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

Resolution No. 94-524 --

Resolution by the Monterey County)
Board of Supervisors to:)
Adopt the Findings, Evidence)
and Conditions for Approval)
of the Combined Development)
Permit applications consisting of:)
Moro Cojo Standard Subdivision)
Development (SH 93001): A Combined)
Development Permit consisting of:)
1) a Coastal Development Permit)
for a standard subdivision vesting)
tentative map to allow the)
division of a 125.6 acre)
parcel into 177 lots ranging)
in size from 5,000 square feet to)
7.0 acres each, a request for)
waiver of lot width requirements;)
2) a Coastal Development Permit)
for two clustered (rental) planned)
developments consisting of 90)
multi-family 3 and 4 bedroom)
units, community buildings and)
recreational open space; 462,000)
cubic yards (cy) of grading)
(251,000 cy of fill), a)
sedimentation and detention basin)
and infrastructure; 3) a Coastal)
Development Permit for a Community)
Center (approx. 4,550 sq. ft.))
consisting of a daycare facility)
(Coastal Development Permit [Use)
Permit]), classroom, multi-purpose)
room, office, restrooms, laundry)
facility and storage; tot lot and)
open space for recreational)
activities: Moro Cojo Senior)
Housing Development (SH 93002): A)
Combined Development Permit)
Consisting of: 1) a Coastal)
Development Permit for a minor)
subdivision vesting tentative map)
to allow the division of a 53.7)
acre, parcel into 1 parcel of 7.0)
acres and 3 open space parcels of)
0.6 acres, 12. 2 acres and 31.0)
acres each, 25,500 cubic yards of)
grading (7,500 cy of cut/18,000 cy)
of fill), a sedimentation and)
detention basin and infra-)
structure; 2) a Coastal)

Development Permit for)
100 senior housing units and)
community building consisting of a)
meeting room, office, restrooms,)
storage and maintenance and)
storage rooms; and 3) a Use)
Permit for ridgeline develop-)
ment building, consisting of)
a meeting room, office,)
restrooms, storage and)
maintenance and storage rooms;)
and 4) a Use Permit for ridgeline)
development, (SH 93001 and)
SH 93002) (APN[s])
133-092-005-000M;)
133-072-028-000M),)
North County Area)

The Board of Supervisors of Monterey County resolves as follows:

SECTION 1. The Board of Supervisors finds:

FINDINGS, EVIDENCE AND CONDITIONS FOR APPROVAL OF THE
COMBINED DEVELOPMENT PERMITS FOR THE MORO COJO INCLUSIONARY
HOUSING DEVELOPMENT APPLICATIONS (SH 93001 AND SH 93002):

I. FINDINGS PURSUANT TO PUBLIC RESOURCE CODE (PRC) SECTIONS
21083 AND 21087 (CEQA):

1. FINDING: A mitigation monitoring plan has been prepared pursuant to PRC Section 21081.6. In accordance with CEQA Guideline Section 15092 (c), it is hereby determined that such conditions as are referenced therein and as are referenced in the staff report to the Board of Supervisors dated December 15, 1994 provide a comparable level of mitigation to any reduction in the number of units proposed to be developed on the subject sites. Such monitoring plan will be adequate to ensure measures referenced herein are required to be implemented.

FINDING: Changes have been required in the project which avoid or substantially lessen significant environmental effects identified in the Final EIR. Such changes are referenced in the Mitigation Monitoring Plan attached to and incorporated herein as if set forth in full. The following effects have been identified as potentially significant for which mitigation measures have been adopted as conditions of approval designed to

reduce the impacts to a level of insignificance.

a. Geology and Soils

Implementation of Best Management Practices (BMPs) via preparation of an erosion and sedimentation control plan will reduce potential impacts of runoff caused erosion and sedimentation during and after construction of the project to a level of insignificance. The FEIR identified no potential significant effects from earthquake hazards or from soil expansion or corrosivity.

b. Groundwater

The project as proposed is consistent with Monterey County's Water Conservation Ordinance No. 3539.

Conditions of approval require that the project proponent incorporate low flow plumbing fixtures and xeriscape landscaping principles into the proposed project.

The project will not produce significant adverse effects on regional groundwater resources and groundwater quality nor will the project increase the rate of saltwater intrusion in the Castroville area.

The annual gross water demand for the project is 131 acre-feet at full buildout. The water supply for the project will be provided by wells drawing from the Aromas Formation in the Prunedale Area Aquifer. The boundaries of the adjacent hydrogeologic units are not well defined and increased pumping of wells in the Prunedale Area could affect conditions in all of the hydrogeologic areas near the site, including the Pressure Subarea of the Salinas Valley Groundwater Basin.

The Pressure Area has been in a state of overdraft since the 1930's. As a consequence of overdraft, saltwater has intruded the 180 and 400 foot aquifers to within 1,000 and 5,500 feet, respectively, of the project location.

Conditions of approval have been incorporated into the project to avoid effects of the project's water demand on ground water

supplies by requiring a 100% offset of projected water use determined by the Monterey County Water Resources Agency and referenced in the FEIR.

c. Surface Water Hydrology and Water Quality

The project is required to implement three mitigation measures designed to reduce effects on surface water to a level of insignificance: 1) Implement an erosion control plan; 2) Schedule construction during the dry season; 3) implement a hazardous material management plan; and 4) Implement Best Management Practices.

The project is also required to contribute to the maintenance and improvement of existing facilities designed to accommodate runoff from development in the area.

d. Biological Resources

Conditions of approval require avoidance of delineated wetlands and the establishment of buffer areas and barriers to halt intrusion within such areas during and after completion of construction. Preparation and implementation of habitat management and monitoring program and plans following the conduct of focused surveys are required as conditions of approval.

The development project, is consistent with Monterey County General Plan, the Coastal Implementation Plan (Regulations for Development in the North County Land Use Area) and North County Land Use Plan Policies pertaining to environmentally sensitive habitat.

Specific elements of the project have been designed and conditions have been imposed to avoid wetlands and to avoid impacts and to ensure protection of environmentally sensitive species.

The project, as conditioned, is required to avoid wetlands, replace wetlands on site, implement Best Management Practices in the during and following construction, install fencing to avoid human intrusion into environmentally sensitive areas identified in the FEIR, install trails to channel access, limit domestic animal intrusion into

environmentally sensitive habitat areas, and develop and implement habitat enhancement and protection measures as referenced in the mitigation monitoring program.

The proposed project is consistent with North County Land Use Plan Policies which address environmentally sensitive habitat including Policies 2.3.2.2, 2.3.2.3, 2.3.2.5, 2.3.2.6, 2.3.2.8, 2.3.3.B(1), 2.3.3.B(5), 2.3.3.C(1) and 2.3.3.B(4). Jones and Stokes Associates, Inc. (1994), Moro Cojo Inclusionary Housing Development Project FEIR, Volumes II, Chapter 6, "Biological Resources" and Chapter 2, Table 2-1, page 2-23.

e. Visual Resources

Site grading and landscaping pursuant to approved plans have been imposed as conditions of approval to mitigate to a level of insignificance the long term impacts on scenic views from Highway 156. Required landscaping within the required setback along Castroville Boulevard will substantially lessen the impact of views of the subdivision site as seen from Castroville Boulevard and will reduce impacts to a level of insignificance.

The design of the subdivision and the proposed improvements will not result in visual impacts upon the public viewshed.

The proposed project is consistent with North County Land Use Plan Policies which address visual resources, including Policies 2.2.3.4, 2.2.2.5, of Part Two of the Coastal Implementation Plan (Development standards in North Monterey County Land Use Area).; Jones and Stokes Associates, Inc. (1994), Moro Cojo Inclusionary Housing Development Project Environmental Impact Report, Volumes I & II, Chapter 7, "Visual Resources" and Chapter 2, Table 2-1, page 2-22.

f. Traffic

Conditions of approval for the project include construction of improvements to State Highways and County Roads including road widening, repaving and restriping, installation of signals, intersection reconstruction and relocation as required by CalTrans and in consultation with Monterey County.

Increased traffic generated from the project will be mitigated to a level of insignificance.

As a condition of approval, the developer is required to mitigate impacts caused by additional traffic generated from the project site.

g. Air Quality

Establishment and adherence to construction phasing to ensure that standards for PM10 emissions do not exceed air quality standards have imposed as a condition of approval. Conditions will reduce related impacts to a level of insignificance.

Construction related activities on the project site will not have an unavoidable significant impact on ambient air quality.

Projected particulate matter emission of particles smaller than or equal to 10 microns in diameter (PM10) resulting from project site construction activities may exceed the Monterey Peninsula Unified Air Pollution Control District NSR threshold levels depending on the amount and timing of grading which will occur on the site.

As a condition of project approval, the developer is required to comply with conditions of approval requiring implementation of Air Quality Management Techniques. Conditions of approval and mitigations listed on page 9-14 of the project EIR require limiting the hours of operation of construction activities. The developer will be required to phase development to obtain compliance with MPUAPCD NSR threshold levels.

h. Noise

The development project, as conditioned, is consistent with the Noise Element of the County's General Plan and the County's Noise Ordinance.

The project EIR consultant field measured existing noise conditions in the project vicinity and calculated projected noise levels at the site and in the vicinity of the project resulting from increased traffic generated by the project and determined that they fall within the acceptable noise ranges set forth in the County's General Plan. Traffic noise impacts on the senior housing portion of the project may be reduced to a level of insignificance if noise reducing design elements are incorporated into the construction of residential structures.

Noise generated by construction activities which exceed County's noise ordinance will be mitigated to a level of less than significant by conditions limiting the days and hours of construction, requiring routine maintenance of all construction equipment and exhaust mufflers, and implementation of additional noise mitigation measures as deemed appropriate by the county ensuring compliance with the County's noise ordinance.

i. Public Service and Utilities

- Water Service
- Sewer Service
- Schools
- Fire Protection
- Law Enforcement
- Solid Waste
- Recreation - Trails

Impacts on the above services and facilities will be mitigated through the payment of fees and adherence to plans and programs specified in conditions of approval referenced in the mitigation monitoring program.

Water for the project will be supplied by California Water Service Company, a water purveyor regulated by the Public Utilities Commission, State Department of Health Services and Monterey County Division of Environmental Health. Required conditions

insure appropriate approvals are received for domestic water supply prior to recordation of the maps, construction of water system improvements or issuance of building permits.

Fire protection capabilities of the water system will be constructed in accordance with state and local standards as required by conditions of approval.

Wastewater collection service for the project will be provided by County Service Area Number 14. Wastewater disposal will be provided by Monterey Regional Water Pollution Control Agency. Conditions of approval insure sufficient sewer connections are available, off-site collection works are adequate, and appropriate approvals are received prior to recordation of final map, construction of wastewater infrastructure or issuance of building permits.

Solid waste disposal will be provided by Salinas Rural Disposal Service. Recycling programs will be implemented within the development to aid the County in meeting the State's mandatory solid waste reduction standards.

j. Cultural Resources (archaeological sites)

Avoidance and the establishment of an open space buffer surrounding identified unrecorded sites referenced in the FEIR will mitigate any potential significant impacts to cultural resources.

The development project as conditioned, is consistent with Section 20.144.110 of Part Two of the Coastal Implementation Plan (Regulations for Development in the North County Land Use Area) pertaining to Cultural Resources.

An Archeology Survey and study were conducted on the site (BioSystems, 1994) and a significant cultural resource was determined to be on the site.

The proposed project is consistent with North County Land Use Plan Policies which address archaeological resources, including Policies 2.9.2.3, 2.9.2.4, 2.9.3.2, Jones and Stokes Associates, Inc. (1994), Moro Cojo Inclusionary Housing Development Project

Environmental Impact Report, Volumes II, Chapter 12, "Cultural Resources" and Chapter 2, Table 2-1, page 2-31.

Elements of the project are required by conditions of approval to be redesigned to avoid impacts to archaeological sites and to ensure consistency with North County Land Use Plan Policies which address protection of Archaeological Resources including Policies 2.9.2.3, 2.9.2.4, and 2.9.3.2.

k. Public Health (EMF)

Setbacks required as conditions of approval would be sufficient to protect future residents from the potential adverse EMF effects would be no greater than would result from standard residential electrical lines.

The design of the subdivision and the proposed improvements will not result in exposure to electric and magnetic fields which may cause adverse health effects. Field measurements of electric field intensity and magnetic flux density were performed by PG&E and indicate that the electric and magnetic field (EMF) intensity at a distance of 150 horizontal feet from the 500-Kv PG&E transmission lines (50' from the edge of the easement) is equivalent to that of a standard electric distribution line.

The Division of Environmental Health has reviewed the proposed project and found that potential health risks associated with exposure to electric and magnetic fields are mitigated to a level of insignificance by requiring all residential units to maintain a 50 foot horizontal setback from PG&E's existing 500-Kv transmission line easement.

EVIDENCE: Evidence in the record to support the above findings consist of the following:

- a) Moro Cojo Inclusionary Housing Development Project Final Environmental Impact Report Volume I (Response to Comments) and Volume II (Revised Draft EIR) dated October 1994 (SCH #94083032)
- b) The staff report to the Planning Commission and attachments thereto dated December 5, 1994 and considered by the

Planning Commission at its special meeting of December 8, 1994;

- c) Responses to comments regarding the adequacy of the EIR and the CEQA process relative to the subject application attached to the staff report dated December 15, 1994 reviewed by the Board of Supervisors during their special meeting of December 20, 1994;
- d) The Mitigation Monitoring Plan attached to the staff report to the Board of Supervisors dated December 15, 1994 is incorporated herein as if set forth in full;
- e) Information contained in file EIR 94002;
- f) Plans and documents contained in the files SH93001 and SH93002;
- g) Relevant policies and standards of the North County Coastal Land Use Plan and Implementation Plan listed herein.

EVIDENCE: Correspondence from Jones and Stokes, Inc. dated December 14, 1994 is incorporated herein as findings and evidence.

II. FINDINGS AND EVIDENCE OF CONSISTENCY WITH THE MONTEREY COUNTY GENERAL PLAN:

2. FINDING: The Moro Cojo Inclusionary Housing Development Permit applications (SH 93001 - Moro Cojo Standard Subdivision Development & SH 93002 - Moro Cojo Senior Housing Development) are consistent with the following applicable policies of the Monterey County General Plan including policies regarding Natural Resources, Environmental Constraints, and County Development including Housing. The proposed project is consistent with sections 6.1.1, 7.1.1, 9.1.1, 9.2.1, 10.1.2, 13.3.1, 13.4.3, 17.3.4, 21.2.3, 26.1.18, 26.1.19, 37.2.1, 53.1.3, 22.2.1, 22.2.2, 22.2.3, 22.2.5, and 22.2.6.

EVIDENCE: Analysis of consistency with the General Plan contained in the FEIR pages 2-18 -2-33 and the staff report to the Planning Commission dated December 5, 1994 and the staff report to the Board of Supervisors dated December 15, 1994.

3. **FINDING: 6.1.1 (Water Resources)** Increased uses of groundwater shall be carefully managed, especially in areas known to have groundwater overdrafting.

The project is consistent with this policy. The hydrogeology study and the analysis in the FEIR have recommended mitigation measures required as conditions of approval insure that the project will fully offset increase in groundwater use. This will avoid exacerbating existing overdraft in the project area.

EVIDENCE: FEIR pg. 4-6 - 4-11; See Condition No(s). 59.

4. **FINDING: 7.1.1 (Vegetation and Wildlife)** Development shall be carefully planned in, or adjacent to, areas containing limited or threatened plant communities and shall provide for the conservation and maintenance of the plant communities.

The project is consistent with this policy with proper implementation of the recommended mitigation measures set forth in the FEIR and corresponding conditions of approval. The measures mitigate the loss of seasonal wetlands and adverse effects on riparian habitats including the construction of seasonal wetlands on the site to compensate for wetland loss, fencing of riparian habitats during construction, and the construction of trails and placement of signs to mitigate disturbance of riparian habitats. Monitoring and maintenance of constructed wetlands are part of the wetland mitigation requirements. Onsite riparian areas and wetlands not directly impacted by the project will be maintained as open space.

EVIDENCE: FEIR pg. 6-21 -6-34; See Condition No(s). 5-10; 22-24 and 44-56.

5. **FINDING: 9.1.1 (Vegetation and Wildlife Habitat)** Development shall be carefully planned in areas known to have particular value for wildlife and, where allowed, shall be located so that the reasonable value of the habitat for wildlife is maintained.

The project is consistent with this policy with the proper implementation of all recommended mitigation measures described in Chapter 6 of the FEIR and corresponding conditions of approval listed in the mitigation monitoring plan. Implementation

of these mitigation measures would permit the loss of habitat associated with development of the project site while maintaining the reasonable value of the remaining habitat for wildlife both within and adjacent to the project site and, in some cases, improving habitat value for wildlife.

EVIDENCE: FEIR pg. 6-21 -6-34; See Condition No(s). 5-10; 22-24 and 44-56.

6. FINDING: 9.2.1 Land Use Practices

(Vegetation and Wildlife Habitat) Land use practices that could result in siltation and pollution of inland and marine waters shall be carefully managed to ensure a clean and productive habitat.

The project is consistent with this policy with proper implementation of a detailed erosion and sediment control plan, including the recommended components of the plan set forth in the FEIR and recommended conditions of approval.

EVIDENCE: FEIR pg. 3-7 and 3-8; See Condition No(s). 8, 24, 49 and 50.

7. FINDING: 10.1.2 (Ocean Resources) Special restrictions shall be placed on activities that adversely affect the County's remaining estuaries, salt marshes, sloughs, and river and stream mouth areas.

The project is consistent with this policy with proper implementation of a detailed erosion and sediment control plan and measures, including vegetation management measures (setbacks from slough), flood control measures, and other components of the plan set forth in the FEIR and corresponding conditions of approval. These measures will protect the slough and estuarian resources from excessive sedimentation, channel downcutting, and water quality degradation.

EVIDENCE: FEIR pg. 5-10, 22-24, and 44-47.

8. FINDING: 13.3.1 (Energy Resources) Lots shall be oriented so structures may maximize the energy gains from solar sources and minimize energy losses where possible.

The project is consistent with this policy because the tentative map indicates that building orientation will maximize solar gain.

EVIDENCE: See Vesting Tentative Subdivision Maps indicating building orientation.

9. **FINDING:** **13.4.3 (Energy Resources)** Building designs that reduce demands for artificial heating, cooling, ventilation, and lighting shall be encouraged.

EVIDENCE: See Vesting Tentative Subdivision Maps indicating building orientation.

10. **FINDING:** **17.3.4 (Fire Hazards)** The County shall require all new development to have adequate water available for fire suppression. Water availability can be provided from conventional water system; from an approved alternative water system if within 300 feet of a habitable structure; by the firefighting equipment of the fire district where the property is located; or by individual water storage facility on the property itself. The Fire and Planning Departments shall determine the adequacy and location of individual water storage to be provided.

The project is consistent with this policy because a 500,000- gallon potable water storage tank is in the southwestern corner of the northern parcel has been determined adequate for this purpose. This storage facility will be capable of handling peak demand for portable water as well as peak fire flow requirements.

EVIDENCE: FEIR pg. 11-18 and 11-19; See Condition No(s) 61 and 92-84.

11. **FINDING:** **21.2.3 (Air and Water Quality)** Residential, commercial, and industrial developments that require 20 or more parking spaces shall include oil, grease, and silt traps, or other suitable means as approved by the Monterey County Surveyor, to protect water quality; a condition of maintenance and operation shall be placed upon the development.

The project is consistent with this policy with proper implementation of the recommended urban pollutant control measures set forth in the FEIR and corresponding conditions of approval.

EVIDENCE: FEIR pg. 3-7 and 3-8; See Condition No(s) 49, 50 and 56.

12. **FINDING:** **26.1.18 (General Land Use)** Development proposals that are consistent with the land use plan designation may be denied due to

factors including, but not limited to, lack of public facilities and services, infrastructure phasing problems, water availability and sewage problems, or presence of environmentally and/or plan policy constraints that cannot be mitigated.

The proposed project either incorporates or is required to incorporate mitigation measures designed to ensure the availability of services, infrastructure, water and sewage, and environmentally sensitive habitat preservation. Environmental effects of the development have been mitigated to a level of insignificance including traffic impacts of the project on roadway segments identified in the FEIR, impacts on visual quality, open space, and agricultural land uses. Conditions of approval mitigate to a level of insignificance all project related impacts.

The site proposed for the Vesting Tentative Map for a Standard Subdivision and improvements is physically suitable for the density of development proposed in project application SH 94002.

EVIDENCE: FEIR analysis. The listed conditions of approval as stated in the mitigation monitoring plan reflect land use plan consistency.

13. **FINDING:** 26.1.19 (General Land Use) - Proposed Development in the Electrical Transmission Corridors or Right-of-Way shall be Prohibited;

All permanent structural development proposed in electrical transmission corridors or rights-of-way shall be prohibited.

The project is consistent with this policy because the project applicant does not propose to develop any structures within the PG&E right-of-ways on or adjacent to both parcels, nor within the easement that PG&E maintains for a future transmission line corridor.

EVIDENCE: See Vesting Tentative Standard Subdivision Map indicating 50 foot PG & E easement utilized as a main access roadway corridor.

14. **FINDING:** 37.2.1 (Transportation) Transportation demands of proposed development shall not exceed an acceptable level of service for existing transportation facilities, unless

appropriate increases in capacities are provided for.

The project is consistent with this policy with proper implementation of the recommended transportation facility improvements set forth in the FEIR and corresponding conditions of approval. Government Code Section 65089 exempts low income housing projects from this standard.

EVIDENCE: FEIR Chapter 8. Traffic; See Condition No(s). 3, 4 and 27-43.

15. FINDING: 53.1.3 (Water Service) The County shall not allow water-consuming development in areas that do not have proven adequate water supplies.

The proposed project has an adequate water supply as indicated in correspondence from Monterey County Water Resources Agency attached to the staff report to the Planning Commission dated December 8, 1994, and the analysis contained in the FEIR prepared for the subject project.

EVIDENCE: FEIR Chapter 5. Surface Water Hydrology and Water Quality; See condition No. 59.

16. FINDING: 22.2.1 (Noise) The County shall require new development to conform to the noise parameters established by Table 6 (of the County General Plan), Land Use Compatibility for Exterior Community Noise Environments (refer to Table 10-1).

The project is consistent with this policy; however, violations of the County's land use compatibility criteria already exist in the project area. These violations are slight and do not exceed the County's conditionally acceptable day-night average sound level (L_{dn}) range, and it is expected that the project would comply with the conditions associated with this range.

17. FINDING: 22.2.2 (Noise) The County shall require the appropriate standards of soundproofing construction in all multiple-residential structures as specified in the Building Code.

The project is consistent with this policy because appropriate soundproofing would be installed in all new dwelling units as dictated by the Uniform Code requirements.

18. **FINDING:** 22.2.3 (Noise) The County shall require environmental review of all proposed new development, expansion of industrial facilities, and quarry excavation and processing activities that may increase the noise level in surrounding areas or generate noise levels greater than those specified by Table 6 (of the County General Plan), Land Use Compatibility for Exterior Community Noise Environments (refer to Table 10-1).

The project is consistent with this policy because the environmental review of this project has occurred with the completion of this EIR.

19. **FINDING:** 22.2.5 (Noise) The County, in accordance with Table 6 (of the County General Plan), Land Use Compatibility for Exterior Community Noise Environments (refer to Table 10-1), should require ambient noise levels to be less at night (10 p.m. to 7 a.m.) than during the day.

The project is consistent with this policy because the project is not expected to generate notable amounts of noise during the hours of 10 p.m. and 7 a.m.

The County shall make available to the public methods and existing noise data that can be employed to reduce unwanted noise from the environment.

The project is consistent with this policy because copies of this document have been made available to the public as part of the environmental review process.

EVIDENCE: FEIR pg. 10-13 - 10-16; See Condition No. 57.

20. **FINDING:** The Moro Cojo project is consistent with Goal I (Housing Supply) of the Housing Element of the Monterey County General Plan which states that it is the Goal of the General Plan to "Achieve a balanced housing market by increasing the supply of housing units to meet the need of all current and future County residents" and the Objective of Goal I which is to "Add a maximum of 5,692 housing units of all types by July 1996..." with the highest priority being multifamily units.

EVIDENCE: The project consists of 175 single family homes for lower income families; 90 multi family rentals for very low income families

and 100 rental units for senior citizens, for a total of 365 multi family units. This Project will significantly increase the supply of multi family rental housing units for very low and low income families and increase the supply of single family homes affordable to very low and low income families.

21. FINDING: This project is consistent with Board of Supervisors Resolution adopting the Housing Element (April 28, 1992) declaring that "the creation of housing is a priority in Monterey County with a specific emphasis on low cost housing."

EVIDENCE: Board of Supervisors Resolution No. 92-046, dated April 28, 1992.

III. FINDINGS AND CONSISTENCY WITH THE NORTH COUNTY LOCAL COASTAL PROGRAM (LCP):

22. FINDING: The Combined Development Permit and the Vesting Tentative Map for the Moro Cojo Inclusionary Housing Development and the Moro Cojo Standard Subdivision are consistent with the applicable policies of the North County Land Use Plan, including 2.2.3.4, 2.2.2.5, 2.3.2.2, 2.3.2.3, 2.3.2.5, 2.3.2.6, 2.3.2.8, 2.3.3.B(1), 2.3.3.B(2), 2.3.3.B(5), 2.3.3.C(1), 2.3.3.B(4), 2.5.2.1, 2.5.2.3, 2.5.3.A(1), 2.5.3.A(2), 2.5.3.A(4), 2.5.3.C(2a), 2.5.3.C(3a), 2.5.3.C(5a), 2.5.3.C(6c), 2.5.3.C(6d), 2.5.3.C(6e), 2.6.3.6, 2.8.2.1, 2.8.2.3, 2.8.2.5, 2.8.3.A(1), 2.8.3.B(3), 2.9.2.3, 2.9.2.4, 2.9.3.2, 3.1.2.4, 3.1.3.4, 3.2.3.3, 4.3.5.2, 4.3.5.7, 4.3.5.9, 4.3.6.A(A), 4.3.6.D(2), 4.3.6.D(5), 6.4.A.(1)

EVIDENCE: The following analysis of the project's consistency of the North County Local Coastal Program.

23. FINDING: The proposed project, as conditioned, is consistent with the following policies: 2.2 Visual Resources: 2.2.3.4 a-c; 2.2.2.5a-d Implementation Plan Section 20.144.030:

The proposed project, as conditioned, will be consistent with the applicable Visual Resource policies of the North County Land Use Plan and Implementation Plan in the following manner:

2.2.3.4 (Visual Resources) New roads providing residential, recreational, or agricultural access should be considered only where it has been demonstrated that common use of neighboring roads is not feasible. Access roads should not be allowed to intrude upon public views of open frontal slopes or ridgelines visible from scenic routes or viewpoints. Roadways shall be designed to conform to the natural topography in order to minimize grading, erosion, and the scarring of hillsides.

The project is consistent with this policy because common use of neighboring roads is proposed for the senior housing site and is not feasible for the standard subdivision project. Access roads to the project site will not be visible from Highway 156 or any viewpoints, and as described for the consistency determination for policy 2.2.2.5 of the North County Land Use Plan, the project's proposed cuts and fills for roadways would be at the minimum necessary to construct the proposed project.

2.2.2.5 (Visual Resources) Structures should be located to minimize tree removal, and grading for the building site and access road. Disturbed slopes should be restored to their previous visual quality. Landscape screening and restoration should consist of plant and tree species complementing the native growth of the area.

The project is consistent with this policy. The project applicant is required through conditions of approval to undertake all necessary precautions to protect all remaining trees and native vegetation outside the limit of work from harm or disturbance during and after construction. Conditions also require the project to revegetate areas disturbed by grading and/or construction operations with native grasses. Street trees and landscaping shall be drought-resistant and compatible with the indigenous vegetation in the area.

The subject project will involve the subdivision of land so that the lots created have the "highest potential for screening development". Conditions of approval require grading and landscape improvements to screen development as seen from Hwy 156 and

Castroville Blvd. A scenic easement is required to be recorded over those portions of the site located between Hwy 156 and the area of the site approved for development.

Overhead transmission lines serving the subject site have been required to be placed underground.

Based on analysis and conclusions contained in the Final EIR prepared for the subject project:

- a) There are no alternatives that would avoid ridgeline development on the senior housing development site (SH-93002). Other alternatives involve locating development in close proximity to wetland areas, moving the senior housing project to areas of the development site containing potentially significant cultural resources, or where potential hazards to human health exist;
- b) The proposed development will not have an adverse visual impact with the implementation of conditions requiring the establishment of berms and landscaping to screen units potentially visible from Hwy 156;
- c) Development on the ridge of the subject site will better meet resource protection policies of the North County Land Use Plan. The applicant's proposal places access roads, open space, and one story units next to the perimeter of the ridge. Restriction of development to ridgeline areas of the site will better meet wetland management policies of the North County Land Use Plan by reducing grading along with the establishment of buffer areas for the protection of wildlife habitat associated with such wetland areas;
- d) Roadways have been designed to allow the establishment of perimeter landscaping and berming so that such roads will follow the natural terrain. Principal access routes to the subdivision will not be visible from Hwy 156.

EVIDENCE: Sections 2.2.2 and 2.2.3 of the North County Land Use Plan and Section 20.144.120 of the Monterey County Coastal Implementation Plan,

as stated in the FEIR pg. 3-7 and 3-8, incorporated as required by conditions into the site design of the Final/Parcel maps.

24. FINDING: The proposed project is consistent with the following policies: 2.3 Environmentally Sensitive Habitats: 2.3.2.2; 2.3.2.3; 2.3.2.5; 2.3.2.6; 2.3.2.8; 2.3.3.B(1); 2.3.3.B(2); 2.3.3.B(5); 2.3.3.C(1); 2.3.3.B(4):

2.3.2.2 Land uses adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New land uses shall be considered compatible only where they incorporate all site planning and design features needed to prevent habitat impacts, upon habitat values and where they do not establish a precedent for continued land development that, on a cumulative basis, could degrade the resource.

The project is consistent with this policy with the proper implementation of mitigation measures associated with specific natural communities and wildlife species set forth in the FEIR and conditions of approval, as well as implementation of the following mitigation measures also included in the FEIR and conditions of approval: install trails and interpretive signs in open space parcels at the project site and in Moro Cojo Slough; require all dogs to be leashed; and construct interpretive displays.

Consistency with this policy will also require implementation of two additional measures described in Chapter 5 of the FEIR, and as required in conditions of approval, regarding the prevention of temporary degradation of water quality during construction activities and the prevention of the degradation of water quality in Moro Cojo Slough due to increased urban pollutant loadings.

Conditions of approval will ensure the long-term maintenance of environmentally sensitive habitats adjacent to project development.

2.3.2.3 New development adjacent to locations of environmentally sensitive habitats shall be compatible with long-term maintenance of the resource. New

subdivisions shall be approved only where significant impacts on environmentally sensitive habitats from development of proposed parcels will not occur.

The project is consistent with this policy with the proper implementation of all mitigation measures described in Chapter 6 of the FEIR and conditions of approval. Implementation of these mitigation measures would permit development of the proposed project while allowing long-term maintenance of adjacent resources and preventing significant impacts on sensitive habitats.

2.3.2.5 Where private or public development is proposed in documented or potential locations of environmentally sensitive habitats (particularly those habitats identified in General Policy No. 1), field surveys by qualified individuals or agencies shall be required to determine precise locations and to recommend mitigating measures to ensure protection of any sensitive habitat present. The required survey shall document that the proposed development complies with all applicable environmentally sensitive habitat policies.

The proposed project is consistent with this policy because a qualified biologist was required to conduct a detailed survey of the project area, The findings of the survey are documented in Chapter 6 of this FEIR and conditions of approval.

2.3.2.6 The County shall ensure the protection of environmentally sensitive habitats through deed restrictions of dedications of permanent conservation easements. Where land divisions or development are proposed in areas containing environmentally sensitive habitats, such restrictions or easements shall be established through the development review process. Where development has already occurred in areas supporting sensitive habitat, property owners should be encouraged to voluntarily establish conservation easements or deed restrictions.

Please refer to the consistency determinations of policies 7.1.1 and 9.1.1 of the Monterey County General Plan.

2.3.2.8 Where development is permitted in or adjacent to environmentally sensitive habitat areas (consistent with all other resource protection policies), the County, through the development review process, shall restrict the removal of indigenous vegetation and land disturbance (i.e., grading, excavation, paving) to the minimum amount necessary for structural improvements.

Please refer to the consistency determination of policies 2.3.2.2 and 2.3.2.3 of the North County Land Use Plan.

2.3.3.B(1) Riparian plant communities shall be protected by establishing setback requirements mandating 150 feet on each side of the bank of perennial streams, and 50 feet on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater. In all cases, the setback must be sufficient to prevent significant degradation of the habitat area. The setback requirement may be modified if it can be conclusively demonstrated by a qualified biologist that a narrower corridor is sufficient or a wider corridor is necessary to protect existing riparian vegetation from the impacts of adjacent use.

Please refer to the consistency determination for policy 2.3.3.B(4) of the North County Land Use Plan and Local Coastal Program.

2.3.3.B(2) All development, including dredging, filling, and grading within stream corridors, shall be limited to activities necessary for flood control purposes, water supply projects, improvement of fish and wildlife habitat, or laying of pipelines when no alternative route is feasible, and continued and future use of utility lines and appurtenant facilities. These activities shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution. When such activities require removal of riparian plant species, revegetation with native plants shall be required.

The proposed project is consistent with this policy because no construction-related activities are proposed in stream corridors.

2.3.3.B(5) All wetlands of the North County Coastal Zone shall be protected and preserved for their plant and wildlife values, including but not limited to McClusky Slough, Pajaro River, Salinas River, Salinas River lagoon, Elkhorn Slough, Bennett Slough, and Moro Cojo Slough. The County's existing Nonpoint-Source Pollution Program shall be implemented.

The project is consistent with this policy because it includes an appropriate setback from Moro Cojo Slough. In addition, avoidance of the seasonal wetlands is a proposed condition of approval. With this condition, the proposed project will be consistent with this policy.

2.3.3.C(1) Wildlife management considerations should be included in the evaluation of development proposals, particularly land division proposals. Large and, where feasible, contiguous areas or corridors of native vegetation should be retained to meet the various needs of those wildlife species requiring large areas of undisturbed habitat.

The project is consistent with this policy. Wildlife management considerations are included in the evaluation of the development proposal. No native vegetation will be removed by project implementation. No wildlife species requiring large areas of undisturbed habitat will be affected by the project.

2.3.3.B(4) A setback of 100 feet from the landward edge of vegetation of all coastal wetlands shall be provided and maintained in open space use. No permanent structures, except for those necessary for resource dependent use that cannot be located elsewhere, shall be constructed in the setback area. Prior to the approval of all proposed structures in the setback area, it must be demonstrated that the development does not significantly disrupt the habitat resource.

The project is consistent with this policy because all proposed development will be set back at least 150 feet from Moro Cojo Slough. Additionally, avoidance of the small seasonal wetlands is a proposed condition of approval.

With this mitigation measure, the proposed project will be consistent with this policy. See Chapter 6 for an evaluation of this issue.

The proposed project, as conditioned, will be consistent with applicable Environmentally Sensitive Habitat policies of the North County Land Use Plan and Coastal Implementation Plan, Part 2, specifically Section 20.144.040, in the following manner:

- 1) The Environmentally Sensitive Habitat section of FEIR and required conditions of approval was prepared after a detailed survey of the project area was conducted.
- 2) Conditions, corresponding with mitigation measures identified in the FEIR, prevent significant impacts and ensure the long-term maintenance of environmentally sensitive habitats adjacent to the project site(s). Mitigation measures include:
 - a) Focused surveys to determine the migration corridors, if any, of the California Tiger Salamander and the Santa Cruz Long-Toed Salamander in the standard subdivision site. Both temporary and permanent drift fences will be installed to detain and prevent injury, as well as to channel migrating salamanders around the proposed development. More specific mitigation measures and biannual monitoring reports are also required.
 - b) Formulation of a Habitat Management Plan with success criteria will be prepared for the standard subdivision and senior housing sites, to be reviewed by the USFWS, DFG and the Regional Water Quality Control Board, for adequacy.
 - c) CC&Rs are required to include language to state that: "Signs will be posted prohibiting the keeping of cats on the premises of the standard subdivision site (SH 93001). Signs will also require all dogs taken into the open space

areas of the proposed development (SH 93001 & SH 93002) to be leased.

- d) Conditions require implementation of Best Management Practices to determine the potential degradation to the linderiella fairy shrimp habitat, if any, on the senior housing site, will be reviewed by the USFWS, DFG, and the Central Coast RWQCB. Submittal of a monitoring program for the fairy shrimp habitat and vernal pool hydrology will also be required.
 - e) Installation of trails and interpretive signs and displays in open space parcels at the project site and Moro Cojo Slough.
 - f) Implementation of an erosion control plan, consistent with requirements of the North County CIP and the County's Erosion Control Ordinance (Chapter 16.12)
 - g) Implementation of Best Management Practices to reduce urban pollutant loadings to the Moro Cojo Slough.
- 3) The standard subdivision is required to be redesigned to avoid development in the seasonal wetland (swale) area, as well as the 100 foot buffer, as required by the North County CIP. The 100 foot buffer will also be maintained and fenced for the willow riparian forest on the northeast edge of the standard subdivision.

Conditions require conservation easements will be conveyed to the County over those portions of the property where environmentally sensitive habitats exist. The proposed easement areas will be reviewed by a qualified biologist to ensure adequacy of protection of the resource.

EVIDENCE: Requirements of Section 2.3 of the North County Land Use Plan and Section 20.144.040 of the Monterey County Coastal Implementation Plan as stated in the FEIR pg. 2-23 and 2-25.

EVIDENCE: Condition No(s). 5 - 10, 22 - 24, and 44 - 47.

25. FINDING: 2.5 Water Resources: 2.5.2.1; 2.5.3.C(6);
2.5.2.3; 2.5.3.A (1); 2.5.3.A(2);2.5.3.A(4);
2.5.3.C (2a); 2.5.3.C(3a); 2.5.3.C(5a);
2.5.3.C(6c); 2.5.3.C(6d); 2.5.3.C(6e):

2.5.2.1 The County shall limit the kinds, locations, and intensities of new development, including agriculture, to minimize further erosion in the watersheds of Elkhorn and Moro Cojo Sloughs and sedimentation of the sloughs. All development shall incorporate all available mitigation measures to meet these goals, including, at a minimum, the measures identified in policy 2.5.3.C(6).

The project is consistent with this policy with proper implementation of a detailed erosion and sediment control plan and measures, including vegetation management measures (setbacks from slough), flood control measures, and other recommended components of the plan listed in the FEIR and required conditions of approval. These measures will protect the slough and estuary resources from excessive sedimentation, channel downcutting, and water quality degradation.

2.5.2.3 New development shall be phased so that the existing water supplies are not committed beyond their safe long-term yields. Development levels that generate water demand exceeding safe yield of local aquifers shall only be allowed once additional water supplies are secured.

Safe yield has been defined in Policy 2.5.3.A(2). Because 50% buildout has not been reached and 1,300 new lots or units remain, the proposed project will not commit water supply beyond its safe long-term yield.

2.5.3.A(1) The County's policy shall be to protect groundwater supplies for coastal priority agricultural uses with emphasis on agricultural lands located in areas designated in the plan for exclusive agricultural use.

The project is consistent with this policy because the project area is designated High Density Residential and is not in an area designated for exclusive agricultural use in the Land Use Plan and based on the

groundwater evaluations, the project will not cause problems with adjacent wells.

2.5.3.A(2) The County's long-term policy shall be limit to groundwater use to the safe yield level. The first phase of new development shall be limited to a level not exceeding 50% of the remaining buildout as specified in the Land Use Plan. This maximum may be further reduced by the County if such reductions appear necessary based on new information or if required to protect agricultural water supplies. Additional development beyond the first phase shall be permitted only after safe yields have been established or other water supplies are determined to be available by an approved Local Coastal Program amendment. Any amendment request shall be based upon definitive water studies and shall include appropriate water management programs.

The proposed project is consistent with this policy because 50% buildout has not been reached. Approximate 1,300 new lots or units remain until 50% buildout is reached.

2.5.3.A(4) Water conservation measures should be required in all new development and should also be included in Agricultural Management Plans. These measures should also address siting, construction, and landscaping of new development; should emphasize retention of water onsite to maximize groundwater recharge, and should encourage water reclamation.

The project is consistent with this policy with proper implementation of the recommended mitigation measures set forth in the FEIR and recommended conditions of approval to avoid groundwater impacts. These include aggressive onsite and offsite water conservation measures to fully offset the new water demand created by the project.

2.5.3.C(2a) To ensure the appropriate siting and density for new development and to monitor and control the amount of land disturbance in relation to the land disturbance targets for each subwatershed, all new development in the watershed of Elkhorn and Moro Cojo Sloughs, including the conversion of land to commercial cultivated uses, shall be regulated by permit and shall

be consistent with the policies that follow. The permit application shall contain a full description of the physical features of the parcel, with supporting maps delineating areas of the parcel having 0-10% slope and 10-25% slope and areas in excess of 25% slope. The Critical and Non-Critical Erosion Areas within the parcel shall be indicated. Vegetated areas shall clearly marked and hydrological features shall be tabulated according to the procedures set forth in Appendix A of this plan.

The erosion control plan and slope analysis and soil type sheet for the standard subdivision and senior housing sites contain all the required information. Evaluations for consistency with land disturbance targets have been completed.

2.5.3.C(3a) Where the parcel under consideration contains land in both Critical and Non-Critical Erosion categories, all new development, including roads, shall be sited on Non-Critical Erosion lands.

The project is consistent with this policy because geotechnical reports prepared for this site indicate that the site is suitable for this type of development. In addition, implementation of mitigation measures set forth in this FEIR as required by conditions of approval will reduce erosion impacts on the site to less-than-significant levels. Please refer to the consistency determination for policy 2.8.2.1 of the North County Land Use Plan.

2.5.3.C(5a) In areas designated for Rural and Low-Density Residential development: Densities shall be reduced as necessary in order to site all development in Non-Critical Erosion Areas and to maintain cumulative development within the land disturbance target for the watershed; Existing parcels containing no land suitable for development within the Non-Critical Erosion classification shall be limited to a single residence or to the existing development on the parcel or if there is none, a single residence. Division of the parcel shall not be permitted that creates an additional vacant parcel(s) intended for development.

The proposed project is consistent with this policy because this policy refers to areas designated for Rural and Low-Density development. The project site is designated for High Density (five units per acre) development.

2.5.3.C(6c) Erosion control plans shall be required for all new development as set forth in the Erosion Control Ordinance. These plans shall incorporate measures for onsite reduction of bare ground and maximum retention of storm water runoff resulting from impervious surfaces. The plans shall be reviewed by the U. S. Soil Conservation Service and shall be approved by the Director of Building Inspection or by the Planning or Public works Director prior to issuance of any permits.

Please refer to the consistency determination for policy 2.5.2.1 of the North County Land use Plan and Local Coastal Program.

2.5.3.C(6d) All land clearing shall be consistent with the provisions of the County's Erosion Control Ordinance. No land clearing or grading shall take place between October 15 and April 15 in watershed Restoration Areas or Critical Erosion Areas or other high erosion hazards unless specifically authorized by the Director of Building Inspection. Such authorizations shall be generally confined to agricultural operations in areas designated in this plan for Agricultural Preservation or Agricultural Conservation uses.

Please refer to the consistency determination for policy 2.5.2.1 of the North County Land Use Plan and Local Coastal Program.

2.5.3.C(6e) Maximum retention of vegetation cover shall be required for all new development. In particular, natural vegetation should be retained to the fullest extent possible through careful siting and construction of new development.

The proposed project is consistent with this policy because the project applicant proposes to retain as much of the natural vegetative cover as possible during construction. In addition, the proposed project is sited outside the important ecological habitat of Moro Cojo Slough.

The proposed project, as conditioned, will be consistent with applicable Water Resources policies of the North County Land Use Plan and Coastal Implementation Plan, Part 2, specifically Section 20.144.070, in the following manner:

- 1) The proposed project is consistent with the policies and ordinances of the North County LCP permitting 50% buildout as the first phase of development in North County in an effort to limit groundwater use to the safe long-term yield level. Approval of the project will result in the total creation of 675 new lots or units out of a maximum 1,351 (excluding a single family on a vacant lot of record) allowed to be approved since July of 1987.
- 2) The project, as conditioned, will protect groundwater supplies for coastal priority agricultural uses. The applicant will provide a water use mitigation plan that includes an analysis of the technical and economic feasibility of implementing the various water use mitigation (conservation) measures. The plan will be submitted and approved, and the appropriate mitigation measures will be implemented to completely offset the increased water use, prior to filing of the final map.
- 3) Both the standard subdivision site and the senior citizen unit site are located in subwatersheds considered "Watershed Restoration Areas" (#'s 31 and 32, respectively) as defined in the North County LUP. Both sites are also considered "Critical Erosion Areas" in the LUP because the soil types have K Factors exceeding .4. Mitigation measures have been incorporated into the project, to minimize further erosion in the Moro Cojo Slough watershed. These mitigations include implementation of

detailed erosion and sediment control plans and measures (consistent with the County's Erosion Control Ordinance), including vegetation management measures, and flood control measures. The erosion and sediment control plans will also incorporate measures for onsite reduction of bare ground and maximum retention of stormwater runoff resulting from impervious surfaces.

- 4) The applicant will take part in a Watershed Restoration Program for the affected sub-watershed, at such time as the Board of Supervisors implements a program. The project is conditioned to require the applicant to record a deed restriction agreeing to contribute a fair share to the County at a rate of \$500.00 per acre of land disturbance caused by the project, as calculated in the Land Disturbance Target (LDT) form submitted with the Coastal Development Permit application.

EVIDENCE: Section 2.5 of the North County Land Use Plan and Section 20.144.070 of the Monterey County Coastal Implementation Plan as stated in the FEIR pg. 2-26 and 2-28.

EVIDENCE: Condition No(s). 48 - 55.

26. **FINDING:** The proposed project, as conditioned is consistent with the following policies of Section 2.6 Agriculture:

2.6.3.6 For new development adjacent to agricultural areas, well-defined buffer zones shall be established within the area to be developed to protect agriculture from impacts of new residential or other incompatible development and mitigate against the effects of agricultural operations on the proposed use. Subdivisions, rezoning, and use permit applications for land adjacent to areas designated on the plan map for Agricultural Preservation or Agricultural Conservation shall be conditioned to require dedication of a 200-foot-wide open space easement, or such wider easement as may be necessary, to avoid conflicts between the proposed use and the adjacent agricultural lands. For development adjacent to agricultural

areas not designated for exclusive agricultural use, a reduced easement of not less than 50 feet shall be required. These easements shall extend the full length of the boundaries between the property to be developed and adjacent agricultural lands. Permanent roads may serve as part of the easement. Land within the easement shall be maintained in open space. Minor storage buildings or sheds associated as a conditioned use. The open space easement shall not be used for recreational areas as part of housing projects or public facilities.

The project is consistent with this policy because a 200-foot setback between agricultural uses and proposed structures has been incorporated into the project. This setback includes approximately 100 feet of Castroville Boulevard and 100 feet of non-developed open space land. Additionally, the Monterey County Agricultural Commissioner's office does not anticipate a need for additional special conditions on the pesticide use permits of farmers west of the project site. (Roach pers. comm.)

That the proposed project will be consistent with the applicable Agricultural policies of the North County Land Use Plan and the Monterey County Coastal Implementation Plan, Part 2, specifically Section 20.144.080, in the following manner:

The proposed project incorporates buffers as an agriculture conservation easement as required by the land use plan, sufficient to avoid conflicts between the proposed development and adjacent agricultural uses.

The development project as proposed, is consistent with Section 20.144.080 of Part Two of the Coastal Implementation Plan (Regulations for Development in the North County Land Use Area) pertaining to Agricultural resources.

The proposed project is consistent with North County Land Use Plan Policies

which address agricultural resources, including Policy 2.6.3.6, Jones and Stokes Associates, Inc. (1994), Moro Cojo Inclusionary Housing Development Project Environmental Impact Report, Volumes I & II, Chapter 2, Table 2-1, page 2-29.

A agricultural buffer of 200 feet has been established according to the policies and goals of the Monterey County General Plan and the North County Land Use Plan and the Coastal Implementation Plan.

A Final Environmental Impact Report has been prepared for the project in accordance with the California Environmental Quality Act. The FEIR concludes that the site is the physically suitable for the proposed development and that all project related impacts will be mitigated to a level of insignificance. Mitigation measures contained in FEIR and conditions of approval will reduce the overall effects of identified physical site constraints. Project related impacts on traffic, visual, air quality and water resources will be mitigated to a level of insignificance.

EVIDENCE: The subdivision plans (SH 93001 & SH 93002) submitted by the applicant dated May 12, 1994, as referenced in the FEIR.

EVIDENCE: Condition 87.

27. **FINDING:** The project, as conditioned is consistent with the following policies of Section 2.8 Hazards: 2.8.2.1; 2.8.2.3; 2.8.2.5; 2.8.3.A(1); 2.8.3.B(3):

2.8.2.1 All development shall be sited and designated to minimize risk from geologic, flood, tsunami, or fire hazards to a level generally acceptable to the community. Areas of parcels that are subject to high hazard(s) shall generally be considered unsuitable for development. Any proposed development in high-hazard areas shall require the preparation of an environmental or geotechnical report prior to county review of the project.

The project is consistent with this policy because the geotechnical reports prepared for each site indicate that the sites are suitable for the type of development proposed. Engineering of the site according to the Uniform Building Code will minimize risks associated with geologic hazards. In addition, the project site includes areas that are included in the FEMA-recognized 100-year floodplain of Moro Cojo Slough. However, these areas are proposed for open space lands uses and all structures will be located at least 1 foot above the water surface elevation of the 100-year flood.

2.8.2.3 New land divisions that create commitment to new or intensified development shall be approved only where it can be demonstrated that development of each proposed parcel and construction of the proposed access roads will neither create nor significantly contribute to erosion, geologic instability, flooding, or fire hazard, nor require construction of protective devices that would substantially alter natural landforms.

Please refer to the consistency determination for policy 2.8.2.1 of the North County Land Use Plan and Local Coastal Program.

2.8.2.5 Those portions of parcels unsuitable for development due to the presence of geologic, flood, or fire hazards shall not be included in computations of density for proposed developments.

Please refer to the consistency determination for policy 2.8.2.1 of the North County Land Use Plan and Local Coastal Program.

2.8.3.A(1) All development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities.

Please refer to the consistency determination for policy 2.8.2.1 of the

North County Land Use Plan and Local
Coastal Program.

2.8.3.B(3) All new development shall be located outside the 100-year floodplain to a maximum extent feasible. New development within designated 100-year floodplain areas shall conform to the guidelines of the National Flood Insurance Program. At a minimum, the lowest finished floor of new residential structures must be at least 1 foot above the 100-year flood level. New or more intensive development, including major flood control measures, shall be allowed only if located outside the zone of riparian vegetation and only where it has been conclusively demonstrated that the cumulative effect of the project in combination with all other existing and anticipated development will not cause an increase in the surface water elevation of the 100-year flood.

The project is consistent with this policy because all proposed structures in the project area will be located at least 1 foot above the water surface elevation of the 100-year flood.

The proposed project, as conditioned, will be consistent with the applicable Hazards policies of the North County Land Use Plan and Monterey County Coastal Implementation Plan, Part 2 in the following manner:

- 1) Geotechnical reports prepared for the subject project indicate that the site is suitable for the type of proposed development. Conditions of approval require the preparation of final geotechnical reports for the project in accordance with the Uniform Building Code and the implementation of conclusions and recommendations contained therein.
- 2) The site has been designed to avoid areas subject to inundation by flood hazards and will not require the construction of additional protective devices that would alter

natural land forms, or result in erosion or geologic instability.

3. The proposed project is required to conform to conclusions and recommendations of reports prepared and referenced in the Final EIR prepared for the subject project.
4. The subject project is cited and designed to locate development on relatively level, stable areas of the site that minimize the extent of grading and other site preparation.
5. The proposed project is required to avoid potential hazards due to EMF by incorporating a setback such that no structure will be subject to EMF greater than standard residential electrical transmission lines.

EVIDENCE: The subdivision plans (SH 93001 & SH 93002) submitted by the applicant dated May 12, 1994, as referenced in the FEIR.

EVIDENCE: Geotechnical Reports prepared for the subject site. (Terratech, 1985)

EVIDENCE: Conditions of approval required to be implemented as specified in the Mitigation Monitoring Program referenced herein.

28. FINDING: The project, as conditioned is consistent with the following policies of Section 2.9 Archaeological Resources: 2.9.2.3; 2.9.2.4; 2.9.3.2:

2.9.2.3 All available measures, including purchase of archaeological easements, dedication to the County, tax relief, and purchase of development rights shall be explored to avoid development on sensitive prehistoric or archaeological sites.

All available measures will be implemented as specified in conditions of approval to avoid development on land with sensitive prehistoric resources, including the completion of a detailed survey and a testing program to determine whether the one site that could be affected is sensitive, implementation of additional mitigation measures will be appropriate.

2.9.3.2 When developments are proposed for parcels where archaeological or other cultural sites are located, project design

shall be required that avoids or substantially minimizes impacts on such cultural sites. To this end, emphasis should be placed on preserving the entire site rather than the excavation of the resource, particularly where the site has potential religious significance.

The proposed project is consistent with this policy. An archaeological survey of the project site identified one cultural site that could be affected by the project. Conditions of approval require avoidance of identified sites and establishment of a setback sufficient to protect identified resources.

2.9.3.2 When sufficient planning flexibility does not permit avoiding construction impacts on archaeological or other types of cultural sites, adequate preservation measures shall be required. Mitigation shall be designed in accordance with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission. Any adverse impacts of development on archaeological or paleontological resources will be mitigated to the maximum extent feasible.

Please refer to the consistency determination for policy 2.9.2.4 for the North County Land Use Plan and Local Coastal Program.

The proposed project, as conditioned, will be consistent with the applicable Archaeological Resources policies of the North County Land Use Plan and Monterey County Coastal Implementation Plan, Part 2, specifically Section 20.144.110, in the following manner:

- 1) A Draft Archaeological Test Excavation Study has been prepared for the subject project (BioSystems Analysis, Inc.: September 1994), the study, prepared on the northern parcel (Moro Cojo Standard Subdivision [SH 93001]), confirmed the existence of an archeological site (Bio-1-94) on the property.
- 2) A condition of project approval will require the project to be redesigned to avoid any development on the archeological site.

- 3) A condition of project approval requires the archaeological site to be placed in a scenic easement.
- 4) Other requirements of the North County segment of the LCP, as well as the above referenced archaeological study mitigation measures, have been incorporated as condition of approval.

EVIDENCE: Section 2.9 of the North County Land Use Plan and Section 20.144.110 of the Monterey County Coastal Implementation Plan, as stated in the FEIR Chapter 12, listed mitigation measures, incorporated as conditions of approval.

29. FINDING: The project, as conditioned, is consistent with the following policies of Section 3.1 Transportation: 3.1.2.4; 3.1.3.4:

3.1.2.4 Improvements to State Highways 1 and 156 and the design of access points, turnoffs, and intersections shall be consistent with the objectives and standards of a designated State Scenic Highway.

3.1.3.4 Access to new development at the State Highway 156/Castroville Boulevard intersection should be via Castroville Boulevard only.

The project is consistent with this policy because the applicant proposes that access to both parcels be from Castroville Boulevard.

The proposed project, as conditioned, will be consistent with the applicable Transportation policies of Chapter 3.1 of the North County Land Use Plan and Part 2 of the of the Monterey County Coastal Implementation Plan, specifically Section 20.144.120, in the following manner:

- 1) Conditions of approval require the construction of improvements to the existing Castroville Blvd/Hwy 156 intersection and the future construction of a new intersection in accordance with the stipulations of a Project Study Report required to be developed in consultation with CALTRANS and the Monterey County Department of Public Works;
- 2) Conditions of approval require the construction of upgrades to Castroville

Blvd., and the Castroville Blvd./Hwy 156 intersection to serve to planned growth in this area of North County;

- 3) The proposed project will provide access to Castroville Blvd. in the manner specified in the General and Specific Policies of the North County Land Use Plan;
- 4) The proposed project will:
 - a) contribute to improvement of the 156 corridor;
 - b) avoid the construction of additional access roads to Hwy 156 by:
 - 1) improving Castroville Blvd. as necessary to ensure the safe and efficient flow of traffic from the project site to Hwy 156 via Castroville Blvd.;
 - 2) constructing improvements at the intersection and
 - 3) contributing toward the construction of a new intersection in accordance with the Project Study Report required herein.
 - c) be consistent with the development standards set forth in the Monterey County Scenic Highway Plan, applicable to improvements required for the subject project.

EVIDENCE: Sections 3.1.2.4 and 3.1.3.4 of the North Monterey County Land Use Plan and Section 20.144.120 of the Monterey County Coastal Implementation Plan.

EVIDENCE: Compliance as stated in FEIR pg. 2-31, listed mitigation measures; See Condition 26.

EVIDENCE: The subdivision plans (SH 93001 & SH 93002) submitted by the applicant dated May 12, 1994.

EVIDENCE: Planning Commission staff report and testimony before the Planning Commission and Board of Supervisors

30. FINDING: The project, as conditioned is consistent with the following Section of 3.2 Wastewater Management Facilities: 3.2.3.3:

The expanded Castroville County Sanitation District service area in the vicinity of Oak Hills shall be limited to the area north of State Highway 156, east of Castroville Boulevard, and south of Meridian Road and the adjacent agricultural land, in order not to conflict with the preservation of large areas of agricultural land adjacent to the boundaries and to concentrate development.

The project is consistent with this policy because the project site is located within the designated service boundaries of the Castroville County Sanitation District.

The proposed project is located within County Service Area 14. The MRWPCA possesses reserve capacity that is available to be allocated to the proposed project. Such allocation is required to be secured prior to filing a final map for the project. The availability of sewer treatment, conveyance and pumping capacity and the location of the property within CSA 14 ensure the preservation of large areas of agricultural land adjacent to the proposed project.

EVIDENCE: The Final EIR prepared for the subject project dated October, 1994

31. FINDING: The proposed project is consistent with the following policies of Section 4.3 Land Use and Development: 4.3.5.2. a-d; 4.3.5.7; 4.3.5.9; 4.3.6.A(2); 4.3.6.D(2); 4.3.6.D(5):

4.3.5.2 Residential development at medium to high densities shall be concentrated in areas with adequate sewer, water, and transportation services. The Las Lomas/Fruitland area, Oak Hills, and Moss Landing areas are appropriate for concentrated development. These areas shall be developed within established urban/rural boundaries before additional land is designated for concentrated development.

The project is consistent with this policy with proper implementation of the mitigation measures set forth in the FEIR and as required in conditions of approval. The project is consistent with this policy because the policy states that the Oak Hill area is appropriate for development, and this project is located in the Oak Hills area.

4.3.5.7 New subdivision and development dependent upon groundwater shall be limited and phased over time until an adequate supply of water to meet long-term needs can be ensured. To minimize the additional overdraft of groundwater accompanying new development, water conservation and onsite recharge methods shall be incorporated into the site and structure design.

Please refer to the consistency determination for the North County Land Use Plan policies 2.5.2.3, 2.5.3.A(2), and 2.5.3.A(4). These policies collectively include this policy.

4.3.5.9 Development and use of the land, whether public or private, must conform to the policies of the plan, must be consistent with the availability of public services and with established urban service lines, and must meet resource protection standards set forth in the plan.

Please refer to the consistency analysis contained in the FEIR prepared for the subject project.

4.3.6.A(2) Development that would threaten rare and endangered plant and animal species in the resource conservation areas shall not be allowed.

Please refer to the consistency determination for policy 9.1.1 of the Monterey County General Plan.

4.3.6.D(2) Medium- and high-density residential areas shall be located only where urban services (e.g., water, sewer, roads, transit, fire protection) are available. A mix of residence types and price ranges should be made available through the development of these areas.

The project is consistent with this policy because conditions of approval require that urban services be available to the proposed project and a mix of resident types and a range of prices will be provided.

4.3.6.D(5) Where public facilities or water supply necessary to support residential development are limited, residential growth should be phased to allow sufficient time for these essential elements to be provided.

The project is consistent with this policy because conditions require that development of the project be phased according to the provision of public services. Arrangements for an adequate water and wastewater supply will be provided prior to development as specified in conditions of approval.

That the proposed project, as conditioned, will be consistent with the applicable Land Use and Development policies of Chapter 4.3 of the North County Land Use Plan and Part 2, of the Monterey County Coastal Implementation Plan, specifically Section 20.144.140, in the following manner:

- 1) The Moro Cojo Inclusionary Housing Development Projects (SH 93001 & SH 93002) are proposed in an area with adequate sewer and water availability. The projects are proposed to be phased in order to implement suggested water use mitigations as deemed appropriate within the required water use mitigation plan;
- 2) The Moro Cojo Inclusionary Housing Development Projects (SH 93001 & SH 93002) are proposed in an area with surrounding land use designations ranging from low, medium to high densities. The land use designation for the proposed development sites is High Density Residential, 5 units/acre ("HDR/5 [CZ]"). The proposed development density is approximately 2 units/acre. The proposed density is consistent with the densities of the surrounding area;
- 3) The Moro Cojo Standard Subdivision Development will be redesigned so as to avoid Environmentally Sensitive Habitat areas and Moro Cojo Senior Housing Development will incorporate measures to insure protection of the Environmentally Sensitive Habitat area.

EVIDENCE: Conditions as appropriate listed below (Exhibit "C").

32. FINDING: The proposed project is consistent with 6.4 Public Access and 6.4.A(1):

6.4.A(1) The county shall require that lateral or vertical access easements be

provided through private lands in those locations planned for public shoreline access or for public trails as shown in Figure 4 and 6 (of the North County Land Use Plan and Local Coastal Program) as a condition to issuance of coastal development permits or other approvals required from the county. In addition, the County may require dedication of access easements on any lands between the nearest public road and the shoreline as a condition of permit approval to provide public access opportunities to other potential shoreline destinations not shown in this plan. In general, the County will seek to arrange that access dedications are made from the property owner to the agency, if other than the county, that will ultimately have responsibility for improving and managing the access.

The project is consistent with this policy. The proposed project site is not located within any of the areas identified by the plan as a location planned for public trails and shoreline access. The plan indicates that on the west side of Castroville Boulevard, where Moro Cojo Slough crosses, is a location for planned public access. The project site does not interfere with this area nor does it interfere with plans for public access to that area. However, the FEIR recommends and conditions require a mitigation measure to control public access to Moro Cojo Slough, including preparation of an access management plan in accordance with the North County Coastal Implementation Plan. If limited and controlled public access to Moro Cojo Slough were required at the project site, dedicated easements would be established as required by the plan.

The proposed project has been sited and designed to avoid interference with planned public access west of Castroville Blvd. Conditions of approval require preparation of an access management plan and landscape plans which limit public access to established trails constructed in accordance with conditions of approval

within open space areas of the site. No planned access to the Moro Cojo Slough from the project site will be permitted. This will avoid degradation and overuse in the manner specified in the North County Land Use Plan.

EVIDENCE: The subdivision plans (SH 93001 & SH 93002) submitted by the applicant dated May 12, 1994.

EVIDENCE: Conditions of approval 104,105,11(f),25(c)(f) of the Planning Commission staff report dated November 9, 1994.

33. FINDING: The recommended conditions regarding landscaping have been applied to eliminate increased erosion. The recommended condition regarding lighting has been applied to ensure that the character of the neighborhood is preserved, protected and enhanced.

EVIDENCE: Section 20.14.070, Subsections C, E and F of the adopted and certified Monterey Coastal Implementation Plan and Policy 26.1.20 of the Monterey County General Plan.

34. FINDING: For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the FEIR 94002 and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.

35. FINDING: The establishment, maintenance, or operation of the use and buildings 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 or to the general welfare of the County.

EVIDENCE: The project as described in the applications and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, and the Water Resources District. The respective departments have recommended

conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.

EVIDENCE: Mitigations suggested in the EIR have been imposed as conditions of approval.

36. FINDING: The project, as approved by the Coastal Development Permits, is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Section 20.140.080 G and J of the Monterey County Coastal Implementation Plan.

SECTION 2. The Board of Supervisors hereby approves said applications as shown on the attached sketches subject to the following conditions:

CONDITIONS OF APPROVAL FOR THE MORO COJO INCLUSIONARY HOUSING DEVELOPMENT - MORO COJO STANDARD SUBDIVISION (SH 93001) & MORO COJO SENIOR HOUSING (SH 93002)

I. CONDITIONS THAT APPLY TO THE MORO COJO STANDARD SUBDIVISION (SH 93001):

1. That the final map indicate the setbacks for the single family dwelling lots. The setbacks shall either be indicated by notation or applied to the lots. (Planning and Building Inspection)
2. That the applicant shall request in writing combining B-6 ("HDR B-6 [CZ]") (High Density Residential) zoning classification and a rezoning/reclassification of parcels H,G and E to OR ("OR [CZ]") (Outdoor Recreation), prior to filing of the final map. (Planning and Building Inspection)

TRAFFIC

3. That the applicant dedicate to the county 30' from the centerline of Meridian Road, prior to recordation of the final map. (Public Works)
4. Provide adequate access to the water tank site (located on parcel E), subject to the approval of the Director of Public Works. (Planning and Building Inspection; Public Works)

ENVIRONMENTALLY SENSITIVE HABITAT

5. That the Standard Subdivision site (SH 93001) be redesigned in such a manner as to avoid development in the seasonal wetland (swale) area and 100 feet thereof (100 foot setback) from the landward edge of vegetation associated with the seasonal wetland (swale), as per Section 20.144.040 of the Coastal Implementation Plan, prior to recordation of the final map (Planning & Building Inspection Department & FEIR pg. 6-21 & 6-22. mit)
6. Prior to issuance of grading or building permits, the applicant shall engage focused surveys to determine the migration corridors, if any, of the California tiger Salamanders and the Santa Cruz Long-Toed Salamander on the standard subdivision project site (SH 93001). The studies shall include but not be limited to:
 - a) Mitigation measures formulated to protect the identified migratory corridors that pass through the development site;

- b) The analysis of construction on the standard subdivision site from December 15 or the first rains to May 15 and the implementation of temporary drift fences constructed around the perimeter of the entire standard subdivision site construction area to detain and prevent injury or mortality to migrating adult and juvenile Santa Cruz Long-Toed Salamanders;
- c) The implementation of permanent drift fences, pitfall traps, culverts, and other measures to channel migrating salamanders around the proposed development site;

All fences and other measures suggested as a result of the studies, shall be installed and maintained by a qualified biologist experienced in design and installation of amphibian protection measures. Said studies and suggested mitigation shall be deemed adequate, subject to the approval of the U.S. Fish and Wildlife Service (USFWS) and the Department of Fish and Game (DFG). Proof that the above stated federal and state agencies have approved the studies, mitigation measures, and monitoring program shall be submitted to the Monterey County Planning and Building Inspection Department. A note to this effect shall be included on the final map prior to recordation. (Planning and Building Inspection & FEIR pg. 6-26 & 6-27, mit)

- 7. The applicant shall submit a Monitoring Report, biannually, assessing the impact of the development, once implemented, to the habitat and migratory habits of the California Tiger and the Santa Cruz Long-Toed Salamanders. The monitoring program shall be subject to the approval of the USFWS and DFG. Proof that the above stated federal and state agencies have approved the monitoring program shall be submitted to the Monterey County Planning and Building Inspection Department at the time the Monitoring Report is submitted. (Planning and Building Inspection)
- 8. That a Habitat Management Plan indicating "success criteria" shall be prepared for the standard subdivision site (SH 93001), reviewed and deemed adequate, by USFWS, DFG, and the Regional Water Quality Control Board. Proof that the above stated agencies and board have approved the management plan shall be submitted to the Director of Planning and Building Inspection Department, prior to issuance of building permits. (Planning and Building Inspection)
- 9. That a minimum 100 foot buffer shall be maintained on the northeast edge (Willow Riparian Forest) of the standard subdivision site (SH 93001), and the area be fenced during construction activities, in order to avoid disturbance to the Willow Riparian Forest Habitat. The applicant shall fence the buffer area prior to issuance of grading or building permits. A site inspection shall be conducted by

the Planning and Building Inspection Department to ensure that the buffer area has been fenced. (Planning and Building Inspection & FEIR pg. 6-25, mit)

AESTHETICS

10. The applicant shall submit, at least three weeks prior to occupancy, three copies of a landscaping plan (program), including land sculpturing and fencing, (i.e. around the 90 rental units, and common areas where appropriate. The landscaping plan (program) shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials. The landscape plan shall incorporate native trees, shrubs and herbaceous cover, where adjacent or near sensitive habitats. The landscaping plan (program) shall include but not be limited to the following:
 - a) The application of, xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices;
 - b) Incorporation of landscape materials that visually soften grading modifications on Castroville Boulevard, creating a landscaped buffer or green belt;
 - c) The incorporation of the 200' agricultural setback (located within open space parcels H, G, E) into the landscape plan;
 - d) Clear delineation of landscaping (screening) of the water tank site, located on parcel E;
 - e) Incorporation of trails, in accordance with the Monterey County North County Trails Plan;
 - f) Incorporation of interpretive signs, on the trails, along the northeast edge of the standard subdivision parcel (SH 93001), a minimum of 25-100 feet from the on-site environmentally sensitive habitats, that discourage off-trail pedestrian and bicycle traffic;
11. The landscaping plan (program) shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit, bond or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection & FEIR pg. 7-10, & 7-16, 7-18, 7-19 mit)
12. That the water tank, located on parcel E, be buried to a depth of 8 feet, even with the finished grade of the access road and be painted an earth tone color to blend into the area, subject to the approval of the Director of Planning

and Building Inspection. Color to be approved prior to the issuance of building permits. (Planning and Building Inspection & FEIR pg. 7-10, mit)

HAZARDS/HUMAN HEALTH
(PUBLIC HEALTH/ELECTROMAGNETIC FIELDS)

13. That prior to the approval of the Final map, the applicant shall provide a revised map indicating a minimum 50' setback from the PG & E easement boundary (which would establish a 150' setback from the existing PG & E transmission lines). (Environmental Health & FEIR pg. 13-7 - 13-8, mit)

CULTURAL RESOURCES (Unrecorded Archaeological Site BIO-1-94)

14. That in accordance with the intent of the North County Land Use Plan, Policy 2.9.1 and the Coastal Implementation Plan, Section 20.144.110, requiring that all site planing and design features shall be implemented necessary to avoid or mitigate impacts to identified archaeological resources, the area identified as containing the resources shall be retained as open space. (Planning and Building Inspection & FEIR pg. 12-4 - 12-5, mit)
15. That a notice be recorded with the Monterey County Recorder which states: "A Draft Archaeological Test Excavation Study has been prepared for this parcel by BioSystems Analysis, Inc., dated September 1994 and is on record in the Monterey County Planning and Building Inspection Department Library, No. 04.09.121. All development on the parcel (Moro Cojo Standard Subdivision site [SH 93001]) must be in accordance with the Archaeological Test Excavation Study, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. (Planning and Building Inspection)
16. Prior to issuance of grading or any improvements to the Standard Subdivision site the applicant shall submit proof that they entered into a monitoring contract with an archaeologist either on the County's list of archaeological consultants or who is a member of the Society of Professional Archaeologist (SOPA). The monitoring contract shall be submitted to the Director of Planning and Building Inspection. (Planning and Building Inspection)
17. If, during the course of construction, cultural, archaeological, historical or palentological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department shall be immediately contacted by the archaeological monitor present on-site. When contacted, the project planner and the archaeologist

shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection & FEIR pg. 12-5, mit)

18. That the applicant request a rezoning of the parcel to add an "HR" (Historical or Archaeological Resources) zoning designation to the existing zoning of the parcel, as required by the North County Coastal Implementation Plan Section 20.144.110, D.3.b. (Planning and Building Inspection & FEIR pg. 12-5, mit)
19. That a scenic easement be conveyed to the County over those portions of the property where archaeological sites exists. Prior to being accepted by the County, the proposed easement area shall be reviewed and verified as adequate to protect the resource by an archaeologist who has been selected from the County's list of archaeological consultants or who is a member of SOPA. The Scenic easement deed shall be submitted to and approved by Director of Planning and Building Inspection and recorded with the final map. (Planning and Building Inspection)

II. CONDITIONS THAT APPLY TO THE MORO COJO SENIOR HOUSING DEVELOPMENT (SH 93002):

20. Prior to issuance of a building permit, applicant shall submit for review and approval of the Director of Planning and Building Inspection, and subsequently record, a deed restriction stating, " One of the occupants of the senior citizen development (per unit) must be at least sixty years of age." (Planning and Building Inspection)
21. That the applicant shall request in writing, a rezoning/reclassification of OR ("OR [CZ]") (Outdoor Recreation) to parcels A and B prior to filing of the parcel map. (Planning and Building Inspection)

ENVIRONMENTALLY SENSITIVE HABITAT

22. Prior to issuance of grading or building permits, the applicant shall analyze and prepare a report regarding the environmental condition of the linderiella fairy shrimp habitat, if any, on the senior housing project site (SH 93002). Said report shall be deemed adequate, by the U.S. Fish and Wildlife Service (USFWS), the Department of Fish and Game (DFG), and the Central Coast Regional Water Quality Control Board (RWQCB). Proof that the above stated agencies have approved the report shall be submitted to the Monterey County Planning and Building Inspection Department. A note to this effect shall be included on the parcel map prior to recordation. (Planning and Building Inspection & FEIR pg. 5-12 & 6-33, mit)

23. The applicant shall implement best management practices (BMPs) and a Monitoring Program (Plan) annually, for a period of five years, assessing the impact of the development, once implemented, to the Fairy Shrimp Habitat and Vernal Pool Hydrology. The monitoring program shall be subject to the approval of the USFWS, DFG & RWQCB. Proof that the above stated federal and state agencies have approved monitoring program shall be submitted to the Monterey County Planning and Building Inspection Department at the time the Monitoring Program (Plan) is submitted. (Planning and Building Inspection)
24. That a Habitat Management and Monitoring Plan indicating "success criteria" shall be prepared for the senior housing site (SH 93002), reviewed and deemed adequate, by USFWS, DFG, and the Regional Water Quality Control Board. Proof that the above stated agencies and board have approved the management and monitoring plan shall be submitted to the Director of Planning and Building Inspection Department, prior to occupancy. (Planning and Building Inspection)

AESTHETICS

25. The applicant shall submit, at least three weeks prior to occupancy, three copies of a landscaping plan (program), including land sculpturing and fencing, where appropriate. The landscaping plan (program) shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials. The landscape plan shall incorporate native trees, shrubs and herbaceous cover, where adjacent or near sensitive habitats. The landscaping plan (program) shall include but not be limited to the following:
- a) The application of, xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices;
 - b) The incorporation of berming and landscaping, to blend with the existing topography and vegetation, on the portion of the site south of senior housing units, in a manner that fully screens the facades of the senior units visible from Highway 156.

The slope of the berm shall be designed to not be greater than the maximum existing slope of the natural grade. Landscaping shall be provided and incorporated into existing landscaping on the site in a manner that softens the appearance of visible roofs from Highway 156.
 - c) Subject to the approval of the Director of Planning and Building Inspection Department, that the fencing (3 to 4 feet in height) be constructed and incorporated, into the landscaping plan, on the south portion of the

senior housing units (SH 93002) to prohibit pedestrian, bicycle or motorized vehicle traffic onto the open space parcel A, and disruption to the vernal pool and shrimp fairy habitat;

- d) The incorporation of the 200' agricultural setback (located within open space parcels A & B) into the landscaping plan;
- e) Incorporate the installation of trails, in accordance with the Monterey County North County Trails Plan;
- f) Incorporate, within the trails plan, interpretive signs along the northeast edge of the standard subdivision parcel (SH 93002), a minimum of 100 feet from the on-site environmentally sensitive habitats, that discourage off-trail pedestrian and bicycle traffic;

The landscaping plan (program) shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit, bond or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection & FEIR pg. 6-25, 7-10, mit)

HAZARDS/HUMAN HEALTH

- 26. Annex the Senior housing project to County Service Area #14 and contribute to the cost of maintaining and operating the Sea Mist Farms pump station. Contribute a proportionate share to installation of a new pump at the station. (Water Resources Agency & EIR pg. 5-8, mit)

III. GENERAL - CONDITIONS THAT APPLY TO THE MORO COJO INCLUSIONARY HOUSING DEVELOPMENT: MORO COJO STANDARD SUBDIVISION (SH 93001) & MORO COJO SENIOR HOUSING (SH 93002):

TRAFFIC

- 27. The subdivider shall pay for all maintenance and operation of private roads, fire hydrants, street lights and storm drainage from the time of installation until acceptance of the improvements for the subdivision by the Board of Supervisors as completed in accordance with the agreement, and until a Homeowners' Association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services, prior to Notice of Completion. (Public Works)

28. That all roads within this development be inspected by the County of Monterey and/or a Registered Civil Engineer and certified as to conformance with the improvement plans, prior to Notice of Completion. (Public Works)
29. That a Homeowners' association or other agency with legal authority be formed for road, drainage, and common area maintenance unless otherwise approved. This may require annexation into CSA #66, prior to recordation of final/parcel maps. (Public Works)
30. That the applicant install left-turn channelization on Castroville Boulevard at all entrances including acceleration and deceleration lanes and bus turnouts (widen shoulder). Construction shall include an overlay over existing travel lanes consisting of 0.1' of asphaltic concrete, prior to Notice of Completion. (Public Works)
31. That the applicant dedicate 42' from centerline on Castroville Boulevard, plus additional width as needed for left-turn channelization as indicated in Condition No. 30, prior to recordation of final/parcel maps. (Public Works)
32. That the applicant improve Castroville Boulevard to a minimum width of 20' from centerline along entire frontage plus drainage control, prior to the Notice of Completion. (Public Works)
33. That the applicant construct an 8-foot-wide asphaltic concrete two-way bicycle/pedestrian path outside the future 4-lane section on Castroville Boulevard along entire project frontage. If located on private property, easements shall be provided to insure public access. Also the developer shall contribute a proportionate share toward the construction of the bicycle facilities from Merritt Street Castroville Boulevard and Elkhorn Road. This project will include #8 signals at an at-grade crossing of Pacific Southern Railroad at a minimum. Install striped bike lanes on Castroville Boulevard on both sides of the roadway meeting State and Federal design standards, or as required by Public Works, prior to the Notice of Completion. (Public Works & FEIR 11-24, mit)
34. Prior to the Notice of Completion, internal roads shall be constructed in accordance with the typical sections with the exception of the following:
 - a) No sight obstructions be build in 7-foot parkway area behind curb face on 50-foot right-of-way streets. Prior to the Notice of Completion;
 - b) Sidewalk width and locations on all streets will be subject to the approval by the Department of Public Works. (Public Works)

35. That the access roads and internal circulation for all proposed development, including Senior Housing and Multi-family Residential be approved by the Department of Public Works, prior to recordation of the final/parcel maps. (Public Works)
36. That the proposed parking comply with the standards of the Coastal Implementation Plan, Part 1, Section 20.142.110. The parking layout and circulation shall be reviewed and approved by the Director of Public Works and the Director of Planning and Building Inspection, prior to the issuance of building permits. (Public Works; Planning and Building Inspection)
37. That the developer install and maintain California standard stop signs on the project roads intersecting Castroville Boulevard, prior to the Notice of Completion. (Public Works)
38. All Turn-arounds shall be adequate for emergency equipment, prior to recordation of the final/parcel maps. (Public Works)
39. That all signs, walls, and fences be located off the public right-of-way. (Public Works)
40. A. Developer shall obtain an encroachment permit (including the preparation and funding of a project study report/project report, subject to the approval of CalTrans and the Director of Public Works) and construct the improvements at the following locations:
 1. Castroville Boulevard/Highway 156:
 - a. The half-signal or full signal concept at the existing intersection of Casroville Boulevard and State Highway 156; or
 - b. A full or half-signal concept at the proposed relocated Castroville Blvd./State Highway 156 intersection and future interchange location including the extension of the existing four-lane freeway (State Highway 156) to a point five hundred (500) feet easterly of the proposed new Castroville Boulevard intersection.
 2. State Highway 156/State Highway 101:

Interim improvements at State Highway 156/State Highway 101 to mitigate all project-related impacts prior to future interchange reconstruction.

3. State Highway 1/Dolan Road:

Acceleration/deceleration lanes for both right- and left-turn pockets on both State Highway One and Dolan Road.

- B. The applicant shall dedicate right-of-way on the north side of Highway 156, for four-lane facility on State Highway 156, prior to recordation of Final Map. (Public Works and FEIR pg. 8-14, 8-27, mit)
- C. That the applicant dedicate right-of-way on its property for relocation of Castroville Boulevard, and future interchange, as required by CalTrans, for safe entry of traffic onto State Highway 156, prior to recordation of the Final Map. (Public Works & FEIR pg. 8-24, 8-27, mit)
- D. Any State Highway improvement projects required herein shall be phased corresponding to the following thresholds subject to verification provided by CalTrans:
1. Prior to the construction of more than fourteen (14) units: Complete the construction of a traffic signal and associated channelization and widening at the Highway 156/Castroville Boulevard intersection, at a minimum;
 2. Prior to the issuance of building permits for more than forty-seven (47) units: Improve Highway 1/Dolan Road intersection as required in Condition 40.A.3.
 3. Prior to the issuance of any building permits, complete construction of interim improvements at State Highway 156, State Highway 101 to mitigate all project related impacts.
- E. Modifications to conditions implemented in accordance with the PSR referenced herein shall be permitted only upon review by the Planning Commission and approval by the Board of Supervisors.
41. Developer to contribute his fair share of the costs to widen and signalize Castroville Boulevard and San Miguel Canyon Road intersection, and to the four-lane San Miguel Canyon Road Project Fund from State Highway 101 to Castroville Boulevard, prior to the issuance of building permits. (Public Works)
42. State Highway 183 bridge widening over State Highway 156 must be completed, prior to occupancy of any units. (Public Works; CalTrans)

43. That the developer work with Monterey-Salinas Transit and the Transportation Agency for Monterey County (TAMC) to prepare a Transportation Management Plan for the proposed development. The management plan shall be prepared in accordance with the mitigation measures listed in the FEIR, Chapter 8. The plan shall be deemed adequate, subject to the approval of CalTrans, Monterey County public Works Department and TAMC. (Planning and Building Inspection)

ENVIRONMENTALLY SENSITIVE

44. That a conservation easement be conveyed to the County over those portions of the property where environmentally sensitive habitats exists. Prior to being accepted by the County, the proposed conservation easement area shall be reviewed and verified as adequate to protect the resource by a biological consultant who has been selected from the County's list of biological consultants, USFWS, and the DFG. The Scenic easement deed shall be submitted to and approved by the Director of the Planning and Building Inspection Department, prior to issuance of building permits. (Planning and Building Inspection)
45. The applicant shall obtain a construction stormwater discharge permit from the State Regional Water Quality Control Board, and implement a sampling program for a period of 5 years to assess the accumulation of "priority pollutants" in the proposed detention basins, Moro Cojo Slough sediments, and vegetation; and to monitor the effectiveness of the required best management practices (BMPs).
46. The applicant shall implement best management practices (BMPs) to reduce urban pollutant loadings to the sloughs. These measures include using vegetative buffer strips, grassed drainage swales, oil and grease traps, sediment traps, and street sweeping. (Water Resources Agency & FEIR pg. 5-11, 5-12, mit)
47. That the prepared CC&Rs incorporate language to state that: "Signs will be posted prohibiting the keeping of cats on the premises of the standard subdivision site (SH 93001). Signs will also require all dogs taken into the open space areas of the proposed development (SH 93001 & SH 93002) to be leashed. (Planning and Building Inspection & FEIR pg. 6-31, mit)

DRAINAGE/EROSION CONTROL

48. That the applicant submit a detailed erosion and sedimentation control plan implementing the best management practices (BMPs) as outlined in the FEIR, in accordance with the North County Coastal Implementation Plan, Section 20.144.070.4.C Water Resource Development Standards - Erosion Control Plan Requirement and the Erosion Control

Ordinance, Chapter 16. 12 (Monterey County Coastal Implementation Plan, Part 6, Chapter 16.12 - Erosion Control Ordinance). The plan shall be prepared by a registered civil engineer or Certified Professional in Erosion and Sediment Control (CPESC). The erosion control plan shall include but not be limited to the following:

1. That all cut and/or fill slopes exposed during the course of construction blend with the existing grade to simulate the natural topography and be landscaped, seeded, or otherwise treated with native trees, shrubs and herbaceous cover to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection;
2. That the improvement and grading plans include implementation and schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection, prior to issuance of grading or building permits;
3. That all graded areas of the street right of way be planted and maintained as required by the County Surveyor to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted to the satisfaction of the County Surveyor and include the following:
 - a. That the cut and fill slopes be stabilized.
 - b. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item a).
 - c. Type and amount of maintenance required to satisfy item "a"; (Planning and Building Inspection; Public Works & FEIR pg. 3-7 and 3-8, mit)
49. That the improvement and grading plans include the specific plan and implementation schedule of measures for the prevention and control of erosion, siltation, and dust during and immediately following construction, and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection, prior to Notice of Completion. (Public Works; Planning and Building Inspection)
50. Drainage improvements shall be constructed in accordance with plans by a registered civil engineer addressing on-site and off-site impacts, and the design of stormwater

detention/sediment retention facilities. (Water Resources Agency & FEIR pg. 5-8, par. 3, mit)

51. That all natural drainage channels be designated on the final/parcel maps by easements labeled "Natural Drainage Easement" prior to recordation of the final/parcel Maps. (Public Works)
52. Stormwater detention ponds shall be constructed in accordance with plans by a registered civil engineer and shall be fenced for public safety. (Water Resources Agency & FEIR pg. 5-8, par. 3, mit)
53. That no land clearing or grading shall occur on the subject parcel between October 30 and April 30 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection & FEIR pg. 5-10, mit)
54. That a grading permit be obtained from the Planning and Building Inspection Department. (Public Works; Planning and Building Inspection)
55. That the applicant record a deed restriction stating that the applicant owner agrees to make a one-time financial contribution to the County at a rate of \$500 per acre of land disturbance caused by the project. Amount of land disturbance shall be as calculated according to the Land Disturbance Target Evaluation required as per Section 20.144.070 B. The required contribution shall be paid upon the County's request at such time that the Board of Supervisors implements a Watershed Restoration Program for the affected sub-watershed, prior to the Notice of Completion. (Planning and Building Inspection)

HAZARDS/HUMAN HEALTH
AIR QUALITY

56. During Construction, the developer shall implement Air Quality Management Techniques, that include but are not limited to the following:
 - a) Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and shall increase watering frequency whenever winds exceed 15 miles per hour (mph);
 - b) Spray all dirt stockpile areas daily;
 - c) Stabilize all disturbed soil areas not subject to re-vegetation, using approved chemical soil binders, jute netting, or other methods approved in advance by the Bay Area Air Quality Management District (BAAQMD);

- d) Construction vehicles shall not exceed 25 mph on any unpaved surface on the construction site;
- e) Applicant shall phase construction so that threshold standards of the Monterey Bay Unified Air Pollution Control District, as required for PM10, are not exceeded. (Planning and Building Inspection & FEIR pg. 9-14, mit)

NOISE

- 57. That construction activities within 2,500 feet of existing residences be limited to 7 a.m. and 6 p.m. on weekdays, no construction on sundays, legal holidays, or between the hours of 6 p.m. and 7 a.m. on day not listed. (Planning and Building Inspection & FEIR pg.10-14, mit)

PUBLIC SERVICES & UTILITIES WATER/WATER SERVICE

- 58. The applicant shall comply with Ordinance No. 3539 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.5 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. (Water Resources Agency; Planning and Building Inspection)
- 59. That the applicant shall provide a water use mitigation plan that includes an analysis of the technical and economic feasibility of implementing the various water use mitigation measures presented in the EIR, or any others devised by the applicant. The plan shall be submitted and approved by the Water Resources Agency, and the appropriate mitigation measures implemented, in the same hydrological area as the proposed project, to completely offset the increased water use, prior to the filing of the final/parcel map. (Water Resources Agency & FEIR pg. 4-7 - 4-12, mit.)

WATER SERVICE

- 60. Design the water system improvements to meet the standards as set forth in Title 22 of the California Code of

Regulations and as contained in the Residential Subdivision Water Supply Standards. Submit plans for the water system and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) the water system improvements. (Environmental Health)

61. Design the water system improvements to meet fire flow standards required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation/bonding and filing of the final/parcel maps. (Environmental Health)
62. The developer shall install or bond the water system improvements to and within the subdivisions and any appurtenances needed prior to filing the final/parcel maps. (Environmental Health/ Public Works)
63. Provide to the Director of Environmental Health certification and any necessary documentation from State agencies that California Water Service can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health)
64. Applicant shall destroy the existing abandoned well according to State of California Bulletin 74-81, and Monterey County Ordinance No. 3317. A permit for the destruction of the well shall be obtained from the Division of Environmental Health prior to destruction. (Environmental Health)
65. Submit updated final/parcel map indicating the proposed water distribution, and access easements for the water system to the Director of Environmental Health for review and approval prior to filing the final/parcel map. (Environmental Health)
66. That the applicant pay the appropriate financial contribution in accordance with Ordinance 3496, adopted by the Board of Supervisors to implement an area-wide hydrological study to address ground water overdraft and water resources in the project area. The fees shall be paid prior to the filing of the final map. (Planning and Building Inspection)

SEWER SERVICE

67. Provide certification to the Division of Environmental Health that Castroville County Sanitation District can and will provide sewer for the proposed property/project prior to filing of the final/parcel maps. (Environmental Health)

68. Provide evidence that the Castroville County Sanitation District has sufficient sewer service capacity from the Monterey Regional Water Pollution Control Agency to serve the project prior to filing of any final/parcel maps. (Environmental Health)
69. The sewer system improvements and any appurtenances shall be installed, or bonded, to and within the subdivisions prior to filing the final/parcel maps. (Environmental Health)
70. Submit sewer connection improvement plans to Public Works for approval. All sewer system improvements must be completed in accordance with the Standard Specifications for Use in Monterey County Sanitation Districts and CSAs, dated 1992 and dedicated to the County of Monterey, prior to recordation of final/parcel map. (Public Works)
71. Extend sewer main to provide sewer to and within the subdivision. Grant easements and improvements for access to sewer mains, prior to the Notice of Completion. (Public Works)
72. Prior to the issuance of grading or building permits a connection permit must be applied for and inspection fees paid to County Service Area # 14 (Zone 2) and Monterey Regional Water Pollution Control Agency. (Public Works)
73. All sewer improvements must be completed and dedicated to the County of Monterey in accordance with the Standard Specifications for Use in Monterey County Sanitation Districts and CSAs, dated 1992, prior to the Notice of Completion. (Public Works)
74. Complete an Engineering evaluation of the pump station at the Moro Cojo Slough and Force Main to Castroville to handle additional flows. Evaluation must determine appropriate improvements to handle additional flows. Subdivision Improvement Plans shall include recommended improvements. Provide Sanitation Operations and Maintenance section manual of facility improvements, prior to recordation of Final Map. (Public Works)

SOLID WASTE

75. Submit a plot plan indicating the proposed solid waste recycling area(s), to the Director of Environmental Health for review and approval. (Environmental Health)
76. Provide evidence that the project area has been annexed to the Monterey Regional Waste Management District. (Environmental Health)
77. Provide a written plan on how and when information on Recycling and Composting will be provided to new home owners

and renters. Following approval by the Director of Environmental Health, the plan shall be implemented during occupancy of each dwelling. (Environmental Health & FEIR pg. 11-21, mit)

78. That the Developer shall require that the construction contractor minimize the volume of recyclable materials sent to area landfills. (Environmental Health)

UTILITIES

79. That new utility and distribution lines shall be placed underground. (Planning and Building Inspection; Public Works)
80. That a note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.12.140 (M), Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the (parcel or final) map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (Planning and Building Inspection; Public Works)
81. The subdivider shall submit three prints of the approved tentative maps to each of the following utility companies: Pacific Gas & Electric Company, Pacific Bell, Cable T.V. and water districts. Utility companies and affected districts shall submit their recommendations, if any, to the Director of Public Works for all required easements, prior to recordation of the final/parcel maps. (Public Works)

FIRE SAFETY

82. WATER SYSTEM, FOR FIRE PROTECTION
(North County Fire District)
- a) That the applicant provide a water system for fire protection that is in compliance with Appendix III-A of the 1991 California Fire Code;
- b) That the applicant provide hydrants on the water system in compliance with Appendix III-B of the 1991 California Fire Code;
- c) That the applicant provide James Jones Model #J-3760 for multi-family and public building area and Model number J-3740 for single family dwelling areas;
- d) That the applicant provide engineered plans for the water storage, pumping station, emergency generator, underground mains and valves, hydrants, and other

appurtenances to North County Fire for approval prior to bid submittal;

- e) That the applicant submit construction plans for the water system to North County Fire for approval prior to starting construction;
- f) That the water system be completed and approved prior to construction of any combustible material;

83. FIRE APPARATUS ACCESS ROADWAYS
(North County Fire District)

- a) That the applicant provide a minimum 20 foot access roadways for fire apparatus to within 150' of the most remote portion of any building;
- b) That the applicant post and sign all fire apparatus access roadways in accordance with the California Vehicle Code Section #22500.1.;
- c) That the applicant submit engineered plans of the access roadway in compliance with the California Fire Code to North County Fire for approval prior to construction;
- d) The applicant shall submit access roadway names and building numbering to North County Fire for approval;
- e) The applicant shall provide a fire apparatus access roadway repair fund and create a continuous funding mechanism in the CC&Rs; prior to issuance of the final/parcel maps.

84. BUILDING CONSTRUCTION
(North County Fire Protection District & FEIR pg. 11-18; 11-19, mit)

- a) All building construction plans shall be approved by the North County Fire;
- b) All multi-family and public buildings shall be in compliance with the 1991 California Fire Code;
- c) All structures 5,000 square feet or larger shall be protected with automatic fire sprinklers in accordance with the applicable NFPA Standard;
- d) The applicant shall pay a fire mitigation fee of \$0.39 per square foot for unprotected buildings and \$0.15 per square foot for protected buildings upon issuances of the final subdivision map;

- e) That applicant shall pay plan check and inspection fees for all buildings upon billing by North County Fire in accordance with the current fee schedule; prior to issuance of building permits.

LAW ENFORCEMENT

85. One month prior to recordation of the final/parcel maps, the developer shall submit site plans to the sheriff's department for review. The site plans shall incorporate but not be limited to the following:
 - a) delineation/notation that all structures have clearly visible addresses;
 - b) the use of original street names (no duplication of names are to be used in Monterey County);
 - c) landscaping developed to not obstruct the view of law enforcement personnel;
 - d) notation of continual maintenance of street and parking lot lighting;
 - e) notation requiring the installation of crime-deterrent devices (i.e. deadbolts and peepholes) in residential units;

The notation shall be located in a conspicuous manner on the final/parcel maps, subject to the approval of the Director of Planning and Building Inspection. (Monterey County Sheriff's Department; Planning and Building Inspection & FEIR pg. 11-19 - 11-20, mit)

PARKS DEPARTMENT

86. The subdivider/applicant shall comply with the recreation requirements as provided in Section 19.12.010 Title 19 (Subdivision) of the Monterey County Code prior to filing of the final/parcel map. (Monterey County Department of Parks)
87. That a 200 foot agricultural easement be conveyed, to the County, along the entire project frontage (adjacent to Castroville Boulevard) sufficient to protect agriculture from the impacts of the proposed residential development. Specific permitted and prohibited uses shall be stipulated in the easement document (i.e. riding and equestrian trails, in accordance with the North County Trails Plan and pursuant to conditions No. 33). The agricultural easement shall be submitted to and approved by the Director of Planning and Building Inspection, Director of Public Works and the Director of Parks and recorded with the final map. (Monterey County Parks Department; Planning and Building Inspection; Public Works; Parks Department)

88. The subdivider/applicant shall establish a mechanism whereby park and recreation improvements are properly maintained and managed by or for the future residents of the standard and senior subdivisions. (Monterey County Department of Parks)
89. That the applicant submit a Public Access Management Plan, in accordance with Section 20.144.150 of the North County Coastal Implementation Plan. (Planning and Building Inspection & FEIR pg. 6-25, mit)

AESTHETICS

90. That the street lights, proposed in the development, not exceed a height limit of 30 feet. (Planning and Building Inspection)
91. That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That the applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)
92. That the exterior colors and roofing material shall be subject to the approval of the Director of Planning and Building Inspection prior to final building permit sign off. (Planning and Building Inspection)
93. That all proposed structures be constructed of wood, masonry, stone, or other natural materials and that the exterior colors and roofing material be of earth tones or variations of earth tones. Materials and color selection shall be subject to the approval of the Director of Planning and Building. (Planning and Building Inspection)
94. That the applicant record a deed restriction indicating that all exterior design changes, including color changes associated with repainting and re-roofing and including exterior lighting changes, be approved by the Director of the Planning and Building Inspection Department. The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection prior to recordation. (Planning and Building Inspection)
95. That all landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)

96. That prior to issuance of building or grading permits a deed restriction shall be recorded with the Monterey County Recorder which states: "That all landscaped areas, land sculpting and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition." Proof of recordation of this deed restriction shall be furnished to the Director of Planning and Building Inspection prior to issuance of grading or building permits. (Planning and Building Inspection)
97. Pursuant to the State Public Resources Code and the State Fish and Game Code, the applicant shall pay a fee to be collected by the County of Monterey for the amount of \$875. This fee shall be paid prior to filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to commencement of use, or the issuance of grading and/or building permits. (Planning and Building Inspection)
98. Prior to recordation of the final/parcel maps, the developer shall record with the Monterey County Recorders Office notice that the property is within or partially within a floodplain and is subject to building and/or use restrictions and may also be subject to an indemnification agreement with the County of Monterey and a note to this effect be placed on the final/parcel maps. The form and content of said notice shall be approved by the Director of Planning and Building Inspection and the General Manager of the Water Resources Agency prior to recordation. (Planning and Building Inspection; Water Resources Agency)
99. That all the units in the Moro Cojo Inclusionary Housing Development Projects (SH 93001 and SH 93002) be affordable to very low, low and moderate income households as defined in Section 50093 of the California Health and Safety Code. (Planning and Building Inspection)
100. The applicant shall comply with all County building codes, including the Uniform Housing Code and the occupancy standards therein. (Planning and Building Inspection)
101. The applicant shall cooperate and assist the County in securing the eradication of substandard housing in the County by making a good faith effort to secure the consent of each person who purchases or occupies any premise in the project for the County to inspect the residential property occupied by such person prior to relocation to the project. (Planning and Building Inspection)
102. The property owner agrees as a condition of the approval of the Combined Development Permits (SH 93001 & SH 93002) which includes:

Moro Cojo Standard Subdivision (SH 93001):

A Combined Development Permit consisting of a Coastal Development Permit for a standard subdivision vesting tentative map to allow the division of a 125.6 acre parcel into 177 lots ranging in size from 5,000 square feet to 7.0 acres each, a request for waiver of lot width requirements; a Coastal Development Permit for two clustered (rental) planned developments consisting of 90 multi-family 3 and 4 bedroom units, community buildings and recreational open space; 462,000 cubic yards (cy) of grading (251,000 cy of fill), a sedimentation and detention basin and infrastructure; a Coastal Development Permit for a Community Center (approx. 4,550 sq. ft.) consisting of a day-care facility, classroom, multi-purpose room, office, restrooms, laundry facility and storage; tot lot and open space for recreational activities;

Moro Cojo Senior housing Development (SH 93002):

A Combined Development Permit Consisting of: a Coastal Development Permit for a minor subdivision vesting tentative map to allow the division of a 53.7 acre parcel into 1 parcel of 7.0 acres and 3 open space parcels of 0.6 acres, 12. 2 acres and 31.0 acres each, 25,500 cubic yards of grading (7,500 cy of cut/18,000 cy of fill), a sedimentation and detention basin and infrastructure; a Coastal Development Permit for 100 senior housing units and community building consisting of a meeting room, office, restrooms, storage and maintenance and storage rooms; and a Use Permit for ridgeline development;

that they will pursuant 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 in Government Code Section 66499.37. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the filing of the final map, whichever occurs first. The County shall promptly notify the subdivider of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (Planning and Building Inspection)

103. The applicant shall record a notice which states: "Combined Development Permits (SH 93001 & SH 93002) (Resolution No. 94-524) were approved by the *Board of Supervisors* for Assessor's Parcel Number(s) 133-092-005-000; 133-092-006-000; 133-072-028-000; 133-072-033-000; 133-072-035-000 on December 20, 1994. The permit was granted subject to 103 conditions of approval which run with the land. A copy of

the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)

NOW, THEREFORE, BE IT RESOLVED, THAT;

SECTION 1. The Board of Supervisors approves the Moro Cojo Inclusionary Housing Development Project Applications; SH 93001 (Moro Cojo Standard Subdivision Development) and SH 93002 (Moro Cojo Senior Housing Development).

SECTION 2. After considering all the evidence, both oral and documentary, contained in the record, the Board of Supervisors hereby finds that the conditions of approval contained in this project eliminate or substantially lessen all significant effects on the environment to the extent feasible.

If it is later determined that the mitigations imposed by the Board of Supervisors do not mitigate the impacts of this project to a level of insignificance, the Board hereby finds that remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding considerations. For the purpose of this Section the term "Impacts" and "Unavoidable Adverse Environmental Effects" shall not include impacts on Water Quality, Water Supply and Groundwater Resources.

The Board of Supervisors, as the decision-makers on this project have balanced the benefits of the proposed project against its environmental impact and determined that benefits of the proposed project outweigh any unavoidable adverse environmental effects.

Specifically, the Board finds that Northern Monterey County and Castroville, specifically, suffers from an acute need for affordable housing.

Specifically, 1990 U.S. Census data provided by the Monterey County Department of Building Inspection and Planning indicate that (1) Castroville has a lower percentage of homeowner opportunities available, (2) that the median household income for Castroville is only eighty percent (80%) of the County's median income, (3) that the percentage of persons living below the poverty level is twice that for the remainder of the County, (4) that the vacancy rate in Castroville is lower than for the remainder of the County, and (5) that the percentage of overcrowding in rental units in the Castroville area is twice that of Monterey County as a whole.

The Monterey County Housing Element also indicates that the vacancy rate for rental units in the unincorporated area of Monterey County has declined from one and ninety-two one

hundredths percent (1.92%) in 1980 to one and twenty-seven one hundredths percent (1.27%) in 1990, giving the unincorporated area the lowest overall vacancy rate in the entire County. According to the Monterey County Housing Element, the effective vacancy rate in the County is far below what is considered to be balanced housing market where supply equals demand. As a result, the demand for available rental units has driven the cost up of rental housing and allowed substandard housing to be rented at excessive rental rates.

Substantial evidence in the record illustrates that the average rental rate for housing in North Monterey County is almost double the rate affordable to persons of low and moderate income.

The Association of Monterey Bay Area Governments projected that over two thousand nine hundred (2,900) low- and very low-income housing units would be required to meet the housing needs of low-income households prior to 1996. Less than ten percent (10%) of those units have been built.

The Monterey County Housing Authority has stated that there are six thousand five hundred sixty-nine (6,569) eligible families on the Section 8 waiting list. Almost five hundred (500) of those families currently reside in Castroville.

Based on a survey conducted in North Monterey County, there is also a severe overcrowding condition existing in the available housing stock.

Therefore, the Board finds that in the event it is determined that the significant effects identified in the Final EIR are not at least substantially mitigated, the Board of Supervisors hereby adopts a Statement of Overriding Consideration that the benefits of the proposed project on the available housing in Monterey County outweigh any potential unavoidable adverse environmental effects of the project.

PASSED AND ADOPTED on this 20th day of December, 1994, upon motion of Supervisor Perkins, seconded by Supervisor Karas by the following vote, to-wit:

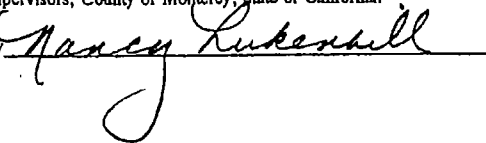
AYES: Supervisors Salinas, Shipnuck, Perkins, Johnsen and Karas.
NOES: None.
ABSENT: None.

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board Supervisors duly made and entered in the minutes thereof at page of Minute Book 68, on December 20, 1994

Dated: December 20, 1994

ERNEST K. MORISHITA, Clerk of the Board of Supervisors, County of Monterey, State of California.

By



Deputy

ACHISPA.RES

12/15/94

