFERENCE</i>
Residential, multi-family						
2 spaces/2 bdrm unit	26	52	2 sp/2 bdrm unit	52	52	0
2.2 spaces/3 bdrm unit	14	31	2 sp/3 bdrm unit	28	28	3
Guest Parking 1 space/4 units		10		0	0	0
Total	40	93		80	80	
Commercial, office or general retail: 1 space /250 sf	750 sf	3			3	0
Community Center (tenants use only)	1850 sf	0			0	0
Total		96			83*	13
1 bike space/10 parking spaces		10			9	

*including 64 regular, 19 compact, and 6 required ADA accessible spaces

The CAC raised the concern about confirming that on-site parking would be properly managed to ensure that non-operating vehicles and excess vehicles are not left in the parking lots. The developer assured the members that parking is not a problem at their other multi-family housing sites and is managed by their “House Rules” which enforce parking restrictions. All parking spaces are required to be designated and parking is also addressed in the General Development Plan (see Finding No. 9).

General Development Plan

The General Development Plan (GDP) is required as the site is in excess of one acre and includes more than one use. The GDP addresses the uses allowed, parking, operating hours, site improvements, lighting, landscaping and signage and is required to be recorded on the property (see Finding No. 9, Condition No. 18, Exhibit K).

Affordable Housing/State Density Bonus

The proposed project provides high quality affordable rental housing with a mix of very low and low income affordability levels ranging from low income households earning 35 percent of the average median income (AMI) to units for low income households earning 60 percent of the AMI. Since the proposed project would provide 100 percent affordable, a density bonus, incentives or other concessions are applicable, according to Government Code Section 65915, the State Density Bonus Law (see Finding No. 8). Mixed use zoning in conjunction with a housing project is an allowable concession or incentive provided that the other land uses will reduce the cost of the housing development and that those uses are compatible with the housing project and the existing or planned development in the area. The maximum allowable density with or without the density bonus would be 15 to 30 dwelling units per acre based on the “Mixed Use” development standards in the adopted Castroville Community Plan.

The developer has requested a reduction in site development standards for parking allowed by the State Density Bonus Law Section 65915(p)(1). According to State law the granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval (Section 65915(k)). Thus the County cannot require any additional discretionary permit such as a Use Permit for reduced parking, to grant the concession unless a finding can be made that the concession is not

required to provide for affordable housing costs, or would have an adverse effect on the public health or safety or the physical environment (Section 65915(g). The applicant will provide 83 spaces where 96 were required by Title 21.

Site Plan and Design Review

Cynara Court I promotes the Castroville Community Plan's (CCP) "Main Street" concept with its mix of residential and commercial uses, and pedestrian-friendly design. Cynara Court is consistent with the CCP Design Guidelines. The building designs and strong ground level plane emphasizing its public place on Merritt Street promote the main street character envisioned for Merritt Street Opportunity Area. The design includes a zero front setback on Merritt Street, new sidewalks, street trees and landscaping (approximately 30% of the site, where 10% is required). "Mediterranean/Craftsman" design and street level design features blend with the Mediterranean/Spanish architecture with arched arcades and entries, recessed openings, balconies, and architectural detailing to create visual interest. Parking is along a side access driveway with most parking to the rear of the building. The roof material is compatible with surrounding development. To reduce the scale and massing second and third floors are stepped back and feature balconies and roof overhangs. Colors and materials are consistent with the Design Guidelines for Mediterranean/Spanish architectural style encouraged for buildings in the Merritt Street corridor. See Exhibit J "Consistency Analysis."

CEQA (California Environmental Quality Act)

The environmental discussion within this Initial Study tiers from the Castroville Community Plan Final Program level EIR in order to eliminate repetitive discussions and focus the discussion of the main issues. The proposed project would be conditioned to implement applicable mitigation measures required in the certified EIR since the project site is located within the Merritt Street Corridor Opportunity Area of the Community Plan. The Mitigated Negative Declaration was circulated for public review from August 17, 2008 to September 16, 2008 (see Finding No. 4).

The draft Initial Study/Mitigated Negative Declaration concluded that impacts from the project would be potentially significant for biological resources and preconstruction surveys are required as mitigations to avoid potential impacts to bats and protected birds. Other resources addressed in the checklist were determined to be less than significant including: aesthetics, air quality, cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, land use planning, noise, population and housing, recreation, transportation/traffic, and utilities/service systems. Conditions of Approval address these issues including geological and hydrological issues by increasing the elevation to avoid flooding, installing a storm water and drainage system, and payment of traffic improvement fees. The provision of these mitigation measures provides substantial evidence that impacts will be less than significant.

Aesthetics: The proposed mixed-use development would be consistent with the existing urban character in the downtown corridor. A standard condition will ensure that there are no potential impacts to aesthetic resources, by requiring approval of an exterior lighting plan and that no reflective materials that contribute to day time glare shall be used for the project. The project was reviewed by the CAC and was determined that the project design is consistent with the CCP.

Air Quality: The project as proposed will have a less than significant impact on Air Quality based on compliance with the Monterey Bay Unified Air Pollution Control District's (MBUAPCD) Air Quality Plan for the Monterey Bay Region and the project will not result in a cumulatively considerable net increase of any pollutant. Temporary construction related impacts

will be less than significant. Conditions of Approval (Condition Nos. 19 through 22) require the applicant to implement best-available control measures (BACM) to reduce emissions of particulate matter, emissions of toxic air contaminants, and criteria air pollutants of ROG, NO_x, CO and PM₁₀, and air borne emissions as recommended by the Monterey Bay Unified Air Pollution Control District and in accordance with Policy 20.25.5 of the Monterey County General Plan.

Biological: Although no biological resources were found on the site, to mitigate any potential impacts to biological resources two mitigation measures require preconstruction surveys for protected bird species. In the Mitigation Negative Declaration, page 24, in error it was stated that Mitigation 3.4-8 applies to the project site. Impact 3.4-8 was correctly not included in Appendix A. There are no wetland or riparian resources that may be potentially impacted by the project and no development is proposed within the 50 foot buffer from the top of bank of Tembladero Slough. As part of this project a new lot will be created and dedicated to the County including the area within 50 feet to the top of bank to allow access, maintenance for flood control and future slough improvements.

Hydrological: Wastewater collection service will be provided by Castroville Water District (CWD). A Water Use and Wastewater Generation Analysis was prepared for the proposed project by LFR dated July 23, 2008. According to CWD, the estimated water demand is within the maximum allowable consumption. The site will require substantial fill (20,000 cubic yards of fill) to comply with flood zone elevation requirements. A new 8,720 square foot lot adjacent to Tembladero Slough will be dedicated to the County for flood control access, maintenance and future slough enhancement. Infrastructure including sidewalks, gutters, a storm water and a drainage system connecting to the existing storm drain, and connections to the Castroville Water District's water main and sewer system will be incorporated in the project design.

Geological and Soils: The project site is free of fault rupture hazard, liquefaction, lateral spreading and landsliding and no further soil or geologic investigations are necessary. Standard conditions require that construction is in accordance with the geological and geotechnical reports prepared for the project. To avoid any potential short-term soil erosion impacts during construction, a standard condition requires that the project adhere to the Monterey County Erosion Control Ordinance, which would require coverage under the National Pollutant Dispersion Elimination System (NPDES) General Permit and preparation of a Stormwater Pollution Prevention Plan (SWPPP) if the proposed project were to disturb an area greater than or equal to one acre.

Transportation:

The proposed project would generate additional traffic trips, increase the demand for parking, bicycle/pedestrian facilities impacts as identified in the EIR as potentially significant for the Castroville Community Plan. The CCP included mitigation measures that require project applicants to pay fair share local and regional traffic impact fee incorporated as project conditions. At this time no local traffic impact fee program has been adopted, however the fees are required as mitigations and applicable to the project.

Conclusion

In conclusion, the proposed project and the subject property has no unresolved issues regarding the potential impacts to aesthetics, cultural or biological resources; geological or hydrological hazards; noise, transportation or development within the floodplain of the Castroville Slough. Based on resource information contained in the Castroville Community Plan (CCP), the CCP

EIR, application materials and site visits, staff finds that this project is consistent with the plans policies and that no issues not addressed by mitigations or conditions remain. The project would provide attractive much needed affordable rental units and new commercial development that would contribute to revitalizing the Merritt Street corridor. The project is consistent with the CCP and the Monterey County Zoning Ordinance (Title 21). See Initial Study Mitigated Negative Declaration Exhibit H).

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, North County Area Plan, North County Area Plan Inventory and Analysis, Castroville Community Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

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

(b) The property is located at 10860 Merritt Street, Castroville (Assessor's Parcel Number 030-166-002-000, 030-166-003-000, 030-166-008-000 and 030-166-009-000), North County Area Plan. The parcel is zoned "LC-Z", Light Commercial Improvement Zoning District (Title 21), which allows (residential including apartments, townhomes) condominiums, and clustered housing units and nonresidential uses (primarily retail, office, and or public uses to encourage activity centers and pedestrian orientation. project site is currently zoned "LC-Z", Light Commercial Improvement Zoning District (Title 21), which allows for commercial development in conjunction with residential, as long as it doesn't exceed the commercial development square footage and requires improvements including curbs, gutters and sidewalks. The Monterey County Resource Management Agency is in the process of amending Title 21 to be consistent with the adopted Community Plan land use designations, which would rezone this site as "MU-C" for all Castroville. Therefore, the property is suitable for the proposed development.

(c) The General Plan supersedes the current zoning code and the Monterey County Resource Management Agency is in the process of amending Title 21 to be consistent with the adopted Community Plan land use designations, which would rezone this site as "MU-C".

(d) The developer has requested a reduction in site developments standards for parking allowed by the State Density Bonus Law Section 65915(p)(1). The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(e) The lots are legal lots shown on the map of Castroville Subdivision B lot 2 block 1. Lots 030-165-008 and 009 are lots 1 of Block 2 and a portion of Rico Street abandonment recorded on reel page 332, page 1555, Official Records. The lots are legal lots by a grant deed, Document No. 2006013328.

(f) Instead of referral to the North County Non-Coastal Land Use Advisory Committee, the project was reviewed by the Castroville Citizen's Advisory Committee. The CCP Implementation Plan Section D, includes CAC review of private projects. Appendix B, Development Standards Section 1.1. requires CAC Design Approval applications for projects considered by the Zoning Administrator or the Planning Commission.

The Monterey County Board of Supervisors amended the Monterey County General Plan and North County Plan to incorporate the Castroville Community Plan (Resolution No. 07-102) requiring Site Plan and Design Guidelines review per Appendix A. The CAC reviewed the project on March 25, 2008. At the August 27, 2008 meeting the CAC voted unanimously that the project is consistent with the CCP and recommended approval of the project design to the Planning Commission. CAC members expressed concerns regarding on-going maintenance, selection of tenants and parking control. The applicant will conduct tours of their other properties prior to a special CAC meeting on September 22, 2008, present their “house rules” and other information concerning management and maintenance.

- (g) The project planner conducted a site inspection on 12/19/07, 2/13/08 and 4/3/08 to verify that the project on the subject parcel conforms to the plans listed above.
- (h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070566.

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

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, (North County Fire) Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) Technical reports by outside biological, archaeological, and geological, geotechnical, hydrology, transportation consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
 - i. “*Biological Resource Assessment*” (LIB080113) by PMC, Monterey, CA, dated November 2007.
 - ii. “*Site Visit and Special Status Plant Survey*”, by PMC, Monterey, CA, dated April 29, 2008.
 - iii. “*Site Visit and Special Status Plant Survey*” by PMC, Monterey, CA, dated June 27, 2008.
 - iv. “*Peak & Associates, Inc. Determination of Eligibility and Effect for the Cynara Court Apartments Project City of Castroville, California*” (LIB080111) by Peak & Associates, Inc., El Dorado Hills, CA, dated November 2007.
 - v. “*Geologic Hazards Assessment*” (LIB080114), by JF Consulting, Inc., Hayward, CA, dated February 26, 2008.
 - vi. “*Geotechnical Investigation for Residential Buildings*” (LIB080113), prepared by AMSO Consulting Engineers, Hayward, CA, dated July 24, 2007.
 - vii. “*Phase I Environmental Site Assessment*” (LIB080363) by Environmental Investigation Services, Inc., Los Gatos, CA, dated January 21, 2005.

- viii. “*Phase II Environmental Site Assessment*” (LIB 080365), by Environmental Investigation Services, Inc., Los Gatos, CA, dated March 15, 2005.
 - ix. “Environmental Investigation Services, Inc. *Environmental Assessment Update*”, by Environmental Investigation Services, Inc., Los Gatos, CA, dated August 8, 2007.
 - x. “*Draft Technical Memorandum*”, by Schaaf & Wheeler Consulting Civil Engineers, Santa Clara, CA, dated December 10, 2007.
 - xi. “*Verification of Proposed Sewer Connection for 40 Residential Units, Community Center, and Retail/Office with Castroville Water District*”, by Castroville Water District, Castroville, CA, dated July 23, 2008.
 - xii. “*Verification of Proposed Water Connection for 40 Residential Units, Community Center, and Retail/Office with Castroville Water District*”, by Castroville Water District, Castroville, CA, dated July 23, 2008.
 - xiii. “*Water Use and Wastewater Generation Analysis*”, by LFR, Marina, CA, dated July 23, 2008.
 - xiv. “*Preliminary Drainage/Stormwater Design*”, by LFR, Marina, CA, dated July 21, 2008.
 - xv. “*Transportation Impact Analysis Cynara Court I, Castroville, California*”, (LIB08010) by Hexagon Transportation Consultants, Inc., dated January 23, 2008.
- (c) The project site is suitable for mixed use development near the northern entrance to the community of Castroville. The planned Artichoke Avenue Phase I Improvement Project, which will include intersection and pedestrian improvements at Merritt and Mead Streets, will further enhance the site suitability for the proposed use.
- (d) Staff conducted site inspections on 12/19/07, 2/13/08 and 4/3/08 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN070566.

3. FINDING: COMPLIANCE WITH THE CASTROVILLE COMMUNITY PLAN (CCP) – The project application was submitted following the adoption of the CCP. Policy 1.2 and 1.5 of the CCP requires that new development shall be consistent with the Castroville Community Plan (CCP) Design Guidelines and Development Standards. The project is in compliance with all the applicable policies of the CCP and meets the criteria within the Design Guidelines.

EVIDENCE: (a) Policy 1.1: The Merritt Street Corridor Opportunity Area shall be improved through implementation of the Community Plan, as well as other adopted plans and redevelopment efforts, to create a walkable and vibrant downtown area with businesses that serve the residents of Castroville and is attractive to visitors. The proposed project will replace an existing blighted vacant lot with a mixed use development, which is consistent with the CCP. Site improvements include new pedestrian improvements, sidewalks, curbs, gutters, a storm water system and drainage, street trees and landscaping and trash enclosures.

(b) Policy 2.1: Work with developers to redevelop targeted areas within the downtown to promote a more pedestrian friendly commercial core,

provide needed local and tourist serving businesses, and take advantage of the new community amenities (e.g., Tembladero Slough Enhancement and Castro Plaza). The proposed project would provide a community center and commercial uses within the commercial core consistent with Policy 2.

- (c) Policy 2.2: New development and redevelopment proposals, including infill development shall be reviewed with the appropriate Community Plan architectural Design Guidelines (Appendix A) and Development Standards (Appendix B) to ensure quality of design and compatibility. At the August 27, 2008 meeting. The CAC voted unanimously that the project is consistent with the CCP Mixed Use Design Guidelines and Development Standards and unanimously recommended approval of the project design to the Planning Commission. The building designs and strong ground level plane emphasizing its public place on Merritt Street promotes the main street character envisioned for Merritt Street Opportunity Area. Parking access for both uses is from the rear alley with most of the parking to the rear of the commercial building. Roof materials and colors are compatible with surrounding development. Both uses have design features including varied setbacks, arched entries and arcades, recessed openings, balconies, and architectural detailing to create visual interest.
- (c) Policy 3.1 encourages a mixture of residential and commercial uses in the downtown. The project is a mixed use residential and commercial development. The proposed project would provide 40 residential units, a 1,850 square foot community center and 750 square feet of commercial/retail use within the downtown area consistent with Policy 3.1. The project aligns the buildings front at the sidewalk edge to provide interest at street level, provides commercial and community center uses at ground level, and visibility of parking from sidewalk is minimized.
- (d) Policy 4.1 encourages a range of housing types in a mixed income format that meets the needs of Castroville's workforce and allows residents to stay within the community as their lifestyles and incomes change over the years. The project includes 40 affordable multifamily units with one, two, and three bedrooms for very low income (35% to 50% of AMI) and low income (50% to 60% of AMI); a community room, and exercise room, maintenance and administrative office for activities and classes, tot lot and other amenities for residents.
- (e) Policy 5.2 encourages compatible infill development and compact new development within the Community Plan area to efficiently use land resources. The project is compact, high density residential (30 units per acre) an 1,850 square foot community center, and a small (750 square foot) commercial space in the commercial core of Castroville. The proposed project would include a lot line adjustment that will establish a new 8,868 square foot lot that will be dedicated to the county for future flood control slough enhancements and pedestrian facilities, consistent with Policy 5.1.
- (f) Policy No. 10.1 requires that development meets urban infrastructure and service standards. The project will be serviced by the Castroville Community Services District (CSD) for water and sewer, sidewalks, curbs and gutters and a storm water system and drainage improvements. The CSD has determined that it can and will serve the project.

- (g) Policy No. 10.2 requires that new and redevelopment contribute to the cost of infrastructure and service to meet the demand generated by the project. The project is required to pay district connection fees for water and sewer service as well as pay a fair share cost for local and regional transportation improvements. The project is required to pay fees for services including water and sewer, parks, schools, local and regional traffic improvements consistent with policy 10.2.
- (h) Policy 10.5: Flood control improvements shall be implemented to reduce the threat of flooding to the existing community and provide opportunities for new development in areas currently subject to flood hazards. The CCP requires that for General Development Plans within the Merritt Street Corridor Opportunity Area, shall require that the project applicant(s) provide any necessary easement, within the project site, required for levee maintenance. Instead of dedicating an easement the applicant will dedicate a new 8,868 square foot parcel to include the area within 50 feet of the top of bank to the Tembladero Slough.

The subject site is located partially within Zone A11, 100-year Floodplain of the Tembladero Slough, as shown on FEMA Flood Insurance Rate Map, 060195-0055F, dated August 5, 1986. The project site is also located partially within the Floodway (Floodway Fringe). The base flood elevation (BFE) for the proposed development is 12 feet mean sea level (NGVD 1929). The County requires standard conditions incorporated to reduce the potential for floodplain hazard to less than significant. Condition No. 45 requires the project to bring the grade level above 13 feet BFE and the lowest floor and attendant utilities for each building shall be at least one foot above the BFE. A Water Resources Agency Condition No. 46 and 47 require an Elevation Certificate certifying that the structures are constructed in accordance with Chapter 16.16 of the Monterey County Code. These conditions would ensure that the proposed project is constructed above the based flood elevation and that there would be no potential risk of exposure to 100-year flood hazards.

- (i) Policy No. 10.6 requires that development provide adequate park and recreational facilities which meet the needs of the community pursuant to the State Quimby Act. The project was reviewed by the Monterey County Parks Department and will be required to dedicate park are and/or pay Recreation in-lieu fees (see Condition 48).

4. FINDING: CEQA: - On the basis of the whole record before the Monterey County Planning Commission, 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) During the review process of the Castroville Community Plan (CCP), an Environmental Impact Report (EIR) was prepared to evaluate environmental impacts and a Final EIR (SCH# 2005061132) was adopted in November 2006. Environmental impacts caused by the implementation of the CCP were analyzed, therefore mitigations requiring conditions of approval that pertain to the Cynara 1 project have been incorporated; specifically for: Aesthetics, Air Quality, Biological Resources, Cultural

Resources, Geology and Soils, Hazards/Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, Recreation, Transportation/Traffic, and Utilities/Service Systems. This EIR is considered a program-level EIR and pursuant to Section 15168(c) (1) of the CEQA Guidelines, a new Initial Study was conducted to address project specific issues that were not previously examined in the program EIR. Further discussions regarding specific impacts, mitigations and conditions are found on Section VI of the Mitigated Negative Declaration (Exhibit H) . Castroville Community Plan EIR mitigation measures and associated impacts that are applicable to the proposed project are provided in Appendix A. site specific Mitigation Measures and Conditions of Approval are incorporated in the project approval.

- (b) To mitigate the physical impacts of the project, the following mitigation measures are required:

Mitigation Measures No. 1 and 2 will ensure that there are no potential adverse environmental impacts to biological resources.

1. Mitigation Measure 1 requires that the project applicant contract with the qualified wildlife biologist to conduct a survey for roosting special-status bat species, 30 days prior to the removal of any trees between March 1 and July 31.
2. Mitigation Measure No 2 requires if construction occurs during the typical nesting season (February-August), the project applicant retain a qualified biologist to perform a pre-construction nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity. (Conditions of Approval nos. 49 and 50 and Mitigation Measures nos. 1 and 2).

- (c) Aesthetics: The CCP EIR considered aesthetic resources to be a significant and unavoidable impact due to the permanent conversion, and the overall character and appearance of the community of Castroville being significantly altered with implementation of the Community Plan. The project site is a blighted vacant lot within the Merritt Street Opportunity Area of the Castroville Community Plan that is designated as an infill lot formerly a auto storage and tow operation. The proposed mixed-use development would be consistent with the existing urban character in the downtown corridor. A standard condition will ensure there are no potential impacts to aesthetic resources, by requiring approval of an exterior lighting plans and Design Review that no reflective materials shall be used for the project. (For a more detailed discussion, please refer to Section VI.1 of Exhibit H.)

- (d) Air Quality: Castroville Community Plan EIR mitigation measures and associated impacts applicable to the proposed project are provided in Appendix A of the Mitigated Negative Declaration (Exhibit H) . The project as proposed will have a less than significant impact on Air Quality based on compliance with the Monterey Bay Unified Air Pollution Control District's (MBUAPCD) Air Quality Plan for the Monterey Bay Region; the project will not violate any air quality standards; and the project will not result in a cumulatively considerable net increase of any pollutant. Temporary construction related impacts will be less than significant as the project will be required to comply with the MBUAPCD guidelines which

address dust control, truck idling etc. Conditions of Approval (Condition Nos. 19, 20, 21) require the applicant to implement best-available control measures (BACM) to reduce emissions of toxic air contaminants and reduce criteria air pollutants of ROG, NO_x, CO and PM₁₀, and air borne emissions as recommended by the Monterey Bay Unified Air Pollution Control District and in accordance with Policy 20.25.5 of the Monterey County General Plan. (For a more detailed discussion, please refer to Section VI.3 of Exhibit H.)

- (e) Biological Resources: Two mitigation measures are incorporated for potential impacts to roosting special-status bat species bats and active raptor or migratory bird nests (see Evidence (b)). Although the project is near the Tembladero Slough the area is not a habitat for the California red-legged frog, the California tiger salamander or Steelhead trout as determined in the Biological Resource Assessment prepared by PMC, dated November 2007, or subsequent surveys dated April 29, 2008 and June 27, 2008. The project site does not include riparian area or wetland areas. The project site is an urban infill vacant lot surrounded on three sides by commercial uses. There are no trees, and native species plants or wildlife found on the site and the site is partially paved and formerly a commercial development. (For a more detailed discussion, please refer to Section VI.4 of Exhibit H.)
- (f) Cultural Resources: An archaeological report prepared by Peak & Associates, Inc., (LIB080111), did not reveal any of the indicators normally found on a prehistoric site in this region. A standard condition requires a stop work if during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site until a qualified professional archaeologist can evaluate it. A second condition requires that prior to start of construction, a qualified archaeologist shall conduct a worker training session for all construction personnel regarding procedures to follow. (For a more detailed discussion, please refer to Section IV.5 of Exhibit H.)
- (g) Geology and Soils: According to JF Consulting, Geological Hazards report, the project site is free of fault rupture hazard, liquefaction, lateral spreading and landsliding and no further soil or geologic investigations are necessary. Standard conditions require that construction is in accordance with the geological and geotechnical reports prepared for the project. To avoid any potential short-term soil erosion impacts during construction, a standard condition requires that the project adheres to the Monterey County Erosion Control Ordinance, which would require coverage under the National Pollutant Dispersion Elimination System (NPDES) General Permit and preparation of a Stormwater Pollution Prevention Plan (SWPPP) if the proposed project were to disturb an area greater than or equal to one acre. (For a more detailed discussion, please refer to Section IV.6 of Exhibit H.)
- (h) Hazards/Hazardous Materials: Environmental Investigation Services, Incorporated prepared a Phase I ESA in January 2005, a Phase II ESA in March 2005 and an ESA Update in August 2007. This updated site document review and site visit determined no new onsite concerns. According to EIS, there is no evidence of recognized environmental

conditions. (For a more detailed discussion, please refer to Section IV.7 of Exhibit H.)

- (i) Hydrology and Water Quality: Wastewater collection service will be provided by Castroville Water District (CWD). A Water Use and Wastewater Generation Analysis was prepared for the proposed project by LFR dated July 23, 2008. According to Castroville Water District (CWD), the estimated water demand is within the maximum allowable consumption of 108 AFY for near-term development, thus the proposed project would not substantially deplete the groundwater supplies. According to the certified EIR, the Community Plan would result in an overall decrease in water being extracted from the Salinas Valley Groundwater basin upon completion of the Salinas Valley Water Project's diversion project and that near-term development within the Merritt Street Corridor Opportunity Area, prior to the completion of the Salinas Valley Water Project diversion project, which was considered to be a potentially significant impact.

The project would not result in an increase in impervious surface, which would subsequently increase surface water runoff in the planning area. A Preliminary Drainage/Stormwater Design memorandum was prepared by LFR July 23, 2008 and revised 8/13/08. According to the Preliminary Drainage/Stormwater memorandum, stormwater runoff from the project site would be collected in area drains/catch basins and discharged to a catch basin in the east corner of the project site and a manhole in the south corner of the project site, which would provide stormwater quality control. The Monterey County Water Resource Agency's conditions of approval require preparation of a drainage plan that address on-site and off-site impacts and inclusion of oil-grease/water separators for paved parking areas.

The subject site is located partially within Zone A11, 100-year Floodplain of the Tembladero Slough, as shown on FEMA Flood Insurance Rate Map, 060195-0055F, dated August 5, 1986. The project site is also located partially within the Floodway (Floodway Fringe). The base flood elevation (BFE) for the proposed development is 12 feet mean sea level (NGVD 1929). The County requires standard conditions incorporated to reduce the potential for floodplain hazard to less than significant. Condition No. 45 requires the project to bring the grade level above 13 feet BFE and the lowest floor and attendant utilities for each building shall be at least one foot above the BFE. A Water Resources Agency Condition No. 46 and 47 require an Elevation Certificate certifying that the structures are constructed in accordance with Chapter 16.16 of the Monterey County Code. These conditions would ensure that the proposed project is constructed above the based flood elevation and that there would be no potential risk of exposure to 100-year flood hazards. Instead of dedicating an easement the applicant will dedicate a new parcel to include the area within 50 feet of the top of bank to the Tembladero Slough. The CCP included mitigation measures that require project applicants to pay fair share slough enhancement impact fee incorporated as project conditions.

However, at this time no impact fee program has been adopted however the project will contribute the dedicated lot.

To elevate the project site above the existing floodplain, the proposed project includes placement of fill and a retaining wall along the southwest side of the property within 50-foot setback from the top of bank of the Tembladero Slough. According to Schaaf & Wheeler, Consulting Civil Engineers Technical Memorandum in December 2007 the unaltered channel with the proposed retaining wall has no effect on the water surface elevation for the 100-year flood and the velocity of flow is not high enough to pose an erosion risk. Therefore, the proposed project will not alter the capacity of the watercourse or pose an erosion risk, which is consistent with County Floodplain Ordinance No. 3272. (For a more detailed discussion, please refer to Section VI.8 of Exhibit H.)

- (j) Land Use Planning: The proposed project is a mixed use project proposed within the Merritt Street Corridor Opportunity Area of the Castroville Community Plan. The Castroville Community Plan was adopted and incorporated into the North County Area Plan in April 2007. The North County Area Plan was adopted and incorporated into the Monterey County General Plan in July 1984. According to the Community Plan (and North County Area Plan), the project site is designated as “MU-C”, or mixed use which provides for residential development on the same site or in the same building as commercial, office and/or public uses. Appropriate residential uses include apartments, townhomes, condominiums, and clustered housing units. Residential development within the MU-C land use designation is allowed at a minimum density of 15 DU/A and a maximum of 30 DU/A. The proposed project would provide residential development at a density of approximately 30 DU/A based on the new 1.34 acre lot. The proposed project is consistent with the Castroville Community Plan, North County Area Plan and Monterey County General Plan. (For a more detailed discussion, please refer to Section VI.9 of Exhibit H.)
- (k) Noise: The mixed use project is required would be conditioned to comply with the Monterey County’s noise criteria for land use compatibility and to implement feasible project specific mitigation measures. There are no adjacent noise-sensitive receptors, the site is located in a primarily commercial urban area and the site was previously considered and recognized for mixed use development as part of the Community Plan. There will be an increase in the ambient noise levels with the project but it is in compliance with the Noise Element of the General Plan and Monterey County Code Chapter 10.60. The Division of Environmental Health requires a noise study to provide recommendations for any special construction materials to be incorporated into the building plans. (For a more detailed discussion, please refer to Section VI.11 of Exhibit H.)
- (l) Public Services: The proposed project would be required to pay developer and impact fees to the various agencies for the increased demand associated with the proposed project, including fire, water, sewer, parks, and schools. (For a more detailed discussion, please refer to Section VI.13 of Exhibit H.)
- (m) Recreation: North Monterey County Recreation and the Parks District provide park and recreation services to the Community of Castroville.

The increased demand for the project will not 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. A nonstandard Parks Department condition requires that the applicant pay an in lieu fees with a credit for on-site active recreation facilities for the construction of the proposed “tot lot” which is included in the project description as an on-site amenity. (For a more detailed discussion, please refer to Section VI.14 of Exhibit H.)

- (n) Transportation/Traffic: The proposed project would generate additional traffic trips, increase the demand for parking, bicycle/pedestrian facilities and within the Castroville Community Plan area. A number of impacts were identified in the EIR as potentially significant impacts for the Castroville Community Plan including increased traffic to Castroville Boulevard/Highway 156 ramp intersections, increased demand for new bicycle and pedestrian facilities, transit service and facilities, parking in the Merritt Street Corridor Opportunity Area, emergency vehicle access to the area. Significant and cumulative impacts included Merritt Street intersections Highway 183, Highway 156, and Castroville Boulevard Blackie Road intersections resulting in a statement of overriding consideration (Resolution No. 07-101) for transportation impacts however the benefits to the community of the Castroville Plan outweighed the adverse environmental impacts.

The CCP included mitigation measures that require project applicants to pay fair share local and regional traffic impact fee incorporated as project conditions. However, at this time no local traffic impact fee program has been adopted. Mitigation measure MM 3.14-1a (CCP COA 34) of the Community Plan EIR requires that project applicants for near-term development prepare project specific traffic impact analysis’ that identify the number of trips the proposed development will generate in order to determine their fair share of future adopted fees. Until the local traffic impact fee program is adopted, near term development projects will be conditioned to pay their fair share of the local traffic impact fees, based on the project specific traffic impact analysis. Impact fees are required by condition including for signalized intersections, bus stops, pedestrian and bicycle improvements.

The proposed project, as conditioned would provide required parking for all proposed residential and commercial uses, however the State Density Bonus Law, allows up to three concessions for projects providing more than 30% affordable housing including a reduced parking criteria (Section 65915(p)(1)). The project provides 86% of the required parking spaces by Title 21 Section 21.64.030(83 spaces instead of 96). (For a more detailed discussion, please refer to Section VI.15 of Exhibit H.)

- (o) Utilities/Service Systems: The Community Plan would result in an increased demand upon wastewater collection, treatment, and disposal facilities. CCP mitigations and conditions required submission of estimated waste water and water use submitted to the Castroville District and it was determined that the project generated use was within the thresholds for near-term development and no further conditions are

required for the project. Wastewater collection service will be provided by Castroville Water District (CWD). A storm water and drainage system will be constructed as required and drainage and recycling plan are required by conditions. (For a more detailed discussion, please refer to Section VI.16 of Exhibit H.)

- (p) The Mitigated Negative Declaration was circulated for public review from August 17, 2008 to September 16, 2008.
- (q) The Monterey County Resource Management Agency – Planning Department, (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.
- (r) 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.
- (s) 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.
- (t) See preceding and following findings and supporting evidence.

5. FINDING: LOT LINE ADJUSTMENT - A lot line adjustment application may be granted based upon the following findings: 1) the lot line adjustment is between two (or more) existing adjacent parcels; 2) a greater number of parcels than originally existed will not be created as a result of the lot line adjustment; 3) the parcels resulting from the lot line adjustment conforms to County zoning and building ordinances.

EVIDENCE: (a) The lot line adjustment is between four adjacent parcels owned by one property owner, Assessor’s Parcel Numbers: 030-166-002-000, 030-166-003-000, 030-166-008-000 and 030-166-009-000.

(b) The lot line adjustment will result in two lots instead of four existing lots of record.

(c) The lot line adjustment is required for the following reasons: to consolidate multiple lots to allow one development, and allow one lot for dedication to the County for the Tembladero Slough enhancements and flood control maintenance. The resulting 58,502 square foot and 8,720 square foot lots will conform to County zoning and building ordinances.

6. FINDING: DESIGN APPROVAL – The Castroville Community Plan Policy 2.2 requires that new development and redevelopment proposals, including infill development, shall be reviewed with the appropriate Community Plan architectural Design Guidelines (Appendix A) and Development Standards (Appendix B) to ensure quality of design and compatibility. The CCP Implementation Plan Section D, includes CAC review of private projects. Appendix B, Development Standards Section 1.1. requires CAC Design Approval applications for projects considered by the Zoning Administrator or the Planning Commission.

EVIDENCE: (a) At the August 27, 2008 meeting the CAC voted unanimously that the project is consistent with the CCP Mixed Use Design Guidelines and Development Standards and unanimously recommended approval of the project design to the Planning Commission. CAC members expressed concerns regarding on-going maintenance, selection of tenants and parking control. The applicant will conduct tours of their other developments prior to a special CAC meeting on September 22, 2008, present their “house rules” and other information concerning management and maintenance.

(b) The proposed architectural style of the development is “Mediterranean/Craftsman and is consistent with the Design objectives contained in Appendix A, Design Guidelines of the CCP (See Consistency Analysis Exhibit I). The design includes a “main street” concept with a mix of commercial and residential uses, a pedestrian scale presence with a zero building placed at the sidewalk on Merritt Street, street trees and landscaping, with arched entrys, and architectural detailing to create visual interest. Parking is along a side access driveway with most parking to the rear of the building. The roof material is compatible with surrounding development. To reduce the massing second and third floors are setback and feature balconies and roof overhangs. Colors and materials are consistent with the Design Guidelines for architectural style encouraged for buildings in the Merritt Street corridor.

(c) No reflective construction materials are proposed consistent with CCP MM-3.3-1a-3b (CCP COA 2) to minimize day-time glare.

7. FINDING: INCLUSIONARY HOUSING REQUIREMENT –The proposed project complies with the Inclusionary Housing Ordinance as codified in Chapter 18.40 of the Monterey County Code.

EVIDENCE: (a) The proposed project has been reviewed by the Resource Management Agency – Housing and Redevelopment Office for conformance with the Inclusionary Housing Ordinance.

(b) Section 18.40.070 of the Monterey County Code requires that all residential development which provides inclusionary units on-site must construct inclusionary units in the amount equal or greater to 20% of the total number of units. The project proposes to provide 40 units of 100% affordable housing units that are affordable to incomes ranging from low income households earning 35 percent of the average median income (AMI) to units for low income households earning 60 percent of the AMI.

(a) The owner/developer shall record deed restrictions on the project site, to the satisfaction of the Redevelopment and Housing Director, restricting rents and addressing other related affordability issues for a period of not less than 55 years in conformance with project funding requirements and state redevelopment law (See Condition No. 23).

8. FINDING: STATE BONUS DENSITY LAW -

(a) Government Code Section 65915(a): When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant incentives or concessions for

the production of housing units and child care facilities as prescribed in this section.

- (b) Section 65915(d)(1): An applicant may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, that the concession is not required to provide affordable housing would have an adverse affect on the public health and safety, or physical environment. Subsection (C) allows three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.
- (c) Section 65915(g)(2) defines a "density bonus" as a density increase of at least 20 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city, county, or city and county.
- (d) Section 65915(k): The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.
- (e) Section 65915(p)(1): Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:
 - (A) Zero to one bedrooms: one onsite parking space.
 - (B) Two to three bedrooms: two onsite parking spaces.
 - (C) Four and more bedrooms: two and one-half parking spaces.
- (2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.
- (3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this section, subject to subdivision (d).

- EVIDENCE:**
- (a) The development is 100 % affordable housing to very low and low income households as defined in Section 50079.5 of the Health and Safety Code. The development provides 100% affordable housing units therefore exceeding the requirement of 15% very low to low income levels to qualify for a density bonus, incentives and concessions.
 - (b) The development provides more than 30% of the total units to lower income levels and 15 percent to very low income households, qualifying the project for at least three incentives or concessions. The applicant has requested reduction in development standards for reduced parking.
 - (c) The development provides 100% affordable housing units to a range of very low to low income levels based on the average median income

(AMI), qualifying the project for a density bonus of at least 20 percent. The maximum allowable density with or without the density bonus would be 15 to 30 dwelling units per acre based on the "Mixed Use" development standards in the adopted Castroville Community Plan.

- (d) The County cannot require additional discretionary permit such as a Use Permit for reduced parking (Title 21 Section 21.58.050(C)) to grant the concession unless a finding can be made that the concession is not required to provide for affordable housing costs, or would have an adverse effect on the public health, safety or the physical environment.
- (e) The developer has requested a reduction in site development standards for reduced parking from the required 96 spaces required by Title 21.64.030 to 83 spaces allowed by Government Code Section 65915(p)(1), letter dated August 29, 2008.

9. FINDING: GENERAL DEVELOPMENT PLAN – The Monterey County Zoning Ordinance, Section 21.18.030.A requires a General Development Plan (GDP) prior to the establishment of any development in a Light Commercial district if there is no prior approved GDP, and if: 1) the lot is in excess of one acre; or, 2) the development proposed includes more than one use; or, 3) the development includes any form of subdivision. The proposed project meets the size and number of uses criteria; therefore, a GDP is required to be approved by the Planning Commission prior to new development, changes in use, expansion of use, or physical improvement of the site. A GDP is also required by the CCP for mixed-use development.

EVIDENCE: (a) The project as described in the application and accompanying materials was reviewed by the Planning Department, (North County Fire) Protection District, Parks Department, Public Works Department, Environmental Health Division, Sheriff, and the Water Resources and Redevelopment and Housing Office. 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. The General Development Plan addresses uses, operating hours, site improvements, parking, lighting, signage and operation and maintenance.

(b) Staff conducted site inspections on 12/19/07, 2/13/08 and 4/3/08 to verify that the project on the subject parcel conforms to the plans and uses.

(c) Condition of Approval No. 17 requires that the General Development Plan shall be recorded on the deed.

(d) Materials in Planning File No. PLN070566.

10. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

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

12. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case

be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.
(b) Castroville Water District will provide water and waste water service.

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

EVIDENCE: Section 21.80.40 .D Monterey County Zoning Ordinance (Title 21).

<p align="center">EXHIBIT D</p> <p align="center">Monterey County Resource Management Agency</p> <p align="center">Planning Department</p> <p align="center">Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: <u>Mid-Peninsula Housing Cynara 1</u></p> <p>File No: <u>PLN070566</u> APNs: <u>030-166-002-000, 030-166-003-000, 030-166-008-000 and 030-166-009-000</u></p> <p>Approved by: <u>Planning Commission</u> Date: <u>September 24, 2008</u></p>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit consists of: 1) A Lot Line Adjustment to combine four existing lots (total 67,222 square feet) into two new lots of 58,502 square feet and 8,720 square feet; and 2) A General Development plan for a mixed-use development including 40, 100% affordable apartments, an 1,850 square feet community center, and 750 square foot retail/office/commercial uses; 3) Site Plan And Design Review for development in the Castroville Community Plan Merritt Street Corridor Opportunity Area. The project includes a 1,850 community center for residents; grading is approximately 20,000 cubic yards fill and 20 cubic yards cut. The property is located at 10860 Merritt Street, Castroville (Assessor's Parcel Numbers 030-166-002-000, 030-166-003-000, 030-166-008-000 and 030-166-009-000, North County Area Plan/Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Numbers 030-166-002-000, 030-166-003-000, 030-166-008-000 and 030-166-009-000, on September 24, 2008. The permit was granted subject to 51 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist shall be immediately contacted by the responsible individual	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine	Owner/ Applicant/ Archaeologist	Ongoing	

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		present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	the extent of the resources and to develop proper mitigation measures required for the discovery.			
4.		PDSP003 CULTURAL RESOURCES (NONSTANDARD) Prior to start of initial grading, a qualified archaeologist shall conduct a worker training session for all construction personnel regarding procedures to follow if bone is found involving cessation of work near the discovery site and immediate notification of the Monterey County Coroner. The Coroner will determine if the bone is human and Native American, and the Native American Heritage Commission will be notified. They will in turn notify a person deemed to be the most likely descendant, who will come to the site and assess the findings, and determine next steps. A fact sheet or other supporting materials containing this information shall be prepared and posted on-site. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures. Educational programs shall be conducted for new personnel before they join construction activities. The crew foreman shall be responsible for ensuring that all crew members comply with the guidelines. (RMA – Planning Department)	A qualified archaeologist shall conduct a worker training session for all construction personnel. Prepare a fact sheet or other supporting materials containing this information and post on the site in both Spanish and English. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures. Conduct educational programs for new personnel before they join construction activities until initial grading is complete. The crew foreman will be responsible for ensuring that all crew members comply with the guidelines. Submit the documentation including the training date(s), names of workers to the RMA-Planning Department demonstrating compliance.	Applicant or owner with qualified archaeologist and crew foreman	Prior to any grading and issuance of grading or building permit	
5.		PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend,	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the	Owner/ Applicant	Upon demand of County Counsel or concurrent with the	

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		indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)	Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.		issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	
6.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	Submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval	
			If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the recordation of the final map, the start of use or the	

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					issuance of building or grading permits	
7.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first	
8.		PD007 - 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 RMA - Building Services Department. (RMA – Planning Department and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
9.		PD008 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
10.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	

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11.		PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	Submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits. Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant Owner/ Applicant	Prior to the issuance of grading and building permits Ongoing	
12.		PD012(G) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING) The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. 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 and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. The landscaping shall be installed and inspected.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits Prior to Occupancy	

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		Department)	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.	Owner/ Applicant	Ongoing	
13.		PD041 – HEIGHT VERIFICATION 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. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)	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 2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant	Prior to the issuance of grading or building permits Prior to final inspection	
14.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: 1. A “ <i>Biological Resource Assessment</i> ” report (<i>LIB080113</i>) report was prepared by PMC, Monterey CA, dated November 2007. 2. A “ <i>Site Visit and Special Status Plant Survey</i> ” report was prepared by PMC, Monterey, CA, dated April 29, 2008. 3. A “ <i>Site Visit and Special Status Plant Survey</i> ” report was prepared by PMC, Monterey, CA, dated June 27, 2008. 4. A “ <i>Peak & Associates, Inc. Determination of</i>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits	

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		<p><i>Eligibility and Effect for the Cynara Court Apartments Project City of Castroville, California” (LIB080111) report was prepared by Peak & Associates, Inc., El Dorado Hills CA, dated November 2007.</i></p> <p>5. <i>A “Geologic Hazards Assessment” (LIB080114) report was prepared by JF Consulting, Inc., Hayward CA Dated February 26, 2008.</i></p> <p>6. <i>A “Geotechnical Investigation for Residential Buildings” (LIB080113) report was, prepared by AMSO Consulting Engineers, Hayward CA, dated July 24, 2007.</i></p> <p>7. <i>A “Phase I Environmental Site Assessment” (LIB080363) report was prepared by Environmental Investigation Services, Inc., Los Gatos, CA, dated January 21, 2005.</i></p> <p>8. <i>A “Phase II Environmental Site Assessment” (LIB 080365) report was prepared by Environmental Investigation Services, Inc., Los Gatos, CA, dated March 15, 2005.</i></p> <p>9. <i>A “Environmental Investigation Services, Inc. Environmental Assessment Update”, was prepared by Environmental Investigation Services, Inc., Los Gatos, CA, dated August 8, 2007.</i></p> <p>10. <i>A “Draft Technical Memorandum”, was prepared by Schaaf & Wheeler Consulting Civil Engineers, Santa Clara, CA, dated December 10, 2007.</i></p> <p>11. <i>A “Verification of Proposed Sewer Connection for 40 Residential Units, Community Center, and Retail/Office with Castroville Water District” report was prepared by Castroville Water District, Castroville, CA, dated July 23, 2008.</i></p> <p>12. <i>A “Verification of Proposed Water Connection for 40 Residential Units, Community Center, and Retail/Office with Castroville Water District”, was</i></p>				

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		<p>prepared by Castroville Water District, Castroville, CA, dated July 23, 2008.</p> <p>13. A “<i>Water Use and Wastewater Generation Analysis</i>”, was prepared by LFR, Marina, CA, dated July 23, 2008.</p> <p>14. A “<i>Preliminary Drainage/Stormwater Design</i>”, was prepared by LFR, Marina, CA, dated July 21, 2008.</p> <p>15. A “<i>Transportation Impact Analysis Cynara Court I, Castroville, California</i>” (LIB080110) report was prepared by Hexagon Transportation Consultants, Inc., dated January 23, 2008.</p> <p>These reports are on record in the Monterey County RMA - Planning Department . All development shall be in accordance with this report." (RMA – Planning Department)</p>				
15.		<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>All exterior lighting shall be unobtrusive, down-lit, 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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)</p>	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy /Ongoing	

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16.		PDSP004 DEDICATION OF LAND (NONSTANDARD) The CCP requires that for General Development Plans within the Cypress Residential and Merritt Street Corridor Opportunity Area, the County of Monterey shall require that the project applicant(s) to the Monterey County Water Resources Agency any necessary easement, within the project site, required for levee maintenance. Instead of dedicating an easement the applicant will dedicate to the County a new 8,868 square foot parcel created by the Lot Line Adjustment. (RMA – Planning Department, RMA - Redevelopment and Housing Office)	Provide the Record of Survey to the County of Monterey for review and approval. Applicant’s surveyor shall prepare description of area to be dedicated.	Owner/ Applicant/ Surveyor	Prior to Recordation of Record of Survey and prior to issuance of any grading or building permits	
17.		PDSP005 – TRAFFIC CONSTRUCTION MANAGEMENT PLAN (NON STANDARD WORDING) The property owner/applicant shall prepare a Traffic Construction Management Plan (TCMP) for staff review and approval prior to grading or construction activities. The plan shall include a pavement survey along Merritt Street between the intersections of Mead and Washington Streets before and after construction activities. The applicant shall be responsible for reconstruction and repair should damage occur from grading or construction activities related to this project. Repairs shall be made prior to final for grading permit. The TCMP shall recommend measures to minimize impacts to traffic on impacted roads as approved by the Department of Public Works. (RMA – Planning Department and Public Works Department)	Submit plans to RMA- Planning Department for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of a grading permit and final grading permit	
18.		PDSP006 GENERAL DEVELOPMENT PLAN - Record a notice on that states: “General Development Plan for Cynara Court 1 1. <u>Uses allowed:</u> Uses allowed in the commercial component shall include: office, retail, barber or beauty shop or similar uses, and are limited to those	Proof of recordation of this notice shall be furnished to RMA - Planning.	Owner/ Applicant	Prior to issuance of grading and building permits	

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		<p>not requiring more than 1 space per 250 square feet according to Title 21.60.030, Regulations for Parking.</p> <p>2. <u>Parking Spaces</u>: All parking spaces shall be assigned for each residential unit, commercial unit and guest spaces. All parking walkways and exterior area shall be maintained in a litter and weed free condition. Parking spaces shall be used only for parking registered vehicles owned by residents on site. No inoperative or abandoned vehicles or vehicle maintenance allowed on site.</p> <p>3. <u>Residences</u>: Prior to occupancy the developer shall submit "House Rules" to be approved by the RMA-Planning Director and to the RMA- Redevelopment and Housing Director. House rules shall spell out tenant responsibilities and requirements including but not limited to occupancy limits, on-site parking restrictions, maintenance, limitations on noise, and what can be stored on balconies or areas outside of a unit.</p> <p>4. <u>Operating hours</u>: The commercial and community room components hours shall be limited to 7 a.m. to 10 p.m., 7 days per week..</p> <p>5. <u>Landscaping</u>: All landscaping shall be in accordance with an approved landscaping and irrigation plan. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p> <p>6. <u>Site Improvements</u>:</p> <ul style="list-style-type: none"> • Curbs gutters, sidewalks, storm drainage system shall be installed by the owner as approved by the RMA Public Works Department. • Minimum 83 parking spaces, and per Monterey County Parking Standards including 3 spaces designated for the commercial component for 				

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		<p>employees or customer use.</p> <ul style="list-style-type: none"> • Bike Racks: four spaces on-site that enable bikes to be locked to the rack • Fences, retaining walls, trash enclosures and landscaping shall be maintained, and free of litter, or weeds, and replaced as needed. Trash shall be stored only inside approved enclosed containers. <p>7. <u>Signage</u>: Signage shall conform to the Title 21.60 and shall be consistent with an approved sign plan.</p> <p>8. <u>Exterior Lighting</u>: An exterior lighting shall be according to an approved lighting plan approved by the RMA- Planning Director.</p> <p>9. <u>Tot lot</u>: On-site recreation shall only be used by residents tenants and their guests.</p> <p>(RMA – Planning Department, RMA - Redevelopment and Housing Office)</p>				
19.		<p>PDSP008 AIR QUALITY – (NONSTANDARD) (CCP MM 3.3-1a, CCP COA 4) The County of Monterey shall require that the project applicant(s) implement best-available control measures (BACM) to reduce emissions of particulate matter, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the Monterey County General Plan during construction activities. (RMA – Planning Department)</p>	<p>Provide proof of implementation of best-available control measures (BACM) reducing emissions of particulate matter during construction activities.</p> <p>Should measures not be met, or are not successful, the RMA-Director of Planning shall require work to be halted until required measures are in place to reduce emissions of particulate matter during construction activities.</p>	Owner/ Applicant	Prior to issuance of grading and building permits	

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20.		PDSP008 AIR QUALITY – (NONSTANDARD) (MM 3.3-1b, CCP COA 5) The County of Monterey shall require that the project applicant(s), for General Development Plans and other discretionary approvals associated with the proposed Community Plan, implement best-available control measures (BACM) to reduce emissions of toxic air contaminants, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the Monterey County General Plan during construction activities. (RMA – Planning Department)	Provide proof of implementation of best-available control measures (BACM) reducing emissions of toxic air contaminants during construction activities. Should measures not be met, or are not successful, the RMA-Director of Planning shall require work to be halted until required measures are in place to reduce emissions of particulate matter during construction activities.	Subdivider/ Owner/ Applicant	During construction activities associated with all discretionary approvals	
21.		PDSP009 AIR QUALITY (NONSTANDARD) (CCP MM 3.3-2, CCP COA 6) The County of Monterey shall require that project applicant(s) implement best-available control measures to reduce criteria air pollutants of ROG, NO _x , CO and PM ₁₀ as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the Monterey County General Plan (1982), during operations. (RMA - Planning Department)	Provide proof of implementation of best-available control measures (BACM) reducing emissions of ROG, NO _x , CO and PM ₁₀ during construction activities. Should measures not be met, or are not successful, the RMA-Director of Planning shall require work to be halted until required measures are in place to reduce emissions of particulate matter during construction activities.	Owner/ Applicant	Prior to issuance of grading and building permits	
22.		PDSP0010 AIR QUALITY (NONSTANDARD) (CCP MM 3.3-3, CCP COA 7) The project applicant(s) involving non-residential uses shall coordinate with the MBUAPCD to assess the potential for the proposed non-residential use(s) to generate airborne emissions that may affect nearby receptors, in accordance with Monterey County General Plan Policy 20.2.1. New facilities in which sensitive receptors are located shall be	Provide proof of implementation of best-available control measures (BACM) reducing airborne emissions that may affect nearby receptors during construction activities. Should measures not be met, or are not successful, the RMA-Director of		Prior to issuance of grading and building permits	

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		sited away from significant sources of air pollution. (RMA - Planning Department)	Planning shall require work to be halted until required measures are in place to reduce emissions of particulate matter during construction activities.			
23.		PDSP0011 TRAFFIC (NONSTANDARD) (CCP MM 3.14-8, CCP COA 44) The County of Monterey shall require that the project applicant(s) contribute their proportionate fair share towards providing additional bus shelters along northbound Merritt Street at the intersections of Mead and Union Streets and along southbound Merritt Street at the intersection with Pajaro Street. (RMA - Planning Department)	Submit the fee to the DPW , payable to County of Monterey.	Owner/ Applicant	Prior to issuance of building permits	
24.		HRSP001 - AFFORDABLE HOUSING REQUIREMENTS (NON-STANDARD) Prior to the issuance of the grading or building permit the developer shall record deed restrictions on the project site, to the satisfaction of the Redevelopment and Housing Director, restricting rents and addressing other related affordability issues for a period of not less than 55 years in conformance with project funding agreements and state redevelopment law. (RMA – RMA - Redevelopment and Housing Office)	Submit a deed restriction in a form to be approved by the RMA - Redevelopment and Housing Office. Execute and record the deed restriction. Provide a copy of the agreement and of the Recorder's stamped page 1 to the RMA - Redevelopment and Housing Office.	Owner/ Applicant	Prior to issuance of building permits	
25.		PW0007 – PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works)	Submit the fee to the DPW and payable to County of Monterey.	Owner/ Applicant	Prior to issuance of building permits	
26.		PW0034 – LOT LINE ADJUSTMENT Obtain a survey of the new line and have the line monumented. (Public Works)	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recordation of Record of Survey	

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27.		PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and it's monumentation. (Public Works)	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recordation of Record of Survey	
28.		PWSP001 – CASTROVILLE TRAFFIC MITIGATION FEES (NON- STANDARD) Applicant shall contribute a pro rata share of the cost improvements in the Castroville Community Plan. Subdivider's traffic engineer shall determine the amount of the pro rata share subject to the approval of the Department of Public Works. (Public Works)	Submit the fee to the DPW and payable to County of Monterey.	Owner/ Applicant	Prior to issuance of building permits	
29.		PWSP002 – TAMC FEES (NON-STANDARD) Applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study. (Public Works)	Submit the fee to the DPW and payable to County of Monterey.	Owner/ Applicant	Prior to issuance of building permits	
30.		PWSP003 – SIDEWALK (NON-STANDARD) Obtain an encroachment permit from Caltrans and construct sidewalk along the frontage of Merritt Street. (Public Works).	Obtain a permit from Caltrans Region 5. All improvements shall be shown on the plans to be reviewed and approved by the DPW.	Owner/ Applicant	Prior to or concurrently with building permit and construction completed prior to final building permit	
31.		PW0024 – STOP SIGN (NONSTANDARD) Install and maintain a stop sign on the driveway intersection of the driveway and Merritt Street. (Public Works)	Applicant shall install and maintain stop sign.	Applicant/ Owner	Prior to occupancy and ongoing	

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32.		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 installing or bonding water system improvements	
33.		EH6 - WATER SERVICE CAN/WILL SERVE Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies that the Castroville Water District can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health)	Submit written certification to the Division of Environmental Health for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to filing a final map and/or issuance of a building permit	
34.		EH24 - SEWER SERVICE CAN/WILL SERVE Provide certification to the Division of Environmental Health that the Castroville Water District can and will provide sewer service for the proposed property/project. (Environmental Health)	Submit certification to Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of a building permit	
35.		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	
36.		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	

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37.		EH41 - NOISE STUDY REQUIRED Prepare and submit a Noise Study to the Division of Environmental Health for review and approval to confirm the projects compliance with the Noise Element of the General Plan and/or Monterey County Code Chapter 10.60. The Study shall recommend as necessary to comply with these regulations, and these shall be included on the site improvement plans and installed. (Environmental Health)	Submit study to the Division of Environmental Health for review and approval. The Study shall recommend as necessary to comply with these regulations, and these shall be included on the site improvement plans and installed.	Owner/ Applicant	Prior to issuance of building permits.	
38.		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 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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		and at each driveway split. Address signs shall be and visible 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. (North County Fire) District	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
39.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (North County Fire) District	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
40.		FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL) The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. (North County Fire) District	Applicant shall submit fire alarm plans and obtain approval.	Applicant or owner	Prior to rough sprinkler or framing inspection	
			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
41.		FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING) Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. (North County Fire) District	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
42.		FIRE026 - ROOF CONSTRUCTION (STANDARD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. (North County Fire) District	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
43.		WR22 - FLOODPLAIN RECORDATION The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: “The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.” (Water Resources Agency)	Submit the recorded floodplain 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	Prior to issuance of any grading or building permits	

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44.		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
45.		WRSP001- DRAINAGE PLAN (NON-STANDARD) Prior to issuance of any grading and/or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include oil-grease/water separators for the paved parking areas. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
46.		WRSP002 - ZONE A ELEVATION REQUIREMENTS (NON-STANDARD) The lowest floor and attendant utilities for each structure shall be constructed at a minimum elevation of <u>13</u> feet mean sea level (NGVD 1929). Prior to issuance of any grading or building permits for each building, the applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed land surveyor that a reference marker has been	Submit a letter to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to final building inspection	

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		established at the building site to provide for the floodproofing and certification of the lowest floor elevation. (Water Resources Agency)				
47.		WRSP003 - CONCRETE SLAB INSPECTION (NON-STANDARD) The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate for each structure, completed by a registered civil engineer or licensed land surveyor, certifying the forms have been set at a height that will ensure the minimum lowest floor elevation requirement. (Water Resources Agency)	Submit a completed FEMA Elevation Certificate for each structure, based on building under construction, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to the foundation pre-pour inspection	
48.		WRSP004 - ELEVATION CERTIFICATE (NON-STANDARD) The applicant shall provide the Water Resources Agency a FEMA Elevation Certificate for each structure, certifying the structures have been constructed in accordance with Chapter 16.16 of the Monterey County Code. The Elevation Certificate shall be completed by a registered civil engineer or licensed surveyor, and all information shall be based upon finished construction. (Water Resources Agency)	Submit a completed FEMA Elevation Certificate for each structure, based on finished construction, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to final inspection for each building	
49.		PKSP001 – RECREATION REQUIREMENTS/LAND DEDICATION The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the County Subdivision Ordinance, Title 19, and Sections 21.10.010 and 21.12.070- Special Regulations of the County Zoning Ordinance, Title 21, Monterey County Code, by dedicating land and recreation improvements in accordance with the provisions contained in Section 19.12.010(D) for park and recreation purposes and in Sections 21.10.070 B and 21.12.070 B for Medium and High Density developments reasonably serving the residents of the subdivision. The applicant shall also	The applicant shall submit a recreation plan and cost estimate for the improvements to be made on the dedicated parcels(s) to Parks Department for review and approval..	Owner/ Applicant	Prior to the Record-ation of the Final Map	

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		provide the Parks Department with a recreation plan and cost estimate for the improvements to be made on the dedicated parcels(s). (Parks Department)				
Mitigation Measures						
50.	MM-4-1	BIOLOGICAL RESOURCES - The County of Monterey shall require that the project applicant contract with the qualified wildlife biologist to conduct a survey for roosting special-status bat species, 30 days prior to the removal of any trees between March 1 and July 31. If no bat roosts are detected, then no further action is required if the trees are removed prior to the next breeding season. If removal is delayed, than an additional preconstruction survey shall be conducted 30 days prior to removal of any trees or buildings to ensure that a new colony has not established itself. If a colony of bats is found roosting within the project site, physical and time-limited buffer zones shall be employed to ensure the continued success of the colony.	Project applicant shall contract with qualified biologist to conduct a survey for roosting special-status bat species 30 days prior to tree removal occurring between March 1 and July 31.	Project Applicant	30 days prior to tree removal occurring between March 1 and July 31.	
51.	MM-4-2	BIOLOGICAL RESOURCES - If construction the proposed project occurs during the typical nesting season (February-August), the County of Monterey shall require that the project applicant retain a qualified biologist to perform a pre-construction nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer shall be established and shown on construction plans.	Project applicant shall retain a qualified biologist to perform a pre-construction nest survey between February and August to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.	Project Applicant	No more than 30 days prior to ground disturbance or tree removal occurring between February and August.	

END OF CONDITONS