

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

RESOLUTION NO. 07020

A.P. # : 031-161-003-000, 031-161-004-000, 031-161-005-000, 031-161-006-000, 031-161-012-000, 031-161-013-000 and 031-161-014-000.

In the matter of the application of
East Garrison Partners LLC (PLN070168)

FINDINGS AND DECISION

for an Amendment to Public Works condition of approval number 255 of the East Garrison Combined Development Permit (PLN030204) which states: The "applicant shall install a roundabout at the intersection of the Inter-Garrison Road and the westerly project entrance. The intersection shall be designed to operate at a level of service (LOS) C or better in the year of project buildout." The request is to modify the condition to state: "The applicant shall install a traffic signal at the intersection of Inter-Garrison Road and the westerly project entrance. This intersection shall be designed to operate at a level of service (LOS) C or better in the year of project buildout." The property is located on Reservation Road, Salinas, Greater Monterey Peninsula Area, and came on regularly for hearing before the Planning Commission on April 25, 2007.

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

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, Greater Monterey Peninsula Inventory and Analysis, the Monterey County Zoning Ordinance (Title 21), the Monterey County Subdivision Ordinance (Title 19) and the East Garrison Specific Plan which designate this area as appropriate for the proposed amendment.

- EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- (b) The property is located on Reservation Road, Salinas (Assessor's Parcel Numbers 031-161-003-000, 031-161-004-000, 031-161-005-000, 031-161-006-000, 031-161-012-000, 031-161-013-000 and 031-161-014-000), Greater Monterey Peninsula Area Plan. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21 and Title 19, and is therefore suitable for the proposed amendment.
- (c) Staff has concluded that the subject amendment conforms to the plans listed above.

- (d) Consultation between East Garrison Partners LLC and the Fort Ord Re-Use Authority (FORA) found concerns that the proposed roundabout would be unable to accommodate the anticipated traffic volume predicted by TAMC's regional traffic forecast modeled for the FORA Base Re-Use Plan and the Fort Ord Re-Use Authority's Capital Improvement Plan (CIP).
 - (e) The project was not referred to the Greater Monterey Peninsula Area Plan Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this project did not warrant referral to the LUAC. The proposed amendment does not present substantial change to identified environmental impacts previously discussed and addressed in the EIR (EIR No. 04-04) adopted for the East Garrison Combined Development Permit (PLN030204), in accordance with Section 15162(a) of the CEQA guidelines.
 - (f) The application and related support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development found in Project File PLN070168.
2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: Planning Department, Salinas Rural Fire Protection District, Public Works and The Office of Housing and Redevelopment. 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) Materials in Project File PLN070168.
3. **FINDING: CEQA (Section 15162[a])**: - The project does not present substantial change to identified environmental impacts or significant effects previously discussed and addressed in the certified EIR.
- EVIDENCE:** (a) Section 15162(a) of the CEQA Guidelines states, "When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record...substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects."
- (b) The proposed amendment does not present substantial change that would increase the severity of previously identified significant impacts or cause new significant environmental effects that were not previously discussed and addressed in the EIR (EIR No. 04-04) (SCH No. 2003081086) adopted for the East Garrison Combined Development Permit (PLN030204). (Board of Supervisors Resolution No. 05-267).
- (c) Based on the traffic analysis prepared by TJKM Transportation Consultants dated March 30, 2007, a traffic signal would provide the equivalent level of service as the roundabout. A roundabout and a traffic signal are different but comparable means of providing traffic control. The overall effectiveness and traffic flow provided by the traffic signal is

equivalent to that provided by the roundabout as described in the certified EIR (EIR No. 04-04). The traffic analysis indicates that there would be no difference in traffic circulation impact or the effectiveness between the roundabout and the signal.

- (d) Implementation of the roundabout could result in one of the following:
 - 1) Unnecessary and possibly infeasible encroachment into habitat reserve;
 - 2) Encroachment into the parcel designated for the Monterey County Youth Camp;
 - 3) Potential elimination of parcels created in the East Garrison Combined Development Permit (PLN030204).
- (e) Per the Rough Grading Plan prepared by Carlson, Barbee & Gibson, Inc., dated August 2006, the proposed intersection will not extend into the Habitat Reserve beyond the allotment allowed by the Right of Entry permit obtained by the applicant (See Exhibit D).
- (f) Based on available information, there is no reasonable possibility that the proposed activity will have a significant effect on the environment due to unusual circumstances that would require additional review.
- (g) See preceding and following findings and supporting evidence.
- (h) Materials in project file PLN070168.

4. FINDING: SUBDIVISION ORDINANCE (TITLE 19) MINOR SUBDIVISIONS (CHAPTER 19.08) The East Garrison Partners LLC. Condition Amendment (PLN070168) is consistent with the requirements as specified within Title 19.

- EVIDENCE:**
- (a) The final map has not been filed for recordation.
 - (b) No lots, units or building sites are being added or deleted.
 - (c) The changes are consistent with the Monterey County General Plan, Greater Monterey Peninsula Area Plan, Greater Monterey Peninsula Inventory and Analysis and the East Garrison Specific Plan.
 - (d) The amendment will not result in a violation of the Monterey County Codes.
 - (e) There will be no new significant adverse environmental affect from the amendment.

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 costs, if any, have been paid.

- EVIDENCE:**
- (a) Staff reviewed the Monterey County Resource Management Agency's - Planning Department and Building Services records and is unaware of any violations existing on the subject property.

6. 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.

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

EVIDENCE: (a) Section 19.16.080.C of the Monterey County Zoning Ordinance (Title 19) states, "The Board of Supervisors is the Appeal Authority to consider appeals from decisions of the Planning Commission.

DECISION

THEREFORE, it is the decision of said Planning Commission to approve the Amendment to Public Works condition number 255 of Combined Development Permit (PLN030204) based on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 25th day of April, 2007, by the following vote:

AYES: Errea, Brown, Isakson, Padilla, Ottone, Rochester, Diehl, Salazar, Vandevere
NOES: None
ABSENT: Sanchez


MIKE NOVO, SECRETARY

Copy of this decision mailed to applicant on MAY 17 2007

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 MAY 27 2007

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 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

**Monterey County Resource Management
Agency – Planning Department
Condition Compliance and/or Mitigation
Monitoring Reporting Plan**

Project Name: East Garrison Partners LLC **File No:** PLN070168
APNs: 031-161-003-000, 031-161-004-000, 031-161-005-000, 031-161-006-000, 031-161-012-000, 031-161-013-000 and 031-161-014-000.
Approved by: Planning Commission **Date:** April 25,2007

**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>PBD029 - SPECIFIC USES ONLY This amendment to Public Works condition number 255 (PLN070168/East Garrison Partners LLC.) results in a change in language for condition number 255 for the East Garrison Standard Subdivision (PLN030204). Condition 255 shall be amended to state: "The applicant shall install a traffic signal at the intersection of Inter-Garrison Road and the westerly project entrance. This intersection shall be designed to operate at a level of service (LOS) C or better in the year of project buildout." The property is located on Reservation Road, (Assessor's Parcel Numbers 031-161-003-000, 031-161-004-000, 031-161-005-000, 031-161-006-000, 031-161-012-000, 031-161-013-000 and 031-161-014-000), Salinas. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the 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 Resource Management Agency - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

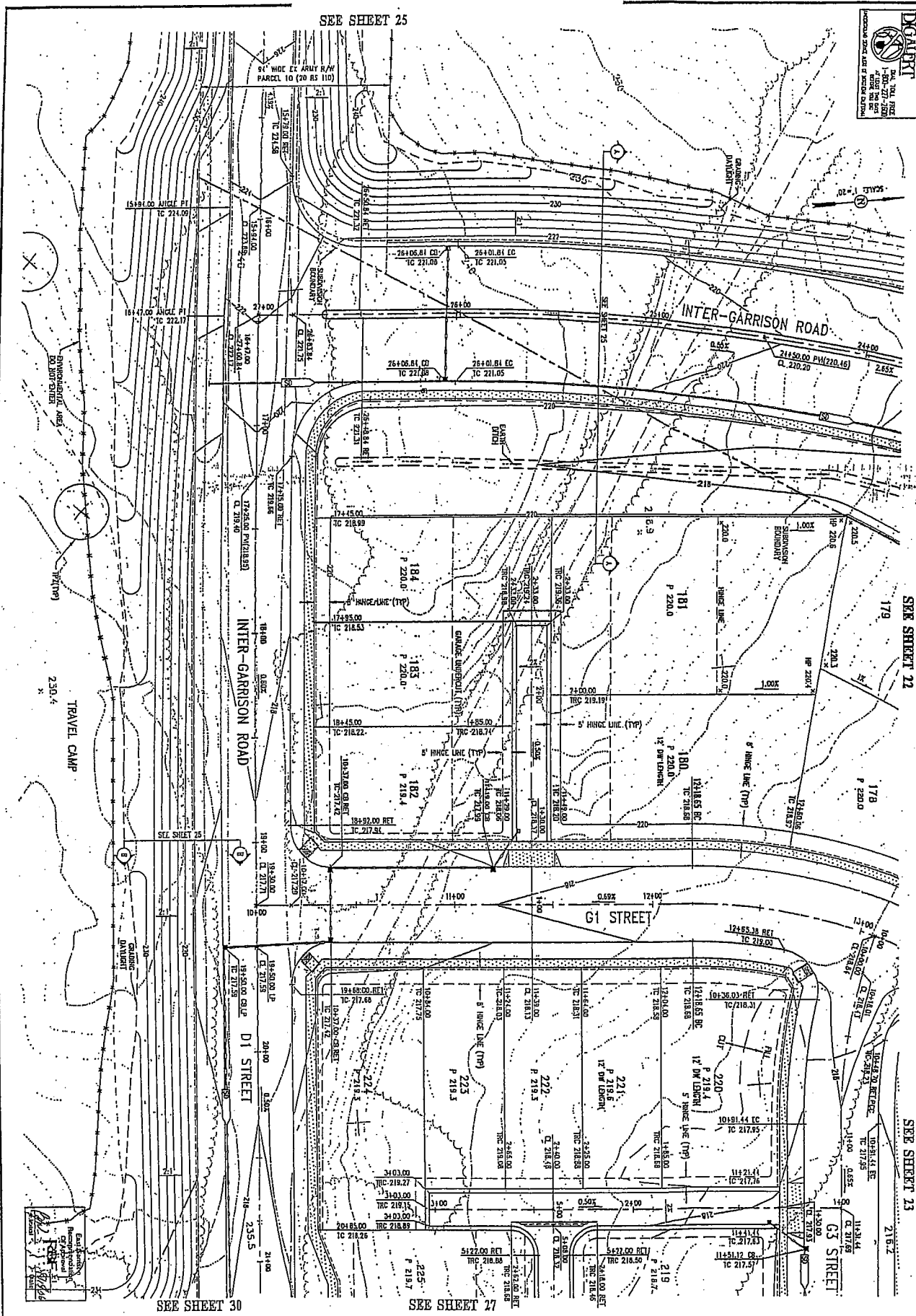
		appropriate authorities. (Resource Management Agency [RMA]-Planning Department)				
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 07020) was approved by the Planning Commission for Assessor's Parcel Numbers 031-161-003-000, 031-161-004-000, 031-161-005-000, 031-161-006-000, 031-161-012-000, 031-161-013-000 and 031-161-014-000 on April 12, 2007. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning Department." Proof of recordation of this notice shall be furnished to the Planning Director 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 Planning Department.	Owner/ Applicant	Prior to recordation of Parcel Map	
3.		PW000-NON STANDARD – TRAFFIC AND CIRCULATION – INTER GARRISON ROAD/WESTERLY PROJECT ENTRANCE INTERSECTION IMPROVEMENTS The applicant shall install a traffic signal at the intersection of Inter-Garrison Road and the westerly project entrance. The intersection shall be designed to operate at a level of service (LOS) C or better in the year of project buildout. (RMA- Public Works)	The applicant shall install a traffic signal at the listed intersection. Intersection shall be designed to operate at a level C or better in the year of project buildout. The traffic signal will be installed with planned Inter-Garrison Road widening to the west. If planned widening of this segment does not occur by December 2010, Developer shall pay a traffic signal fee. Fee amount shall be based on \$350,000 adjusted for inflation based on the ENR Construction Cost Index from 2007 to 2010.	Owner/ Applicant	Developer shall install phased improvements to meet level of service (LOS) C or better through project buildout. The traffic signal will be installed with planned Inter-Garrison Road widening to the west. If	

					planned widening of this segment does not occur by December 2010, Developer shall pay a traffic signal fee. Fee amount shall be based on \$350,000 adjusted for inflation based on the ENR Construction Cost Index from 2007 to 2010.	
4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first	

		<p>county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>			and as applicable	
5.		<p>PD000-NON STANDARD- CONDITION COMPLIANCE All other Conditions and or Mitigations of the East Garrison Combined Development Permit (PLN030204) (Board of Supervisors Resolution No. 05-267) remain in full force and effect and must be complied with according to the referenced resolution.</p>	<p>In accordance with specifications stated in Board of Supervisors Resolution No. 05-267.</p>	<p>Applicant/ Owner</p>	<p>In accordance with timelines specified in Board of Supervisors Resolution No. 05-267.</p>	

END OF CONDITIONS

SEE SHEET 25



SEE SHEET 22

SEE SHEET 23

SEE SHEET 30

SEE SHEET 27

EAST GARRISON PHASES 1 & 2
ROUGH GRADING PLAN
 MONTEREY COUNTY CALIFORNIA

SHEET NUMBER
 OF 25
 26

JOB NUMBER
 1108-90

cbg Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS

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