

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

RESOLUTION NO. 06046  
A.P. # 231-011-006-000  
and 231-039-002-000

**FINDINGS AND DECISION**

In the matter of the application of  
**CHISPA, INC. (PLN060450)**

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, an Amendment to Combined Development Permit (PLN040767) for the Valley View affordable housing subdivision. The amendment (**CHISPA PLN060450**) will revise two conditions of approval to change the affordability restrictions to be consistent for all 33 units within the project, to a 30-year deed restriction instead of a permanent deed restriction, The project is located on the eastern edge of the community of San Lucas northeast of the intersection of Highway 198 and Main Street, San Lucas, Central Salinas Valley, and came on regularly for hearing before the Planning Commission on August 9, 2006.

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

**FINDINGS OF FACT**

- 1. FINDING: CONSISTENCY** - The Amended Combined Development Permit (**PLN060450 CHISPA**), as conditioned, is consistent with applicable plans and policies, of the General Plan, the Central Salinas Valley Area Plan, the Monterey County Zoning Ordinance (Title 21), and Monterey County Subdivision Ordinance (Title 19), which designates this area as appropriate for affordable housing residential development.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project as contained in the application and accompanying materials for consistency with the Monterey County General Plan, the Central Salinas Area Plan and conformity with the Monterey County Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 21). The amendment revises two conditions of approval to change the term of the affordable housing restriction and is consistent with the policies and plans.
- 2. FINDING: INCLUSIONARY HOUSING** - The Amended Combined Development Permit, as conditioned, conforms with the policies and requirements of Section 18.40 of the Monterey County Code (Inclusionary Housing Ordinance #04185).

**EVIDENCE:**

  - a) The amendment to change the affordable housing restrictions that will be applied to the project is consistent with Ordinance #04185 (Monterey County Code, Chapter 18.40). Section 18.40.50B.2 of Ordinance #04185 allows for modifications to the Inclusionary Housing requirements for a project based on unique, unusual or unforeseen circumstances. The unusual circumstance that justifies modifying the normal inclusionary housing requirements in this case is that the inclusionary and non-inclusionary units in this project will be physically identical and buyers of both inclusionary and non-inclusionary units must meet identical requirements as low and moderate income households. Harmonizing the term of affordability and inheritance requirements will reduce the potential for confusion for future owners and will facilitate administration and enforcement of the restrictions under the specific facts of this case.

- b) On June 14, 2006 the Housing Advisory Committee (HAC) unanimously recommended that the proposed modification be approved.

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

**EVIDENCE:** Both the Subdivision and the expansion of the San Lucas County Water District projects (PLN040767 CHISPA) were reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health Division, Parks and Recreation Department, CDF South County CDF Fire District, the Monterey County Sheriff's and the Redevelopment and Housing Agency. There has been no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for subdivision improvements. All conditions of approval with the exception of the previous condition No. 55 and 56 remain applicable and are still in effect.

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. None of the conditions in CEQA Guidelines Section 15162 triggers the need to prepare a subsequent Negative Declaration.

**EVIDENCE:** (a) As defined in CEQA Guidelines Section 15162 none of the project conditions of this project trigger the need to prepare a subsequent Negative Declaration. There are no substantial changes proposed in the project; there is no substantial increase in the severity of previously identified significant effects; and there is no new information of substantial importance.

(b) No construction or physical changes will result from the approval of this permit amendment. It is an administrative action to change the term of deed restriction imposed as conditions of approval on the Combined Development Permit approved by the BOS on March 28, 2006. The change requires all affordable housing unit deed restrictions be for a 30-year term; allows a change in the revenues shared upon the sale of the units, and identifies parties that can inherit the units.

(c) The proposed change in the project conditions will not involve new, significant environmental effects nor a substantial increase in the severity of previously identified effects.

(1) The proposed project is subject to environmental review due to the potential for significant environmental effects pursuant to CEQA Guidelines Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration).

(2) Potentially adverse environmental effects were identified during staff review of the development application.

(3) County staff prepared an Initial Study and draft Mitigated Negative Declaration for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant unavoidable environmental impacts. A Mitigated Negative

Declaration was filed with the County Clerk on September 26, 2005 and noticed for public review. The public review period ended October 28, 2005. All comments received on the Initial Study were considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Monterey County, August 2003. "San Lucas Water Rehabilitation Project Environmental Initial Study."
2. Archaeological Consulting, January 19, 2005. "Preliminary Archaeological Reconnaissance for the CHISPA Affordable Housing Project in San Lucas, Monterey County, California," and June 8, 2005 letter to Dana Cleary, CHISPA, regarding Native American Contact Documentation.
3. CapRock Environmental & Engineering Geology, August 17, 2001. "Phase 1 Environmental Site Assessment APN #231-011-006 & 231-039-002, San Lucas, Monterey County, California."
4. H.T. Harvey & Associates, May 6, 2005. "Community Housing Improvement Systems and Planning Associates, Inc. San Lucas Housing Tract and Sewage Treatment Plant Expansion Biological Assessment."
5. H.T. Harvey & Associates, July 7, 2004. "Community Housing Improvement Systems and Planning Associates, Inc. San Lucas Housing Tract Biotic Report."
6. H.T. Harvey & Associates, May 16, 2005. "Wetlands on or near the San Lucas Housing Tract and Sewage Treatment Plant Expansion project sites."
7. Landset Engineers, Inc. December 2001. "Soil Engineering Investigation for Mary Street Subdivision San Lucas, California (Project LSS-0151-01)."
8. Landset Engineers, Inc. February 2006, "A Geological Hazards Report for the Mary Street Subdivision San Lucas, California" (Project LSG-0151-02).
9. RBF Consulting, December 2003. "County of Monterey Housing and Development San Lucas Infrastructure Feasibility Study."
10. Springer & Anderson, Inc. April 1, 2002. "Preliminary Engineering report Proposed Domestic Water System Rehabilitation Project, San Lucas County Water District, San Lucas, California." Prepared for CHISPA. November 2002, "Amendment to Preliminary Engineering Report Domestic Water System Rehabilitation Project San Lucas County Water District."
11. Springer & Associates, Inc. March 3, 2005. "Updated Feasibility Study, Wastewater Treatment Plan Expansion—Phase I and II, San

Lucas County Water District, San Lucas, Monterey County, California.” Prepared for County of Monterey, Environmental Resource Policy, Redevelopment and Housing Division.

12. Strelow Consulting. May 2005. “Environmental Assessment, San Lucas Affordable Housing Project.” Prepared for California Department of Housing and Community Development HOME Program.
  13. Pacific Municipal Consultants. August 13, 2003. “Initial Study and Mitigated Negative Declaration prepared for the Use Permit for the San Lucas Water System Rehabilitation Project, PLN030253.”
  14. TRAK Environmental Group Inc., July 15, 2002. “Hydrogeologic Investigation and Water Quality Evaluation in the San Lucas Area, Monterey County, California.”
- (4) The Initial Study is on file in the office of Planning and Building Inspection and is hereby incorporated by reference in project file (PLN040767). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. The Initial Study identified several potentially significant impacts relative to Air Quality, Biological Resources, Cultural Resources, Noise, and Utilities and Service Systems. Substantial evidence supports the conclusion that impacts will be less than significant with mitigation incorporated for these issues.
  - (5) A Mitigation Monitoring and Reporting Plan (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.
  - (6) For purposes of implementing Section 735.5 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.
  - (7) The Monterey County Department of Planning and Building Inspection, (located at 168 W. Alisal Street, 2<sup>nd</sup> 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.

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

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

6. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working

in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

**EVIDENCE:** The previous project (CHISPA PLN040767) was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, CDF South County Fire Protection District, Sheriff's Department, Redevelopment and Housing Division, Monterey Bay Unified Air Pollution District and the Water Resources Agency. 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. All Conditions of Approval with the exception of the previous condition No. 55 and 56 remain applicable and are still in effect. The Redevelopment and Housing Department has reviewed and supports the Combined Development Permit (PLN060450 CHISPA) amendment.

7. **FINDING: HOUSING ELEMENT** - The project, as conditioned, conforms to the policies and requirements of the Housing Element 2002-2008, adopted October 2003.

**EVIDENCE:** a) The Planning and Building Inspection Department staff reviewed the project as contained in the application and accompanying materials for consistency with the Monterey County Housing Element adopted October 2003. All Conditions of Approval with the exception of the previous condition No. 55 and 56 remain in effect.

b) See above evidence for Finding 1.

### DECISION

**THEREFORE**, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

**PASSED AND ADOPTED** this 9th day of August, 2006, by the following vote:

AYES: Errea, Brown, Isakson, Salazar, Vandever, Padilla, Sanchez, Diehl  
NOES: None  
ABSENT: Rochester, Wilmot



MIKE NOVO, SECRETARY

A COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON SEP 05 2006

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE SEP 15 2006

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

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

**Project Name: CHISPA Valley View Subdivision**  
**File No: PLN060450 APNs: 231-011-006-000 and 231-039-002-000**  
**Approved by: Planning Commission Date: August 9, 2006**

*\*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><b>PBD029 - SPECIFIC USES ONLY</b>            Amend Combined Development Permit (PLN040767 CHISPA) for the Valley View affordable housing subdivision. The amendment (<b>CHISPA PLN060450</b>) will revise two conditions of approval to change the affordability restrictions to be consistent for all 33 units within the project. All conditions of the Combined Development Permit with exception of condition 55 and 56 remain applicable and are still in effect. The project is located on the eastern edge of the community of San Lucas northeast of the intersection of Highway 198 and Main Street, San Lucas (Assessor's Parcel Number 231-011-006-000 &amp; 231-039-002-000), Central Salinas Area. 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 Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other</p>	<p>Adhere to mitigations, conditions and uses specified in the permit.</p>	<p>Owner/ Applicant</p>	<p>Ongoing unless otherwise stated</p>	

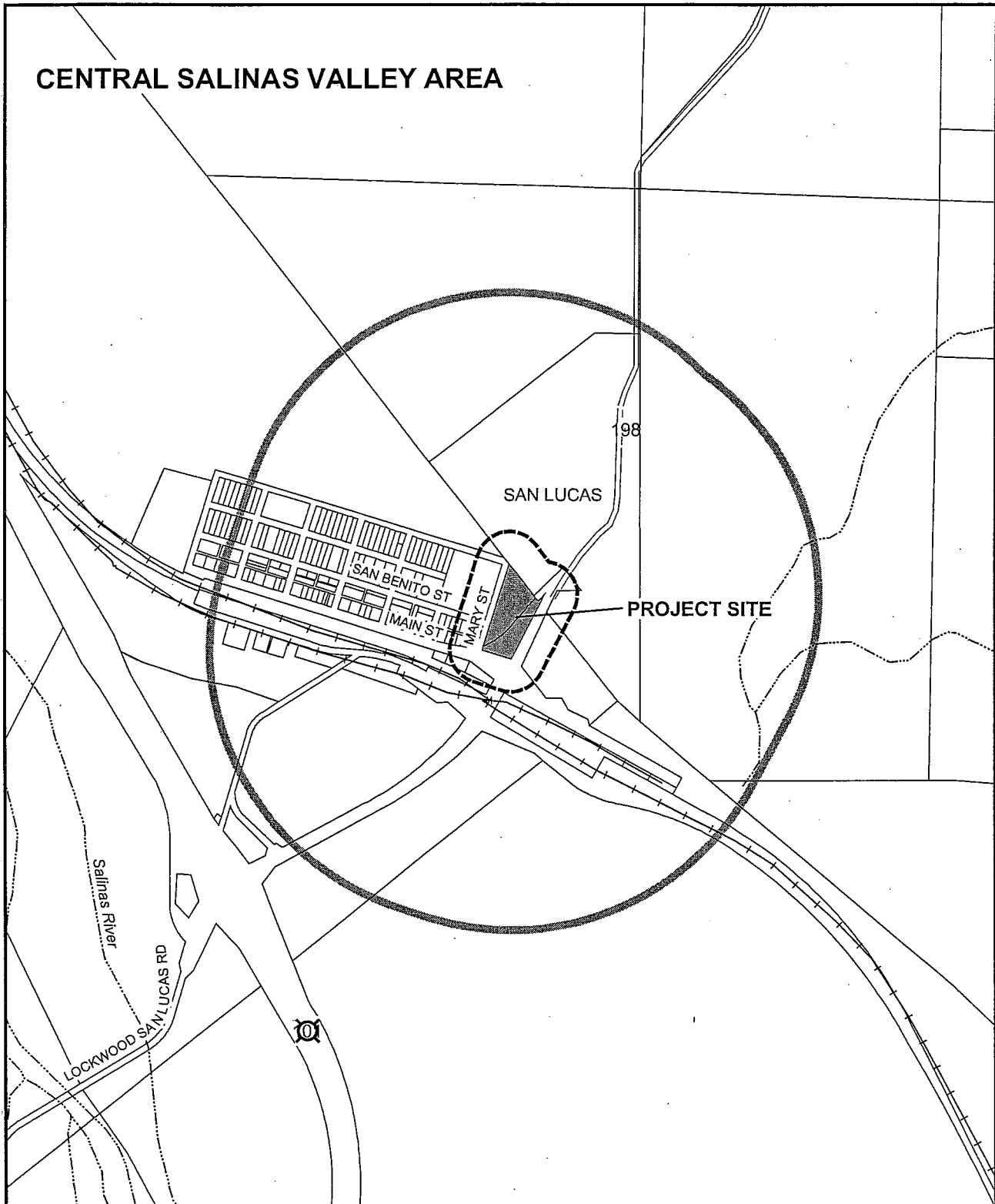
		than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(Planning and Building Inspection)</b>			
2.		<b>PBD025 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 06046) was approved by the Planning Commission for Assessor's Parcel Number 231-011-006-000 & 231-039-002-000, on August 9, 2006. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use
3.		<b>PBD – NON STANDARD</b> All previous conditions of approval of the Combined Development Permit (PLN040767 CHISPA) remain applicable and are still in effect except for No. 55 and 56. Conditions 55 and 56 are replaced by condition 4 in this Amended Combined Development Permit. <b>(Planning and Building Inspection)</b>	Adhere to mitigations, conditions and uses specified in the Combined Development Permit.	Owner/ Applicant	As specified in Resolution
4.		<b>REDEVELOPMENT AND HOUSING AGENCY - NONSTANDARD</b> The units shall be restricted for a 30-year term of affordability rather than in perpetuity; The project shall provide 33 residential units as affordable housing units to be located on the project site. The units shall consist of five units affordable to moderate-income households and 28 units affordable to low- income households. Prior to the recordation of the final subdivision map covering the entire development, the developer shall execute a Master Developer Affordable Housing Agreement (Agreement) with the County, in a form acceptable to the County, that will specify that the units shall be restricted to five moderate and 28 low income under	The developers and property owners shall execute a Master Developer Inclusionary Housing Agreement with the County, in a form acceptable to the County, that will deed restrict the Inclusionary units for affordability and provide the specific requirements for the project's Inclusionary Housing component, in compliance with Ordinance #04185 and the adopted Inclusionary Housing Administrative Manual.	Owner/ Applicant	Prior to filing of final map

	<p>the terms and conditions of the County's Inclusionary Housing Ordinance No. 04186 and with the provisions contained in the adopted Inclusionary Housing Administrative Manual except for the following modifications:</p> <ul style="list-style-type: none"> <li>• The units shall be restricted for a 30-year term of affordability rather than in perpetuity;</li> <li>• If the unit is sold after the 30-year term ends, each unit's share of the subsidies will be repaid to CHISPA and the County, split equally (50%/50%). (The term "subsidies" as used in this condition consist of two state community development block grants (CDBG) totaling \$648,500 which were supplied to the overall project for infrastructure); and</li> <li>• Children and stepchildren may inherit the unit regardless of income and will assume their parents' Inclusionary Housing Agreement, including its term. All other restrictions and provisions contained in the Inclusionary Owner Agreement shall apply. <b>(Redevelopment and Housing Agency)</b></li> </ul>				
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EXHIBIT H-1




CENTRAL SALINAS VALLEY AREA

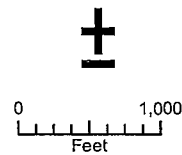


APPLICANT: CHISPA INC

APN: 231-011-006-000 & 231-039-002-000

FILE # PLN040767

 300' Limit  2500' Limit  City Limits



PLANNER: LUTES