

# Attachment K

This page intentionally left blank.

County of Monterey  
 State of California  
**REVISED NEGATIVE DECLARATION**

**FILED**

JUL 02 2015

STEPHEN L. VAGNINI  
 MONTEREY COUNTY CLERK  
 DEPUTY

<b>Project Title:</b>	Amendment to the Moro Cojo Subdivision Final Map
<b>File Number:</b>	PLN120650
<b>Owner:</b>	161 property owners are included in the application.
<b>Project Location:</b>	Castroville Boulevard & Meridian Rd, Castroville area
<b>Primary APN:</b>	APNs of 161 properties involved in the application.
<b>Project Planner:</b>	Luis Osorio, Senior Planner
<b>Permit Type:</b>	Subdivision Amendment
<b>Project Description:</b>	<p>Request to amend Condition No. 99 of the approved Subdivision to change the duration of the affordability restriction imposed on 161 single family units from "in perpetuity" to a term of fifteen years. As proposed, Condition 99 would read as follows (<u>proposed language is underlined</u>):</p> <p style="padding-left: 40px;">"That the units in the Moro Cojo Inclusionary Housing Development Projects (SH93001 and SH93002) be affordable to very low, low and moderate income households as defined in Section 50093 of the California Health and Safety Code ("<u>Affordability Requirement</u>"). <u>The term of the Affordability Requirement for the "for sale" units within the Moro Cojo Inclusionary Housing Development Projects identified in application # PLN120650 shall be 15 years. The 15-year affordability term shall commence on the date of the first deed of conveyance from the developer (CHISPA or South County Housing) to the original owner of the "for sale" unit.</u>"</p>

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

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

<b>Decision Making Body:</b>	Monterey County Board of Supervisors
<b>Responsible Agency:</b>	County of Monterey
<b>Review Period Begins:</b>	July 6, 2015
<b>Review Period Ends:</b>	August 5, 2015

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2<sup>nd</sup> Floor, Salinas, CA 93901 (831) 755-5025

# MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING  
168 WEST ALISAL, 2<sup>ND</sup> FLOOR, SALINAS, CA 93901  
(831) 755-5025 FAX: (831) 757-9516



## **NOTICE OF INTENT TO ADOPT A REVISED NEGATIVE DECLARATION** **MONTEREY COUNTY**

NOTICE IS HEREBY GIVEN that Monterey County Resource Management Agency – Planning has prepared a **revised** draft Negative Declaration, pursuant to the requirements of CEQA, for an amendment (File Number PLN120650) to the Moro Cojo Subdivision Final Map approved by the Board of Supervisors as part of the Moro Cojo Combined Development Permit (Planning File No. SH93001 and SH93002) on December 20, 1994. The Subdivision is generally located fronting on Castroville Boulevard in the vicinity of the North Monterey County High School. The project involves the amendment to Condition No. 99 of the approved Final Map as described below.

The **Revised Negative Declaration and Initial Study**, as well as referenced documents, are available for review at Monterey County Resource Management Agency – Planning, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. The Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link:

<http://www.co.monterey.ca.us/planning/docs/environmental/circulating.htm>

The Planning Commission will consider this proposal at a public hearing on August 12, 2015 and will make a recommendation to the Board of Supervisors. The Board of Supervisors will consider this proposal at public hearing on a date to be determined and will be the final authority on the proposal. All public hearings on the project will be held in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. Written comments on this **Revised Negative Declaration and Initial Study** will be accepted from **July 6, 2015 to August 5, 2015**.

**Project Description:** The Moro Cojo Standard Subdivision included 175 for-sale single family units (lots) for low income (80% of median income) families, a planned unit development with 90 multi-family rental units for very low income (50% of median income) families, and a community center with a day care facility, tot lot, classrooms, multi-purpose room and other facilities. The Subdivision was approved subject to a number of conditions. Condition No. 99 required "That all the units in the Moro Cojo Inclusionary Housing Development Projects (SH93001 and SH93002) be affordable to very low, low and moderate income households as defined in Section 50093 of the California Health and Safety Code." This condition did not specify any time frame for the duration of the affordability requirement for the units, and it was later determined through Court procedures that Condition 99 shall be interpreted to mean that the 175 single family homes are for low income households (80% of median income) and that the condition shall be a permanent deed restriction on the properties.

The applicants for the subject amendment include 161 of the owners of the 175 single-family units the Moro Cojo Standard Subdivision. The applicants request an amendment of Condition No. 99 of the Subdivision to change the duration of the affordability restriction on their 161 single family units from "in perpetuity" to a term of fifteen years. Under the applicants' proposal Condition 99 would read as follows (proposed additional language is underlined):

“That the units in the Moro Cojo Inclusionary Housing Development Projects (SH93001 and SH93002) be affordable to very low, low and moderate income households as defined in Section 50093 of the California Health and Safety Code (“Affordability Requirement”). The term of the Affordability Requirement for the “for sale” units within the Moro Cojo Inclusionary Housing Development Projects identified in application # PLN120650 shall be 15 years. The 15-year affordability term shall commence on the date of the first deed of conveyance from the developer (CHISPA or South County Housing) to the original owner of the “for sale” unit.”

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Agency also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Agency has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

[CEQAcomments@co.monterey.ca.us](mailto:CEQAcomments@co.monterey.ca.us)

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Agency to ensure the Agency has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Agency to confirm that the entire document was received.

**For reviewing agencies:** Resource Management Agency – Planning requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Agency if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey  
Resource Management Agency – Planning  
Attn: Mike Novo, Director of Planning  
168 West Alisal, 2<sup>nd</sup> Floor  
Salinas, CA 93901

Re: Moro Cojo Subdivision Amendment; File Number PLN120650

From: Agency Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

- \_\_\_ No Comments provided
- \_\_\_ Comments noted below
- \_\_\_ Comments provided in separate letter

COMMENTS:

---

---

---

---

**DISTRIBUTION**

1. State Clearinghouse (15 CD copies + 1 hard copy of the Executive Summary) – include the Notice of Completion
2. County Clerk's Office
3. California Coastal Commission
4. Association of Monterey Bay Area Governments
5. Monterey County Water Resources Agency
6. Monterey County RMA-Public Works
7. Monterey County RMA-Environmental Services
8. Monterey County Parks Department
9. Monterey County Environmental Health Bureau
10. Monterey County Economic Development Dept, Jane Barr, Program Manager
11. Community Housing Improvement Systems and Planning Association, Inc. (CHISPA) C/O Alfred Diaz-Infante, as agent for applicants
12. Juan Uranga, Center for Community Advocacy, Salinas
13. Jane Haines
14. Eleonore Gutierrez
15. Martha Rau
16. Gloria Stinnette
17. Mary Tsui
18. Denise Visintine
19. The Open Monterey Project
20. LandWatch
21. Property Owners within 300 feet (**Notice of Intent only**)

**Distribution by e-mail only (Notice of Intent only):**

22. U.S. Army Corps of Engineers (San Francisco District Office: Katerina Galacatos: [galacatos@usace.army.mil](mailto:galacatos@usace.army.mil))
23. Emilio Hipolito ([ehipolito@nccrc.org](mailto:ehipolito@nccrc.org))
24. United Brotherhood of Carpenters & Joiners ([nedv@nccrc.org](mailto:nedv@nccrc.org))
25. Molly Erickson ([Erickson@stamplaw.us](mailto:Erickson@stamplaw.us))
26. Margaret Robbins ([MM\\_Robbins@comcast.net](mailto:MM_Robbins@comcast.net))
27. Michael Weaver ([michaelrweaver@mac.com](mailto:michaelrweaver@mac.com))
28. Monterey/Santa Cruz Building & Construction ([Office@mscbctc.com](mailto:Office@mscbctc.com))
29. Tim Miller ([Tim.Miller@amwater.com](mailto:Tim.Miller@amwater.com))

Revised 01/22/2015

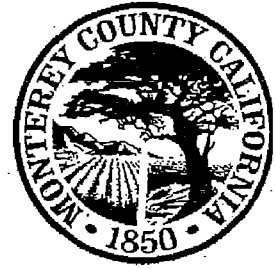
# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

### PLANNING DEPARTMENT

168 WEST ALISAL ST., 2<sup>nd</sup> FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



## REVISED INITIAL STUDY

**NOTE: CHANGES HAVE BEEN MADE TO THE ORIGINAL INITIAL STUDY DATED MARCH 3, 2015. CHANGES WERE MADE IN SECTIONS VI.10 (LAND USE & PLANNING) AND VI.13 (POPULATION AND HOUSING), PAGES 18-20 AND 21. ADDED LANGUAGE IS UNDERLINED.**

### *I. BACKGROUND INFORMATION*

**Project Title:** Moro Cojo Subdivision Amendment

**File No.:** PLN120650

**Project Location:** Castroville Boulevard, Castroville, CA generally north of State Highway 156.

**Name of Property Owner:** Various. Includes 161 property owners. (See Reference IX.2 for the complete list of property owners)

**Name of Applicant:** Community Housing Improvement Systems and Planning Association, Inc. (CHISPA) representing the subject property owners.

**Assessor's Parcel Number(s):** Various. (See Reference IX.2 for a complete list of the Assessor's Parcel Numbers)

**Acreage of Property:** Approximately 31 Acres encompassing 161 single family lots.

**General Plan Designation:** High Density Residential, 5 Units/Acre.

**Zoning District:** "HDR/5 (CZ)" [High Density Residential/5 Units Per Acre (Coastal Zone)]

**Lead Agency:** County of Monterey

**Prepared By:** Luis A. Osorio, Senior Planner

**Date Prepared:** July 2, 2015 (Original document was dated March 3, 2015)

**Contact Person:** Luis A. Osorio

**Phone Number:** (831) 755-5177; osoriol@co.monterey.ca.us



## **II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING**

### **A. Description of Project:**

#### **Background**

On December 20, 1994, the Monterey County Board of Supervisors approved (Reference IX.3) two Combined Development Permits, as follows: 1) One Combined Development Permit (CDP) for the Moro Cojo Standard Subdivision (File SH93001); and 2) One Combined Development Permit for the Moro Cojo Senior Housing Development (File SH93002). The CDP for the Moro Cojo Standard Subdivision included 175 for-sale single family units (lots) for low income (80% of median income) families and a for-rent 90-unit planned development. The CDP for the Moro Cojo Senior Housing Development included 100 senior housing units. Both Combined Development Permits were approved subject to conditions, including Condition No. 99, which required, "That all the units in the Moro Cojo Inclusionary Housing Development Projects (SH93001 and SH93002) be affordable to very low, low and moderate income households as defined in Section 50093 of the California Health and Safety Code." (Reference IX.3, Page 66). On September 30, 1997, the Board of Supervisors accepted the final map for the Subdivision. A deed restriction which recited the condition of approval was recorded in October 1997 (Reference IX.4).

Condition No. 99 did not specify any time frame for the duration of the affordability requirement for the residential units. The Alliance to Enforce Mandates Governing Project Review Procedures and Water and Traffic Standards and David Green sued the County and the project applicant, Community Housing Improvement Systems and Planning Association (CHISPA), over the project approval. In November of 1995, the parties entered into a settlement agreement (Settlement Agreement) that provided that Condition 99 shall be interpreted to mean that the 175 single family homes are for low income households (80% of median income) and that the condition shall be a permanent deed restriction (emphasis added) on the properties (Reference IX.5, Page 3). In 2005, CHISPA obtained a court order clarifying that Condition 99 and the recorded deed restriction allow for and permit the resale of the project units to families of very low, low, or moderate income. This clarification enabled resale to families of moderate income, but it did not alter the duration of the affordability restriction, which remains permanent. The Settlement Agreement (Reference IX.5, Page 4) requires that the County "shall not initiate any modification of any condition of approval;" that if the applicant requests any modification, "the applicant shall have the burden of producing substantial evidence to support its request for modification;" and that "any proposed change shall receive an initial review of its environmental effects" where appropriate under CEQA.

#### **Proposed Project**

161 of the 175 owners (Reference IX.2) of the single-family units in the Moro Cojo Standard Subdivision (File SH93001), with CHISPA as their agent, have submitted an application (Reference IX.1) to amend Condition No. 99 to change the affordability requirement for their units, from being permanent to a 15-year term. Under the proposal, the fifteen years would be counted from the date of the first deed of conveyance from the developer to the original owner of the unit, which was in generally between the years of 1999 and 2001. As proposed by the applicants, Condition No. 99 for their 161 homes would be amended as follows (proposed additional language is underlined):

“That the units in the Moro Cojo Inclusionary Housing Development Projects (SH93001 and SH93002) be affordable to very low, low and moderate income households as defined in Section 50093 of the California Health and Safety Code (“Affordability Requirement”). The term of the Affordability Requirement for the “for sale” units within the Moro Cojo Inclusionary Housing Development Projects identified in application # PLN120650 shall be 15 years. The 15-year affordability term shall commence on the date of the first deed of conveyance from the developer (CHISPA or South County Housing) to the original owner of the “for sale” unit.”

The proposed amendment to Condition 99 constitutes an amendment to the approved subdivision and therefore would be subject to the provisions of California Government Code Section 66472.1 and Chapter 19.08.015.A.7 of the Monterey County Subdivision Ordinance. These provisions require certain findings to be made to approve the proposed amendment. These findings are addressed in Section VI.9 (Land Use) of the Initial Study. If the amendment is approved, it would necessitate recordation of a document superseding or amending the deed restriction currently recorded on title.

The 175 for-sale single family units were constructed by the original owners under the United States Department of Agriculture (USDA) Rural Development Mutual Self-Help Program, under which the families worked together to build their homes and earned “sweat equity;” families contributed approximately 65% of the labor needed for constructing their homes (Reference IX.1.a). The project proponent was “Community Housing Improvements and Planning Association” (CHISPA). The projects were processed and approved under the auspices of a “Special Handling” process established by the Board of Supervisors for projects that would provide housing units for low and very low income families. The subdivisions are fully developed.

Pursuant to section 19.08.015.A.7 of the Monterey County Code, the amendment must be considered by the hearing bodies that considered the original tentative map. Consequently, the amendment will be brought to hearing before the Planning Commission for recommendation to the Board of Supervisors and will be considered by the Board of Supervisors at a noticed public hearing.

#### **B. Surrounding Land Uses and Environmental Setting:**

The site is located within the Moro Cojo Subdivision (Subdivision) in northern Monterey County within the designated Coastal Zone. The Subdivision is located generally in a rural area with rural residential and agricultural uses and includes other multi-family and single-family dwellings, playing fields and open space/recreation areas. The Subdivision is fully developed with paved streets, sidewalks, curb, gutter and all public services. The subject 161 single-family dwellings are built on 5,000 square-foot lots encompassing approximately 31 acres. The project site is located adjacent to and east of Castroville Boulevard and north of State Highway 156, generally east of the Town of Castroville. North Monterey High School is located to the southwest of the project site and the Oak Hills residential subdivision is located to the southeast. The property immediately west of the project site across Castroville Boulevard includes an agricultural easement and trails and is zoned as Agricultural Preserve, 40 acre minimum. The Elkhorn Slough is located south of the project site. The project site is zoned High-Density Residential, 5 units per acre in the Coastal Zone [“HDR/5 (CZ)"].

**C. Other public agencies whose approval is required:**

No approval by other agencies is required.

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

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

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

**IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION**

**A. FACTORS**

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

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

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

- Check here if this finding is not applicable

**FINDING:** For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or

maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

**EVIDENCE:** Aesthetics: The proposed project does not include any physical development. Therefore, there will not be any impacts on scenic resources, scenic vistas or the visual character of the area of the project.

**EVIDENCE:** Agriculture and Forest Resources: The proposed project does not include any physical development. The project area is a residential subdivision fully developed and with no agricultural or forest resources.

**EVIDENCE:** Air Quality: The proposed project does not include any physical development. Therefore, there will be no air emissions affecting air quality.

**EVIDENCE:** Biological Resources: The proposed project does not include any physical development. The project area is a residential subdivision fully developed.

**EVIDENCE:** Cultural Resources: The proposed project does not include any physical development. Therefore, there will be no activities that would affect cultural resources.

**EVIDENCE:** Geology/Soils: The proposed project does not include any physical development. Therefore, there will be no activities that would affect soils or geologic conditions.

**EVIDENCE:** Greenhouse Gas Emissions: The proposed project does not include any physical development. Therefore, there will be no greenhouse gas emissions affecting air quality.

**EVIDENCE:** Hazards/Hazardous Materials: The proposed project does not include any physical development.

**EVIDENCE:** Hydrology/Water Quality: The proposed project does not include any physical development. Therefore, there will be no additional water use or effects on the existing water quality in the area.

**EVIDENCE:** Mineral Resources: The proposed project does not include any physical development.

**EVIDENCE:** Noise: The proposed project does not include any physical development. Therefore, there will be no activities that would affect nor increase the existing noise levels in the area of the project.

**EVIDENCE:** Public Services: The proposed project does not include any physical development. Therefore, there will be no need for the provision of additional public services.

**EVIDENCE:** Recreation: The proposed project does not include any physical development. Therefore, there will be no need for the provision of additional recreational facilities or services.

**EVIDENCE: Transportation/Traffic:** The proposed project does not include any physical development. Therefore, there will be no need for the provision of additional transportation or road system improvements.

**EVIDENCE: Utilities/Service Systems:** The proposed project does not include any physical development. Therefore, there will be not be and increased demand on utility and service systems nor in the need for additional capacity.

**B. DETERMINATION**

On the basis of this initial evaluation:

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

  
Signature

**Luis A. Osorio**

July 2, 2015

Date

**Senior Planner**

## V. *EVALUATION OF ENVIRONMENTAL IMPACTS*

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

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



## VI. ENVIRONMENTAL CHECKLIST

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

### Discussion/Conclusion/Mitigation:

See Discussion under Section IV above.

## 2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

2. AGRICULTURAL AND FOREST RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**2. AGRICULTURAL AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d)	Result in the loss of forest land or conversion of forest land to non-forest use? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Discussion under Section IV above.

**3. AIR QUALITY**

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

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

**3. AIR QUALITY**

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

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Create objectionable odors affecting a substantial number of people? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Discussion under Section IV above.

**4. BIOLOGICAL RESOURCES**

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

**Discussion/Conclusion/Mitigation:**  
See Discussion under Section IV above.

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

**Discussion/Conclusion/Mitigation:**  
See Discussion under Section IV above.

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

<b>6. GEOLOGY AND SOILS</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**  
See Discussion under Section IV above.

<b>7. GREENHOUSE GAS EMISSIONS</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**  
See Discussion under Section IV above.

<b>8. HAZARDS AND HAZARDOUS MATERIALS</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**8. HAZARDS AND HAZARDOUS MATERIALS**

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

**Discussion/Conclusion/Mitigation:**

See Discussion under Section IV above.

**9. HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**9. HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion</u> or <u>siltation</u> on- or off-site? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in <u>flooding</u> on- or off-site? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Discussion under Section IV above.

10. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: Reference IX. 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: Reference IX.7, IX.9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: Reference IX. 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The Moro Cojo Subdivision (Subdivision) is located within the designated Coastal Zone of Monterey County. The Subdivision was approved in 1994 under the policies of the 1982 Monterey County General Plan and the Housing Element in effect at the time. The 2010 Monterey County General Plan does not apply to the areas of the County located within the Coastal Zone, therefore, the proposed modification of the Subdivision remains subject to the Policies of the 1982 Plan and the Policies of the North County Area Plan. The Subdivision is also subject to the policies of the current (2009-2014) Housing Element (Reference IX.9). The Housing Element was adopted on June 15, 2010, prior to the adoption of the 2010 County General Plan, in October of that year. Even though the 2010 General Plan does not apply to the areas of the County in the Coastal Zone, the policies of the Housing Element are effective County-wide.

The Subdivision was proposed and approved as a 100 % affordable housing project. The approval of the Subdivision by the Board of Supervisors found it consistent with Goals and Objectives of the Housing Element in effect at the time (Finding No. 20, Resolution of Approval – Reference IX. 3). The Board of Supervisors also found the project consistent with the Board’s Resolution adopting the Housing Element, declaring that “the creation of housing is a priority in Monterey County with a specific emphasis on low-cost housing” (Finding No. 21 Resolution of Approval – Reference IX.3).

The subject application, which proposes to alter the affordability requirement pertaining to 161 of the for-sale residences, was submitted on December 11, 2013 and, therefore, is subject to the 2009-2014 Housing Element. The Housing Element (Reference IX.9, page 118) states that “To make adequate provision for the housing needs of all economic segments of the County” and consistent with statutory requirements, the Housing Plan includes goals, policies and programs that aim to, among other things, “Conserve, preserve and improve the condition of the existing affordable housing stock” consistent with Government Code Section 65583(c) (2). The goals are broad statements purposefully designed “specifically to establish direction;” policies provide statements intended to achieve the goals of the Plan (Reference IX.9 page 119).



## Analysis

### Housing Element

Goal H-1 of the current Housing Element is to “Assure the quality, safety, and habitability of existing housing, promote the continued high quality of residential neighborhoods, preserve at-risk affordable housing developments, and conserve energy” (Reference IX.9, page 119). Policy H-1.7, which implements Goal H-1, is to “Encourage the conservation of existing housing stock through rehabilitation while... assuring that existing affordable housing stock and historic structures are not lost.” Policy H-1.8 is to “Work with property owners and nonprofit housing providers to preserve lower income housing at risk of converting to market rate” (Reference IX.9, page 119). Given these policies, the proposed conversion of 161 single-family units from affordable (all of the units are eligible to moderate income households) to market rate units would potentially be inconsistent with the cited Goal and Policies of the Housing Element. The potential inconsistency, however, would not cause a potential physical impact to the environment.

### North County Local Coastal Program

The project is subject to a policy of the Local Coastal Program that could cause indirect physical effects on the environment. Policy 4.3.6.D.1, Low and Moderate Income Housing, of the North County Land Use Plan requires that affordable housing units that are proposed for conversion are replaced. The policy states, in part, the following:

*The County shall protect existing affordable housing opportunities in the North County coastal area from loss due to deterioration, conversion, or any other reason. The County will:*

- a) *Discourage demolitions, but, require replacement on a one by one basis of all demolished or converted units which were affordable to or occupied by low and moderate income persons.*

The proposal to convert 161 housing units that are currently restricted to families or individuals that are at or below the moderate income level leads to a requirement, pursuant to this policy, to replace the housing units as part of that conversion process. The policy is not clear as to the timing of the replacement, nor the location. However, it appears that it would require the construction of new units, which could have potential environmental effects.

The company that constructed the units at Moro Cojo, CHISPA, constructs affordable housing throughout the County of Monterey. Although the policy is unclear as to location and timing of the replacement, for the purpose of this analysis, we assume that the construction would occur prior to the existing units being allowed to be converted from income restricted units. We also assume that the units would be constructed within the County of Monterey and would not be units required by another government program, such as the Monterey County Inclusionary Housing Ordinance (Monterey County Code Chapter 18.40).

While it is speculative to determine where the replacement units may be constructed, the majority of CHISPA's construction occurs within the Salinas Valley and it is anticipated to continue that pattern in the future. Assuming CHISPA is the builder that will replace the units pursuant to this policy, we assume that the units will be constructed within the Salinas Valley within the next few years.

The County of Monterey General Plan identifies areas where these replacement units could be constructed within areas that will provide urban infrastructure for construction of affordable housing. Those locations, found in areas delineated as Community Areas or Rural Centers in the Monterey County General Plan, include East Garrison (former Fort Ord), Butterfly Village (northwest of Salinas), Boronda, Castroville, Pine Canyon (outside King City), San Lucas, Chualar, Bradley, River Road, and San Ardo. The General Plan and its EIR, as well as Specific Plans and EIRs prepared for East Garrison and Butterfly Village, anticipated an additional 8012 units being constructed in these focused growth areas (Monterey County General Plan Final EIR, Section 2.1.2, page 2-18). The impacts of such growth were analyzed, and mitigation provided to the extent feasible, for that level of growth in these focused growth areas. If the replacement units were proposed to be constructed in an area outside of these areas designated in the General Plan as a Community Area or Rural Center, the project(s) would require discretionary review and associated environmental review. That environmental document would contain a site specific analysis, include a discussion on cumulative effects, and would be subject to public review. The discretionary permits would be subject to public hearing.

In addition, the cities of Salinas, Gonzales, Soledad, Greenfield, and King City have large areas that have been planned for dense growth that could accommodate these replacement units. For each of these areas, General Plans have been adopted that included Environmental Impact Reports that analyzed the buildout of the plans. None of these General Plans contained growth projections that have been exceeded, so the units could be constructed within any of these communities and the impacts of such construction have been analyzed, at a programmatic level, that identified the potential impacts and related mitigation measures that would have reduced any potentially significant impact to the extent feasible.

The location of the replacement units has not been identified as part of this proposal. The policy, if determined applicable to this conversion, will require that the replacement units be constructed. The assumption for this analysis is that the construction would occur prior to the release of an equivalent number of units from the income restriction on Moro Cojo houses. Maximum environmental impact would likely occur if all replacement units were created all at once. When looking at the types of projects that CHISPA is typically involved with, it is anticipated that the units would be constructed in more than one project and in more than one location. Based upon the existing vacant land (identified in the discussion above) that has land use suitable for this type of project it is not anticipated that the provision of these replacement units will create a demand for the allocation of new residential land use allocations or be growth inducing.

As stated above, the Salinas Valley provides many opportunities for replacement of the units. It would be speculative to identify the location over such a large area. Each site that could accommodate replacement units either 1) has already been analyzed in an environmental document, if previously approved, 2) will be analyzed in an environmental document as part of obtaining the entitlement for that project, 3) has already been analyzed as part of an environmental document for a larger project, such as a Specific Plan in either the unincorporated area or within one of the cities of the Salinas Valley, or 4) has been analyzed in General Plan EIRs at a programmatic level. As 161 replacement units spread over such a large geographic area has already or will be analyzed, and as this number of units in an area that has growth plans that would accommodate thousands of housing units, the impacts of such a development have either

already been adequately analyzed or are too speculative as to their potential location. The impact is considered less than significant.

**Subdivision Ordinance**

The proposed modification to Condition No. 99 of the approved Moro Cojo Subdivision would constitute an amendment to the recorded Subdivision Map. Therefore, the modification would be subject to the provisions of Chapter 19.08.015 (Correction and Amendment of Recorded Final or Parcel Maps). Chapter 19.08.015 (A) (7) provides that a recorded final or parcel map may be amended to make modifications to the final or parcel map where there are changes which: (1) make any or all of the conditions no longer appropriate or necessary; (2) the modification does not impose any additional burden on the fee owners of the real property that are the subject of the application; and (3) the modification does not alter any right, title or interest in the real property reflected on the final map. Since the project solely requests a modification to the affordability requirements of a number of the for-sale residences, and does not involve further subdivision, development intensification or change of use, the project would not result in a potentially significant environmental impact.

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

**Discussion/Conclusion/Mitigation:**  
See Discussion under Section IV above.

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Discussion under Section IV above.

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

**Discussion/Conclusion/Mitigation:**

The proposed project consists of the modification of Condition No. 99 of the approved Moro Cojo Standard Subdivision. The proposed modification would change the affordability requirement for 161 of the 175 single-family units of the Subdivision; under the request, the term of the affordability requirement for the subject 161 units would be reduced from permanent to a 15-year term counted from the date of the first deed of conveyance from the developer to the original owner of the unit. Upon the expiration of the proposed 15-year term, the 161 units would be available for sale at market rates.

If approved, the change in the term of the affordability requirement would result in the removal of the subject 161 units from the affordable housing stock of the County. Conversion of the 161 residences from affordable moderate income households to market rate housing could, over time,

contribute to the need to construct replacement units in order to maintain the number of affordable units currently provided. The location and timing of any potential replacement units would be highly speculative, however, and subject to economic factors beyond the scope of this project. Therefore, the proposed modification to the affordability term of the subject 161 units and the potential need for their replacement would not result in a potentially significant environmental impact.

Also see discussion in Section 10 regarding the replacement of any units converted from affordability restrictions.

14. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**  
See Discussion under Section IV above.

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

**Discussion/Conclusion/Mitigation:**

See Discussion under Section IV above.

**16. TRANSPORTATION/TRAFFIC**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Discussion under Section IV above.

**17. UTILITIES AND SERVICE SYSTEMS**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Discussion under Section IV above.

## VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

### Discussion/Conclusion/Mitigation:

The proposed project does not include any physical development that could affect. Therefore, the project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.



## ***VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES***

### **Assessment of Fee:**

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at [www.dfg.ca.gov](http://www.dfg.ca.gov).

**Conclusion:** The project will not be required to pay the fee.

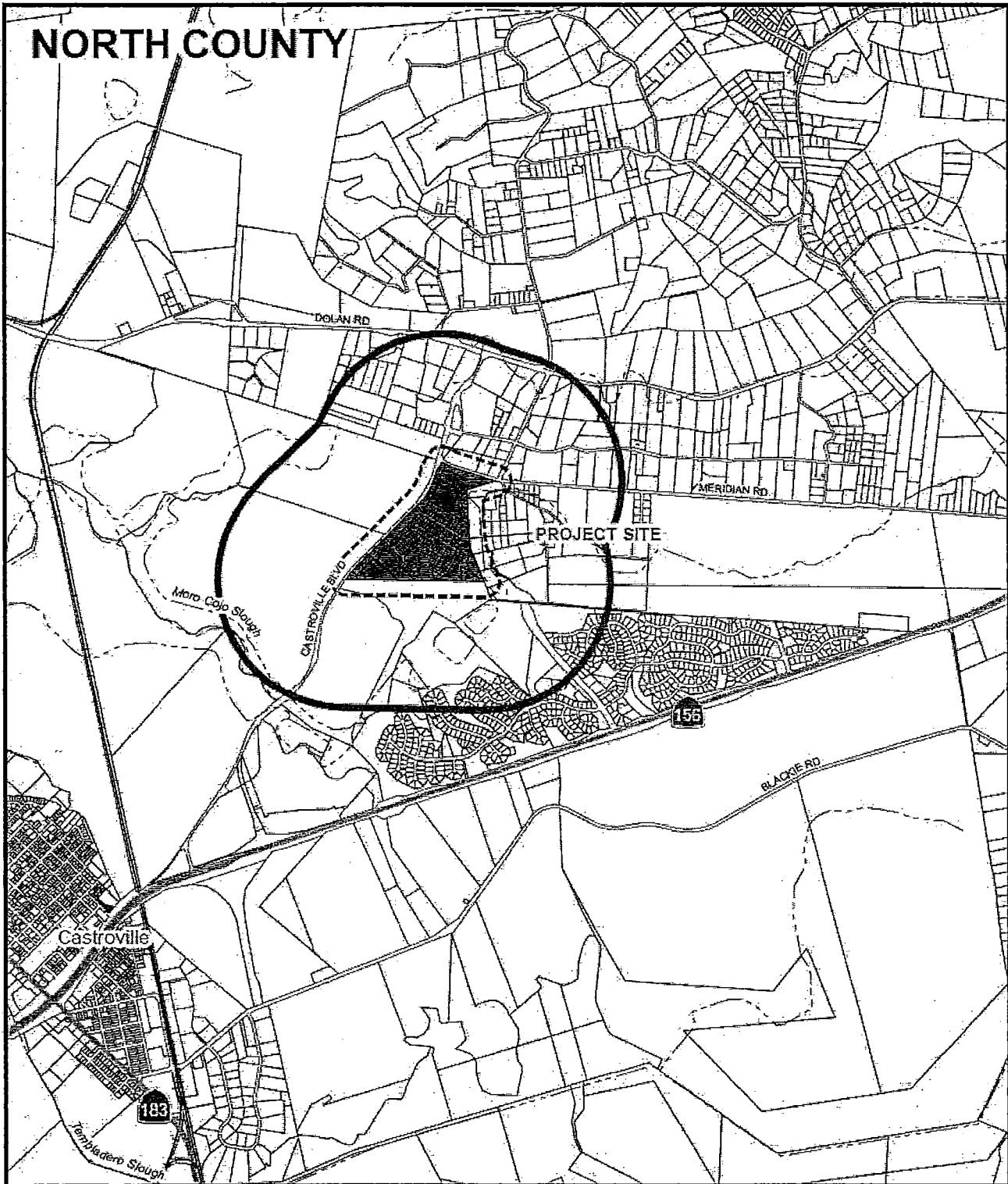
**Evidence:** There is no physical development proposed.

**Evidence:** The record as a whole as embodied in the Planning Department files pertaining to PLN120650 and the attached Initial Study / Proposed Negative Declaration.

## ***IX. REFERENCES***

1. Project Application Materials (File No. PLN120650)
  - a. Development Project Application with Attachment A
  - b. Correspondence from the Applicant Dated March 21, 2014
  - c. Correspondence from the Applicant Dated July 15, 2014
2. Property Owner and Assessor Parcel Number List submitted by the Applicant
3. Monterey County Board of Supervisors Resolution No. 94-524 Approving the Moro Cojo Subdivision (Planning Department File No. 93001)
4. Deed Restriction reflecting affordability requirements per Condition of Approval No. 99 of the Moro Cojo Subdivision (Board of Supervisors Resolution No. 94-524).
5. Settlement Agreement and Stipulation for Judgment, Alliance to Enforce Mandates Governing Project Review Procedures and Water and Traffic Standards, and David H. Green v. County of Monterey (Superior Court of the State of California, County of Monterey, No. 102314)
6. Monterey County 1982 General Plan
7. North County Land Use Plan
8. Monterey County Coastal Implementation Plan, Part 1 (Title 20 of the Monterey County Code, Zoning Ordinance)
9. County of Monterey, 2009-2014 Housing Element, adopted by Monterey County Board of Supervisors June 15, 2010
10. Recorded Final Map, Rancho Moro Cojo Subdivision, Volume 19, Cities and Towns, Page 48.

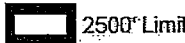

# NORTH COUNTY

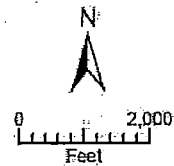


APPLICANT: MORO COJO SUBDIVISION

APN: N/A

FILE # PLN120650

 2500' Limit  300' Limit  Water



PLANNER: OSORIO

