Attachment A

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

In the matter of the application of:
161 PROPERTY OWNERS AT THE MORO COJO SUBDIVISION (PLN120650)
RESOLUTION NO. ----
Resolution by the Monterey County Board of Supervisors:

1) Adopting a Negative Declaration; and
2) Approving the amendment of Condition #99 of the previously-approved Combined Development Permit (SH93001) for the Moro Cojo Standard Subdivision changing the term of the affordability restriction of 161 of the single-family residences in the Subdivision from permanent to a 20-year term commencing on the date of the first deed of conveyance of each property from the developers to the original owners of the units.

[PLN120650, North County Land Use Plan] [i]

The proposed amendment of Condition #99 of the Moro Cojo Standard Subdivision Combined Development Permit (PLN120650) came on for a public hearing before the Monterey County Board of Supervisors on December 8, 2015 and January 26, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is the amendment of Condition #99 of the previously-approved Combined Development Permit (SH93001) for the Moro Cojo Standard Subdivision ("Subdivision"). As originally approved by the Board of Supervisors on December 20, 1994, Condition #99 required that all of the 175 single-family residences within the Subdivision be available to very low, low and moderate income households. (Board of Supervisors' Resolution No. 94-524.) A lawsuit challenging that approval resulted in a "Settlement Agreement and Stipulation for Judgment." (*Alliance to Enforce Mandates Governing Project Review Procedures and Water and Traffic Standards, et al v. County of Monterey et al* (Monterey County Superior Court Case No. 102344) ("Settlement Agreement") The Settlement Agreement interpreted Condition 99 to be a "*permanent deed restriction*" on the parcels within the Subdivision. A subsequent court order clarified The proposed amendment submitted by 161 of the 175 homeowners seeks to amend Condition #99 to change the term of affordability from permanent to a period of 15 years, commencing on

the date of the first deed of conveyance from the Subdivision's developers to the property owners. The Planning Commission recommended that the term of affordability be changed to 20 years and that the Board of Supervisors determine if replacement affordable units would be required if the term of affordability were eliminated. The Board of Supervisors is hereby approving an amendment of Condition #99 to change the term of the affordability restriction to 20 years. As explained in findings below, the Board has determined that replacement of the subject 161 units with other affordable units is not required as a condition of approving the amendment.

EVIDENCE: The application and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project File PLN120650.

2. **FINDING:** **PROCEDURAL BACKGROUND –** The proposed amendment to Condition #99 was processed per the requirements of the Subdivision Map Act, County regulations, and the Settlement Agreement.

EVIDENCE:

a) The application for the subject amendment was submitted on December 11, 2013 by CHISPA on behalf of the 161 property owners. The application was deemed as complete on July 31, 2014.

b) The Monterey County Housing Advisory Committee (Committee) considered the proposed amendment on April 8 and May 27, 2015. (A Committee meeting on the project originally scheduled for January 2015 was rescheduled to April 2015). On May 27, the Committee recommended (5-1 vote; one member absent) the modification of the affordability restriction as follows:

> "The deed restriction is modified from "permanent" to none on condition that CHISPA obtain entitlement, undertake new construction, and receive certificates of occupancy of at least 161 qualified replacement housing units located within the unincorporated area of the County within ten years from the date of approval of the modification. Qualifying units are defined as 80% of project units (100% less 20% required affordable units per the County's Inclusionary Ordinance) or 49% of project units if the County funds any portion of a project. Replacement units would be deed restricted for a minimum of 45 years for single-family housing and 55 years for multifamily housing. The responsibility rests with CHISPA and its successors in interest to produce the replacement units. If the condition is met prior to ten years, the removal of the permanent restriction shall occur at the time of certification of occupancy of the 161st unit."

c) The Planning Commission considered the proposed amendment as well as staff-recommended alternatives at a duly noticed public hearing on September 9 and 30, 2015. On September 30, 2015, the Planning Commission recommended (5-2 vote; three members absent) to the Board of Supervisors changing the affordability restriction of 161 of the single-family residences in the Subdivision from permanent to a 20-year term commencing on the date of the first deed of conveyance of each property from the developers to the original owners of the units.

d) The Board of Supervisors considered the proposed amendment at a duly noticed public hearing on December 8, 2015 and January 26, 2016. On December 8, 2015 the Board of Supervisors adopted a resolution of intent (4-1 vote) to adopt the Negative Declaration and to change the affordability restriction to a 20 year period without requiring replacement affordable units. The Board continued the public hearing to January 26, 2016 directing staff to return with a draft resolution for approval of the amendment. On January 26, 2016, the Board considered and adopted this resolution.

d) Pursuant to the Subdivision Map Act (Government Code section 66472.1 and the County's Subdivision Ordinance (Monterey County Code, Title 19, section 19.08.015.A.7), the requested modification to Condition 99 was considered by the appropriate decision-making bodies that approved or recommended approval of the original tentative map, and the findings for amending the map have been made. (See finding 6 below.)

e) The homeowners' request to modify Condition 99 was processed in accordance with the Settlement Agreement. (See finding 3 below.)

f) The application and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN120650.

3. **FINDING:** **COMPLIANCE WITH THE SETTLEMENT AGREEMENT AND STIPULATION FOR JUDGEMENT –** The subject application for the amendment of Condition #99 of the previously-approved Moro Cojo Standard Subdivision was submitted and processed per the terms of the Settlement Agreement. The applicants produced substantial evidence supporting the request for modification.

a) In regard to any application or request for modification of any condition of approval of the Subdivision, the Settlement Agreement stipulates that:

   A. The County shall not initiate any modification of any condition of approval;
   B. Should the applicant request any modification of any condition of approval, the applicant shall have the burden of producing substantial evidence to support the request for said modification;
   C. Where appropriate under the California Environmental Quality Act, any proposed change shall receive an initial review of its environmental effects.

   The Settlement Agreement further stipulates that "Petitioners, through their counsel, will receive thirty (30) days actual notice of any public hearing of the Board of Supervisors, Planning Commission or other County public body on any matter relating to the approval of the final map, or any condition of approval, or any modification of any condition of approval."

b) The County did not initiate the proposed amendment. The 161 homeowners, with CHISPA as their agent, submitted the application. CHISPA, on behalf of the applicants, submitted evidence in support of the proposed amendment. The County conducted environmental review

for the proposed amendment. All the known members of the original petitioners received 30-day notices of all the public hearings conducted to consider the amendment.

c) The property owners through CHISPA as their representative submitted the following evidence in support of their request consistent with the provisions of the Settlement Agreement:

1. The owners face challenges selling their deed-restricted units due to plummeting home prices and because the price of market rate homes currently approach or in some cases equal the price of the deed restricted units;
2. Buyers that qualify to purchase affordable housing are generally not willing to purchase deed-restricted units when they can afford similarly priced homes that are not deed-restricted;
3. No other mutual self-help housing projects built by the applicants' representative (CHISPA) require that units remain affordable in perpetuity;
4. Affordable units with long restrictions either remain on the market for significant periods of time before they are ultimately sold or are taken off the market due to the lack of offers;
5. Revising the affordability term of the units from perpetuity to a 15-year term will make the units more attractive and competitive in the current real estate market;
6. Section 33334.3 of the California Health and Safety Code establishes a 15-year affordability term for mutual self-help projects. Although this section is not strictly applicable, it is presented to demonstrate that Redevelopment Law provided generally for a shorter duration for restriction of self-help units;
7. Policy LU-2.12 of the 2010 General Plan eliminated any perpetuity requirement for inclusionary housing units and established that affordable housing units either conform to the affordability provisions in State Redevelopment Law or be subject to new guidelines that provide for an equity share component;
8. Correspondence from the California Coalition for Rural Housing, a low income housing coalition, indicating that mutual self-help affordable housing projects are not typically subject to a deed restriction with a term of perpetuity. The correspondence also summarizes that "a resale deed restriction in perpetuity significantly limits the families' ability to access the full equity they earn from their significant labor contributions to construct their home" and that "a restriction in perpetuity makes it difficult for homeowners to refinance their home."
9. Correspondence from homeowners stating that they have been unable to refinance their existing homes to obtain more favorable financing terms due to the perpetuity restriction and that they are therefore unable or unwilling to invest in their homes to enhance their value due to the uncertainty of recouping their investment. Further, their inability to refinance their homes and obtain a loan prevents the consolidation of debt that they

may have already incurred to repair, maintain and improve their homes.

4. **FINDING:** **CONSISTENCY – GENERAL PLAN -** The subject amendment is consistent with the General Plan which, through the Housing Element, contains goals, policies and direction related to the development and preservation of affordable housing. Specifically, Housing Element Policy H-1.7 "Encourage[s] the conservation of existing housing stock through rehabilitation while…assuring that existing affordable housing stock…[is] not lost." Housing Element Policy H-1.8 is to "Work with property owners and nonprofit housing providers to preserve lower income housing at risk of converting to market rate."

a) Section 2.9, "Housing in the Coastal Zone," of the County's Housing Element addresses issues specifically related to affordable housing located within and proximate to the Coastal Zone, such as the subject 161 single-family units. Regarding information that must be included when Housing Elements are updated, consistent with California Government Code Sections 65588(c) and 65590, Section 2.9 requires reporting of "The number of housing units for…low or moderate income [households] to be provided in new housing developments either within the coastal zone or within three miles of the coastal zone as replacement for the conversion or demolition of existing coastal units occupied by low or moderate income persons."

b) Section 2.9 states, "Coastal replacement requirements do not apply to the following: The conversion or demolition of a residential structure which contains less than three dwelling units [such as single-family residences], or, in the event that a proposed conversion or demolition involves more than one residential structure, the conversion or demolition of 10 or fewer units."

c) The focus of State housing law (Government Code Sections 65588 and 95590) and the County's Housing Element regarding the requirement of replacement units is on affordable units that are part of multi-family housing structures, not single-family residences such as the subject 161 units, which are the primary means of providing affordable rental housing to lower income households. In further support of this view, the County's Housing Element states, "The majority of the housing units in the Coastal Zone are single-family homes not subject to the replacement requirements."

5. **FINDING:** **CONSISTENCY – NORTH COUNTY LAND USE PLAN -** Policy 4.3.6.D.1 "Low and Moderate Income Housing" of the North County Land Use Plan (LUP) that housing units affordable to or occupied by low or moderate income persons that are proposed for demolition or conversion be replaced on a "one by one basis."

EVIDENCE: a) LUP Policy 4.3.6.D.1 requires replacement on a "one by one basis" for converted affordable units; however, the LUP does not define what constitutes conversion of an affordable housing unit. In relation to housing, conversion typically refers to the type of ownership involved; for instance, apartment units converting to condominiums, which often

results in the units becoming less affordable to lower income households. Absent a definition, the language used in LUP Policy 4.3.6.D.1 is, therefore, open to interpretation.

b) California Government Code Section 65590(g)(1), part of Article 10.7, "Low- and Moderate-Income Housing in the Coastal Zone," defines "Conversion" as "a change of a residential dwelling…, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling…to a nonresidential use." Thus, where affordable housing within the Coastal Zone is concerned, conversion, per State law, is defined so that it refers only to changes of ownership-type or land use. Affordability status or the term of the unit's affordability do not fall within this definition of conversion. Therefore, being guided by the definition of conversion in Article 10.7, "Low- and Moderate-Income Housing in the Coastal Zone," the requested amendment by CHISPA on behalf of the 161 single-family homeowners to replace the in-perpetuity affordability requirement with a 20-year term would not constitute a conversion and affordable replacement units are not required.

6. **FINDING:** **CONSISTENCY – SUBDIVISION ORDINANCE –** The amendment of Condition #99 to change the term of affordability from "permanent" to 20 years is allowable pursuant to the Subdivision Map Act and Section 19.08.015 (A) (7) of the County's Subdivision Ordinance. The Board finds that there are changes in circumstances that make Condition 99, insofar as it applies as a permanent restriction, no longer appropriate or necessary, that the modification of the term to 20 years from permanent does not impose any additional burden on the fee owners of the subject property, and the modifications do not alter any right, title, or interest in the real property reflected on the recorded map. Substantial evidence in the record supports these findings, as described below.

EVIDENCE: a) Government Code section 66472.1 and Section 19.08.015 (A) (7) of Title 19 (County's Subdivision Ordinance) of the Monterey County Code provide that a recorded final map may be amended to make modifications to the map or conditions of the map where: 1) there are changes thatmake any or all of the conditions no longer appropriate or necessary; 2) The modification does not impose any additional burden on the fee owners of the real property that are the subject of the application; and 3) The modification does not alter any right, title or interest in the real property reflected on the final map.

b) The *permanent deed restriction* is no longer appropriate or necessary because it is a potentially significant burden on the subject property owners, who acquired their residences in part through "sweat equity." Presently, the majority of homeowners are locked into higher interest rate loans and face limitations on their abilities to refinance and consolidate debt. The 2008 recession, which resulted in much lower interest rates, has widened the gap between the interest rates the homeowners are paying as compared to the low interest rates now available on the market, but owners testified that they were unable to

take advantage of the lower rates, due to the tightening of lending resulting from the 2008 recession and reluctance of lenders to refinance due to the permanent deed restriction. Accordingly, these owners are locked into interest rates that are significantly above market interest rates. These limitations may ultimately affect the homeowners' abilities to maintain their homes, which are now reaching an age where regular maintenance is necessary in order to avoid the physical decline of the homes.

c) The amendment of Condition #99 does not impose any additional burden on the fee owners of the subject 161 property owners. The amendment merely allows for the sale of the subject properties at market-rate value after a 20-year period from the date of the first deed of conveyance of the units from the developer to the original owners.

d) The amendment of Condition #99 does not alter any right, title or interest in the real property reflected on the recorded Final Map for the Subdivision. The amendment solely allows the removal of a deed restriction which currently limits the resale of the subject units to buyers of moderate income levels.

e) The amendment of Condition #99 is solely a modification to the affordability requirements of 161 of the 175 single-family residences in the Subdivision and does not involve further subdivision, site improvements, development intensification or change of use within the subdivision.

7. **FINDING:** **CEQA (Negative Declaration) -** On the basis of the whole record before Monterey County, there is no substantial evidence that the amendment of Condition #99 of the approved Moro Cojo Standard Subdivision will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

EVIDENCE:

a) Public Resources Code Section 21080.(c) and California Environmental Quality Act (CEQA) Guidelines Section 15063.(b).(2) require that if a proposed project would not have a significant effect on the environment, the lead agency shall adopt a negative declaration to that effect.

b) Monterey County RMA-Planning prepared a Draft Initial Study for the proposed amendment of Condition #99 in accordance with CEQA and circulated it for public review from March 6, 2015 through April 6, 2015 (State Clearinghouse #: 2015031027). Issues that were analyzed in the Negative Declaration include: land use/planning and population/housing. The Initial Study concluded, based upon the record as a whole, that the amendment of Condition #99 would not have a significant effect on the environment.

c) Based on the comments received during the public review period, the Initial Study/Negative Declaration was revised and re-circulated for public review from July 6, 2015 to August 5, 2015. The revised Initial Study/Negative Declaration further addressed the provisions of the North County Local Coastal Program and their applicability to the proposed amendment of Condition #99. The revised Initial Study again concluded that the proposed amendment of Condition #99 would not

result in potentially significant environmental impacts.

d) Evidence that has been received and considered includes: the application, materials submitted by the applicant, staff reports that reflect the County's independent judgment and information and testimony presented during the review of the application and the Initial Study and the public hearings. These documents are on file in RMA-Planning under the application file PLN120650 and are incorporated herein by reference.

e) The proposed amendment to Condition #99 does not include any physical improvements or additional development within the already-built Subdivision. Staff analysis contained in the Initial Study and the record as a whole indicate the project would not result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Wildlife (CDFW) regulations. Therefore, the project will not be required to pay the State fee; however, a fee payable to the Monterey County Clerk/Recorder is required for posting the Notice of Determination (NOD).

f) Monterey County RMA-Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Negative Declaration is based.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors:

1. Adopt a Negative Declaration; and
2. Approve an amendment of Condition #99 of the previously-approved Combined Development Permit (SH93001) for the Moro Cojo Standard Subdivision changing the term of the affordability restriction of 161 of the single-family residences in the Subdivision from permanent to a 20-year term, commencing on the date of the first deed of conveyance of each property from the developers to the original owners of the units. The amendment applies to the attached list (Attachment A) of properties and is subject to the attached (Attachment B) conditions of approval.

PASSED AND ADOPTED this 26th day of January, 2016 upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I, Gail T. Borkowski, 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 of Supervisors duly made and entered in the minutes thereof Minute Book _____ for the meeting on _____.

Date:
File Number:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By_____
Deputy

[i] The list of owners, addresses and Assessor's Parcel Numbers of the 161 residential units subject to this application is attached to this Resolution.

OWNERS, ADDRESSES AND ASSESSOR'S PARCEL NUMBERS OF RESIDENTIAL UNITS SUBJECT TO APPROVED AMENDMENT

No.	Assessor Parcel Number (APN)	Street Address	Name of Property Owner
1	133-095-022-000	9235 CAMPO DE CASA DR	AGUILAR JUAN M & AGUILAR ROSA HERRERA
2	133-095-021-000	9231 CAMPO DE CASA DR	ALDAMA ALFREDO G & RAQUEL M
3	133-094-004-000	9259 CAMPO DE CASA DR	ALVAREZ CLEMENTE & SANDRA
4	133-094-002-000	9251 CAMPO DE CASA DRIVE	ASCENCIO ARMANDO & MARIA E RIVERA
5	133-095-024-000	9243 CAMPO DE CASA DR	CASTRO (G) JOSE G & MARIA CASTRO
6	133-094-003-000	9255 CAMPO DE CASA DR	CRUZ JOSE HECTOR & SOFIA
7	133-095-025-000	9244 CAMPO DE CASA DRIVE	GASCA ELEAZAR & ROSA ISELA AGUILAR
8	133-095-028-000	9232 CAMPO DE CASA DR	GASCA ERNESTO & ALVARADO ARACELE
9	133-095-023-000	9239 CAMPO DE CASA DR	GUZMAN LUIS G & JUANA ORTEGA
10	133-095-027-000	9236 CAMPO DE CASA DR	PEÑA ISIDORO R & MARTHA LILIA
11	133-095-026-000	9240 CAMPO DE CASA DR	REGALADO LEONEL C & BERENICE
12	133-094-046-000	9256 CAMPO DE CASA DR	RODRIGUEZ SAMUEL & MARTHA
13	133-094-033-000	9263 CAMPO DE CASA	HERRERA ALDOLFO & IRMA
14	133-094-001-000	9247 CAMPO DE CASA DRIVE	VALENCIA JOAQUIN & AIZAETA
15	133-094-031-000	9271 CAMPO DE CASA DR	FUENTES CRISTINA & JULIAN FUENTES V
16	133-094-045-000	9272 CAMPO DE CASA DRIVE	JIMENEZ ELEAZAR & MARIA ROSA
17	133-094-006-000	9514 VIVA LN	JIMENEZ RODOLFO & FELIPA A
18	133-094-008-000	9522 VIVA LANE	LOPEZ JOSE T & ANTONIA
19	133-094-009-000	9526 VIVA LN	MAGANA JOSE & TERESITA
20	133-094-007-000	9518 VIVA LN	MARROQUIN MARTIN J & TERESA T
21	133-094-010-000	9530 VIVA LN	PONCE JUAN & ANA M
22	133-094-032-000	9267 CAMPO DE CASA DR	RAMIREZ JESUS LARA & SILVIA FERNANDEZ
23	133-094-029-000	9279 CAMPO DE CASA DR	SALGADO MANUEL P & ESTHER
24	133-094-043-000	9280 CAMPO DE CASA DR	SANCHEZ COSME & ARCELIA
25	133-094-030-000	9275 CAMPO DE CASA DR	SANCHEZ MARIO T & ELVA
26	133-094-044-000	9276 CAMPO DE CASA DR	TOSTADO MANUEL & YOLANDA
27	133-094-042-000	9284 CAMPO DE CASA DRIVE	VAZQUEZ JESUS M & ALBINA C
28	133-094-023-000	9303 CAMPO DE CASA DR	DUCUSIN NAPOLEON J & LIGAYA
29	133-094-017-000	9558 VIVA LN	GARCIA REFUGIO & MA CONSUELO GARCIA
30	133-094-028-000	9283 CAMPO DE CASA DRIVE	GONZALEZ BIVIANO & IRMA
31	133-094-022-000	9307 CAMPO DE CASA DR	RUIZ RAYMUNDO HERNANDEZ & CONSUELO
32	133-094-041-000	9288 CAMPO DE CASA DR	IBARRA JAVIER & MARIA G QUINTERO
33	133-094-016-000	9554 VIVA LANE	LUNA BERNARDO & CLAUDIA
34	133-094-026-000	9291 CAMPO DE CASA DR	MONTOYA JUAN G
35	133-094-024-000	9299 CAMPO DE CASA DR	PICAZO ROJELIO M & MARIA G
36	133-094-040-000	9292 CAMPO DE CASA DRIVE	RAMIREZ (H) LUIS
37	133-094-020-000	9315 CAMPO DE CASA DR	RAMIREZ RODOLFO & BERTHA A
38	133-094-027-000	9287 CAMPO DE CASA	ROCHA ARMANDO & ANA ISABEL
39	133-094-021-000	9311 CAMPO DE CASA DR	RODRIGUEZ EFREN VIRGEN & CLAUDIA VERONICA
40	133-094-025-000	9295 CAMPO DE CASA DR	SANCHEZ ISABEL & ROBERTO SANCHEZ A
41	133-094-075-000	9527 VIVA LANE	MUNOZ JORGE AQUINO
42	133-094-015-000	9550 VIVA LN	HERNANDEZ RAMON
43	133-094-011-000	9534 VIVA LN	HERNANDEZ BERTHA A TR
44	133-094-078-000	9644 ESPERANZA CIR	IBARRA FELIPE & MA EUGENIA BRAVO

45	133-094-089-000	9633 ESPERANZA CIR	JAHEN JUAN CARLOS & MARIA G ZEPEDA
46	133-094-013-000	9542 VIVA LN	JIMENEZ ANGEL H & DELMY A
47	133-094-014-000	9546 VIVA LANE	MARIN JOSE RAUL & MARIA LETICIA
48	133-094-077-000	9640 ESPERANZA CIR	MARTINEZ GUADALUPE & ELVIRA NAVARRO
49	133-094-076-000	9523 VIVA LN	MELGOZA VICTOR R & MARIA J
50	133-094-012-000	9538 VIVA LN	MONTEJANO JOEL & LUISA
51	133-094-087-000	9625 ESPERANZA CIR	MUNOZ AZUCENA C & JOSE LUIS MUNOZ P
52	133-094-090-000	9637 ESPERANZA CIR	RODRIGUEZ ANSELMO & ANA C CHAVEZ
53	133-094-088-000	9629 ESPERANZA CIR	VALENZUELA JOSE REFUGIO & BERTHA
54	133-094-074-000	9531 VIVA LN	PEREZ ALVINA AGUILAR & AGUILAR NOELIA
55	133-095-034-000	9208 CAMPO DE CASA	ALVAREZ LORENZO & ODILVINA DE ALVAREZ
56	133-095-031-000	9220 CAMPO DE CASA DR	DE ANDA MIGUEL CAMARENA & CARMEN CAMARENA
57	133-095-032-000	9216 CAMPO DE CASA	CORONA FERNANDO & ANA MARIE
58	133-095-018-000	9219 CAMPO DE CASA DR	DELGADO TRINIDAD & LORENA
59	133-095-016-000	9211 CAMPO DE CASA DR	DIAZ OTONIEL
60	133-095-015-000	9207 CAMPO DE CASA DRIVE	DE FLORES MARTHA VENTURA & JESUS FLORES C
61	133-095-014-000	9120 LOS NINOS PL	GONZALEZ FEDERICO & ANTONIA OLIVARES
62	133-095-020-000	9227 CAMPO DE CASA DR	GUERRERO IMELDA SANCHEZ & ARMANDO GUERRERO
63	133-095-019-000	9223 CAMPO DE CASA DR	HUERTA JOSE & MARTHA C
64	133-095-017-000	9215 CAMPO DE CASA DR	MELGOZA AURELIO & MARGARITA
65	133-095-030-000	9224 CAMPO DE CASA DR	NICASIO OLIVARES
66	133-095-029-000	9228 CAMPO DE CASA DR	RODRIGUEZ ALBERTO & MARTHA
67	133-094-085-000	9672 ESPERANZA CIR	BACHMAN SCOTT ALAN
68	133-094-056-000	9752 CORTEZ LANE	CAMACHO MIGUEL & CATALINA
69	133-094-060-000	9571 VIVA LANE	CARRILLO AURELIO
70	133-094-019-000	9566 VIVA LN	CORTES LUIS FERNANDO & CIRIA
71	133-094-061-000	9693 ESPERANZA CIR	CRUZ JENNIFER LYNN
72	133-094-067-000	9559 VIVA LN	GARCIA JUAN M
73	133-094-081-000	9656 ESPERANZA CIR	GUIDO JESUS & GUILLERMINA GUTIERREZ
74	133-094-079-000	9648 ESPERANZA CIR	PEREZ ROBERT J & ESTEE L
75	133-094-084-000	9668 ESPERANZA CIR	MELGOZA EVERARDO & MARIA INES MELGOZA
76	133-094-066-000	9575 VIVA LN	SANCHEZ SALVADOR & PATRICIA
77	133-094-082-000	9660 ESPERANZA CIR B14	SUAREZ RAMIRO & MAGDALENA
78	133-094-086-000	9676 ESPERANZA CIR	ZAMORA RAMIRO & ALICIA TRS
79	133-094-055-000	9882 LOS ARBOLES CIR	ALCALA MARIA O
80	133-094-051-000	9867 LOS ARBOLES CIR	BERMUDEZ RUBEN & ANA M
81	133-095-054-000	9493 COMUNIDAD WY	CAMACHO JOEL & MARIA LUISA
82	133-094-034-000	9316 CAMPO DE CASA DR	LOPEZ JAVIER CEJA & MARISOL CEJA
83	133-095-074-000	9847 LOS ARBOLES CIR	FERNANDEZ FLORA TR
84	133-094-050-000	9863 LOS ARBOLES CIR	CONTRERAS FERNANDO VICENTE
85	133-095-060-000	9715 CORTEZ LN	KEEN IVY MARIE & KEEN SAVANNA
86	133-094-049-000	9870 LOS ARBOLES CIR	LIRA MIGUEL ANGEL & CLARA OFELIA
87	133-094-053-000	9744 CORTEZ LN	MANZO AURELIANO ET AL
88	133-095-076-000	9855 LOS AEBOLES CIR	MAGANA JESUS & GRACIELA
89	133-094-052-000	9740 CORTEZ LN	GALINDO MIROSLAVA & ENRIQUE MEDINA G
90	133-095-077-000	9859 LOS ARBOLES CIR	PARRA JOSE LUIS JR & KATHERINE MICHELLE TRS

91	133-095-075-000	9851 LOS ARBOLES CIR	RESENDIZ SEBASTIAN & GISELA
92	133-094-054-000	9878 LOS ARBOLES CIR	SANCHEZ JOSE ANGEL & MARTHA
93	133-095-063-000	9834 LOS ARBOLES CIR	ACOSTA MARIO M & ELENA
94	133-095-069-000	9858 LOS ARBOLES CIR	CAMPOS PABLO & ROSALINDA ALBARRAN
95	133-095-067-000	9850 LOS ARBOLES CIR	RIVERA GLORIA CHRISTINA
96	133-095-066-000	9846 LOS ARBOLES CIR	ESPINOZA JESUS P & EVANGELINA
97	133-095-085-000	9736 CORTEZ LN	DE GUZMAN MARIA S & SORIA MARIO ALBERTO GUZMAN
98	133-095-068-000	9854 LOS ARBOLES CIR	JUAREZ MIGUEL & RUTH
99	133-094-048-000	9866 LOS ARBOLES	LOPEZ ARNULFO & SUSANNAH RAINE LOPEZ
100	133-095-064-000	9838 LOS ARBOLES CIR	MARTINEZ JESUS & MARGARITA
101	133-095-084-000	9732 CORTEZ LN	MONTANO ARTURO R & HILDA Z
102	133-095-082-000	9724 CORTEZ LN	PEREZ RAUL G & YOLANDA
103	133-094-047-000	9862 LOS ARBOLES CIR	ROCHA RAMON & LETICIA
104	133-095-065-000	9842 LOS ARBOLES CIR	ROCHA ROBERTO F & MARGARITA
105	133-095-062-000	9830 LOS ARBOLES CIR	MENDOZA HERMILA GOMEZ
106	133-095-083-000	9728 CORTEZ LN	ZAMORA JAVIER & BLANCA E
107	133-095-011-000	9132 LOS NINOS PL	CARDENAS OLGA
108	133-095-055-000	9494 COMUNIDAD WY	ATILANO MARIA CRISTINA LOPEZ
109	133-095-012-000	9128 LOS NINOS PLACE	BARBOSA PANFILO M & ISAURA R
110	133-095-010-000	9136 LOS NINOS PL	BERMUDEZ MARIA LOURDES
111	133-095-002-000	9168 LOS NINOS PL	BOSE HERMENEGILDO C & VIRGINIA M
112	133-095-004-000	9160 LOS NINOS PL	CARTER HOWARD J
113	133-095-005-000	9156 LOS NINOS PL	MARAVILLA-BAROCIO HUMBERTO & MARAVILLA MARIA GLORI
114	133-095-006-000	9152 LOS NINOS PL	PORRAS-GUTIERREZ ROSALIO
115	133-095-009-000	9140 LOS NINOS PL	MUNOZ EDGAR L & CHRISTINA
116	133-095-003-000	9164 LOS NINOS PL	PALACIOS JUAN M & SILVIA A
117	133-095-013-000	9124 LOS NINOS PL	ROSAS JOEL & PATRICIA
118	133-095-001-000	9172 LOS NINOS	VILLAGOMEZ JOSE MANUEL & ROSARIO G
119	133-094-037-000	9304 CAMPO DE CASA DR	DIAZ BERTHA
120	133-094-038-000	9300 CAMPO DE CASA DR	RESENDIZ J JUAN & ROSA MARIA
121	133-094-039-000	9696 CAMPO DE CASA DR	CASTRO JOSE JUAN & ROSALBA CASTRO NERI
122	133-095-035-000	9417 COMUNIDAD WY	ALFARO ROBERTO
123	133-095-037-000	9425 COMUNIDAD WY	ALFARO TOMAS & PATRICIA
124	133-095-038-000	9429 COMUNIDAD WY	CERVANTES CARMEN LUCIA & VARGAS OSVALDO GONZALEZ
125	133-095-039-000	9433 COMUNUDAD WAY	MARTINEZ CARLOS HERNANDEZ & LAURA ROSALES
126	133-095-040-000	9437 COMUNIDAD WY	MARTINEZ ANTONIA & MARTINEZ JULIO CESAR
127	133-095-041-000	9441 COMUNIDAD WY	ALCARAZ TRINIDAD & YOLANDA RAYA
128	133-095-046-000	9461 COMUNIDAD WY	CHAVARIN FERMIN & ROSARIO
129	133-095-047-000	9465 COMUNIDAD WY	ORTIZ ALFREDO & LUISA
130	133-095-048-000	9469 COMUNIDAD WY	BENITEZ PABLO & MARIA
131	133-095-049-000	9473 COMUNIDAD WY	ZAVALA JOSE L & MARIA G
132	133-095-050-000	9477 COMUNIDAD WY	CUENTAS FRANCISCO & ROSA M
133	133-095-051-000	9481 COMUNIDAD WY	CUELLAR SALVADOR & MARIA
134	133-095-052-000	9485 COMUNIDAD WY	NIETO J MANUEL RESENDIZ & OFELIA MONTOYA MALDONADO
135	133-095-053-000	9489 COMUNIDAD WY	ROCHA ANDRES & GRACIELA
136	133-095-056-000	9490 COMUNIDAD WY	CARPIO LUISA & MANUEL CARPIO G

137	133-095-057-000	9486 COMUNIDAD WY	REYES JOSE A & MARIA GUADALUPE DIAZ
138	133-095-058-000	9482 COMUNIDAD WY	VARGAS ANGEL & DELFINA &
139	133-095-059-000	9478 COMUNIDAD WY	ESPINOZA HECTOR & ANGELITA
140	133-095-061-000	9711 CORTEZ LANE	ANAYA MANUEL R & RAMONA V
141	133-095-070-000	9831 LOS ARBOLES CIR	PEREZ RIGOBERTO & JACQUELINE ZARAGOZA
142	133-095-071-000	9835 LOS ARBOLES CIR	ENRIQUEZ LETICIA MUNOZ
143	133-095-072-000	9839 LOS ARBOLES CIR	SALDIVAR AGUSTIN & LAURA
144	133-095-073-000	9843 LOS ARHOLES CIR	GUZMAN FLORENTINO
145	133-095-078-000	9708 CORTEZ LN	PONCE JOSE R & MARIA G
146	133-095-079-000	9712 CORTEZ LANE	BERMUDEZ PEDRO & MARIA E
147	133-095-080-000	9716 CORTEZ LANE	ARANGO ALEJANDRO & ILDEGARDA
148	133-095-081-000	9720 CORTEZ LANE	CASTILLO RAMIRO & ROSARIO
149	133-094-058-000	9760 CORTEZ LN	CAMPOS (S) HECTOR S & GRISELDA
150	133-094-059-000	9764 CORTEZ LN	SUBRAMANI GOPAL & KAMAL
151	133-094-062-000	9689 ESPERANZA CIR	CAMPOS JAVIER & MARIA D
152	133-094-063-000	9685 ESPERANZA CIR	URIBE MIGUEL & LETICIA O
153	133-094-064-000	9681 ESPERANZA CIR	ORTIZ (A) GONZALO & ANGELICA ORTIZ
154	133-094-065-000	9677 ESPERANZA CIR	TINOCO (F) JOSE LUIS & EMELIA TINOCO
155	133-095-045-000	9457 COMUNIDAD WY	RODRIGUEZ JOSE G & EDWIGES
156	133-094-068-000	9555 VIVA LN	SERRATO CLAUDIO H & LIDIA L
157	133-094-069-000	9551 VIVA LN	REYES JOSE F & ANGELINA
158	133-094-071-000	9543 VIVA WAY	MACIAS FRANCISCO & TERESA
159	133-094-072-000	9539 VIVA LN	TORRES LUZ DELIA
160	133-094-073-000	9535 VIVA LANE	SOLORZANO JUAN R & MARIA J
161	133-094-018-000	9562 VIVA LN CASTROVILLE CA 95012	ALONDRA VASQUEZ

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN120650

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This permit allows an amendment to Condition #99 of the approved Combined Development Permit (File No. SH93001) for the Moro Cojo Standard Subdivision. The amendment changes the term of the affordability restriction of 161 of the 175 single-family residences in the Subdivision from permanent to a 20-year term commencing on the date of the first deed of conveyance of each property from the developers to the original owners of the units. The amendment does not require that affordable housing units be provided to substitute for the subject 161 units for which the affordability requirement will be removed after the 20-year term. The amendment was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owners of the subject 161 residential units shall adhere to the terms of the provisions of the amendment and the conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"An amendment of Condition #99 of the Moro Cojo Standard Subdivision Combined Development Permit (Resolution Number _____) was approved by the Board of Supervisors on January 26, 2016. The amendment changes the term of the affordability restriction of 161 of the 175 single-family residences in the Subdivision from permanent to a 20-year term commencing on the date of the first deed of conveyance from the developers to the original owners of the units. As part of the approval of the amendment, the Board of Supervisors determined that replacement affordable housing units are not required to substitute for the subject 161 units for which the affordability requirement will be removed after the 20-year term. The amendment was granted subject to five (5) conditions of approval which run with the land. The list of properties, owners, addresses and assessor's parcels subject to the amendment is attached to this Notice. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within 30 days of the final approval of the amendment by the Board of Supervisors the owners or their representative shall submit a signed and notarized Permit Approval Notice to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Permit Approval Notice, as outlined, shall be submitted to the RMA-Planning Department.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The owners of the 161 residential units subject to the amendment of Condition #99 of the Moro Cojo Standard Subdivision Combined Development Permit agree as a condition and in consideration of approval of this discretionary development permit that they will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owners will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within 30 days of the final approval of the amendment by the Board of Supervisors the owners shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department within 30 days of the approval of the amendment.

4. REVISED AFFORDABILITY DEED RESTRICTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Each of the owners of the 161 properties subject to the amendment of Condition #99 of the Moro Cojo Standard Subdivision Combined Development Permit shall record a deed restriction for their property reflecting the amendment to the Condition. Specifically, the revised deed restriction must state that "The term of the affordability restriction is a 20-year term commencing on the date of the first deed of conveyance from the developers to the original owners of the units and shall terminate thereafter." The deed restriction shall indicate that the 20-year term supersedes the prior deed restriction. The form of the deed restriction shall be acceptable to the Director of Planning and County Counsel.

Compliance or Monitoring Action to be Performed: Within 30 days of the final approval of the amendment by the Board of Supervisors the owners shall submit a draft Deed Restriction to the Director of RMA-Planning Department for review as to form. Owners shall submit recording fee within the same period to pay the cost of recording all the documents.

For each of the 161 properties, for the amendment to take effect for that property, the owner(s) of that property must submit proof of recordation of the deed restriction.

5. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.