

Exhibit B

This page intentionally left blank.

EXHIBIT B

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

GARD HERMALINA (PLN210223)

RESOLUTION NO. 25 -

Resolution by the County of Monterey Planning Commission to:

1. Find the Project qualifies for the common-sense exemption pursuant to CEQA Guidelines section 15061(b)(3) because it meets most requirements of the residential infill exemption pursuant to CEQA Guidelines Section 15195;
2. Approve a Standard Subdivision and Vesting Tentative Map to subdivide a four-acre lot consisting of 16 new lots for future residential development (median size 0.138 acres), a parcel for road and utilities (Parcel 1, 0.93 acres) a Right-of-way dedication to County for Boronda Road (0.03 acres); a parcel for stormwater detention basin (Parcel 2, 0.11 acres), and a remainder lot (approximately 0.6 acre) that retains the existing single family dwelling and accessory structures, and demolition of unpermitted accessory structures prior to final map to close Code Enforcement Case No. CE050196; and
3. Approve a Variance request to reduce the agricultural buffer from 200 to 139 feet on the northwest and 78 feet on the southwest.

Gard, Hermalina at 442 Boronda Road, Salinas, Greater Salinas Area Plan, (Assessor's Parcel Number: 261-101-006-000)

The GARD HERMALINA application (PLN210223) came on for a public hearing before the County of Monterey Planning Commission on April 9, 2025. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The proposed project and/or use, as conditioned, is consistent with the policies of the Monterey County 2010 General

Plan, Greater Salinas Area Plan, Monterey County Subdivision Ordinance (Title 19), Monterey County Zoning Ordinance (Title 21), and other County health, safety, and welfare ordinances related to land use development.

EVIDENCE:

- a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in the:
 - 2010 Monterey County General Plan (General Plan),
 - Greater Salinas Area Plan,
 - Monterey County Subdivision Ordinance (Title 19), and
 - Monterey County Zoning Ordinance (Title 21 - Inland).No conflicts were found to exist. The County received no communications during the course of review of the project indicating inconsistencies with the text, policies, and regulations in these documents. The County finds that the project is consistent with the text, policies, and regulations in the applicable documents above.
- b) The project (hereafter “Project”) includes a Vesting Tentative Map to subdivide a four-acre lot into 16 new residential lots (“Lots 1-16,” median size 0.138 acre), a 0.93-acre road and utility lot (Parcel 1), a 0.11-acre lot for onsite drainage control (Parcel 2), and an approximately 0.6-acre remainder lot, which will retain the existing residential dwelling and accessory structures. The project also requires that the owner/applicant demolish all unpermitted accessory structures prior to final map to close Code Enforcement Case No. CE050196 (Condition of Approval No. 28). The Project would result in a total of 17 residential lots (one of which is already developed). Three of the 16 proposed residential are dedicated for future moderate-income units. Project access would be a new cul-de-sac (“A Street”) constructed by the developer to County standards and will connect to Boronda Road.
- c) 2010 General Plan Policy LU-1.9. The Project has demonstrated Land Use Consistency. 2010 GP Policy LU-1.9 prioritizes infill of vacant non-agricultural lands in existing developed areas and new development within designated urban service areas. The parcel is within a built-up area designated as ‘Urban’ in the State Census database. Approximately 1/6 of the parcel is developed with a residential structure and related accessory structures. The rest of the parcel is vacant without use, although historic aerial photographs show use related to horsemanship. Consistent with this Policy, the Project would infill a residential parcel surrounded by existing high density residential uses.
- d) 2010 General Plan Policy LU-1.19. Policy LU-1.19 sets Community Areas, Rural Centers, and Affordable Housing Overlay districts as the top priority for development in the unincorporated areas of the County. The Project is proposed within the Boronda Community Area, so it is not subject to meeting the criteria of the Development Evaluation System of Policy LU-1.19.

- e) 2010 General Plan Policy LU-2.25. The Project is consistent with Policy LU-2.25, which allows interim development in Community Areas prior to the adoption of a community plan provided the project-related infrastructure improvements are constructed concurrent with the development and an adequate means of providing water and wastewater disposal exists or is provided. California Water Service has provided a will-serve letter indicating they can and will provide water to serve the project. The project will be connected to the Boronda County Sanitation District (Boronda CSD), which connects to the City of Salinas sanitary sewer system. Boronda CSD has provided a letter stating it has the capacity to serve the project. See also Finding 3, evidence “b”.
- f) 2010 General Plan Policy PS-2.8. 2010 GP Policy PS-2.3 requires new development to connect to existing water service providers where feasible. California Water Service will provide potable water to the 16 new residential lots, as confirmed in the provided “can and will serve” letter.
- g) 2010 General Plan Policies PS-2.8 and PS-2.9. Policy PS-2.8 requires that all projects be designed to maintain or increase the site’s pre-development absorption of rainfall (minimize runoff), and to recharge groundwater where appropriate and Policy PS-2.9 requires post-construction stormwater controls that are also regulated through the National Pollutant Discharge Elimination System (NPDES). Pursuant to these Policies, a site-specific Preliminary Stormwater Control Plan (SWCP) was required as part of the application submittal. In the Preliminary SWCP (July 13, 2021, revised July 21, 2023 HCD-Planning file PLN210223 application materials), civil engineer Rich Weber discussed the project site’s potential to support the proposed uses with Site Design/Runoff Reduction (PCR #1), Water Quality Treatment (PCR #2), Runoff Retention (PCR #3), and Peak Management (PCR #4) Performance Requirements on site in accordance with California Regional Water Quality Control Board Resolution No. R3-2013-0032. The Project will implement onsite stormwater controls and retention in a drainage basin on proposed Parcel 2. As an administrative designee for Post Construction Stormwater Management Central Coast Region, Central Coast Regional Water Quality Control Board Resolution No. R3-2013-0032, and the Monterey Regional Stormwater Management Program, HCD-Environmental Services shall monitor the construction and ability of the stormwater controls to retain stormwater, protect water quality and enhance groundwater recharge through the Conditions of Approval Numbers 4 through 7 (Stormwater Control Measures).
- h) 2010 General Plan Policies PS-3.1 and PS-3.9. 2010 GP Policy PS-3.1 requires proof, based on specific findings, and supported by the evidence of a “long-term sustainable water supply.” This finding is made below (see Finding 6 and supporting evidence). 2010 GP Policy

PS-3.9 requires evidence of a long-term sustainable water supply in terms of yield and quality for all lots that are to be created through subdivision.

- i) 2010 General Plan Policy S-1.7. Pursuant to 2010 GP Safety Policy S-1.7, a site-specific report addressing geologic hazard and geotechnical conditions was required as part of the application submittal. In the project's Geotechnical Investigation (July 13, 2021, HCD-Planning Document No. LIB210239), geotechnical engineer, Andrew Kasunich, discussed the project site's potential to support the proposed uses. The report concluded that concerns about the site include strong seismic shaking, near-surface expansive clay soils, and subsurface seepage. The engineer recommended the need to create adequate foundation support by excavating and re-compacting the upper four feet of soil with engineered fill on the whole site. The geotechnical report also found that strong seismic shaking is expected to occur over the lifetime of the project. Therefore, structures should be designed following the most current California Building Code. Percolation testing revealed the subsurface seepage; the engineer recommended bench drains of drain rock with perforated PVC pipe which is proposed in the VTM. As required by Title 16 Chapter 16.08, all of the engineer's recommendations will be incorporated into the final construction plans of future development.
- j) 2010 General Plan Policy S-5.17. 2010 GP Policy S-5.17 requires Emergency Response Routes and Street Connectivity Plans for Community Areas and for any development producing traffic at an equivalent or greater level to five or more units. As demonstrated in Evidence "k" below, the subdivision design and additional traffic would not impact existing emergency response routes. As detailed in Finding 3, the local Fire District and County Engineering staff found that the design would not impact existing emergency response routes.
- k) 2010 General Plan Circulation Element Policies. A Traffic Study was prepared for this Project by Keith Higgins (January 14, 2022, HCD-Planning Document No. LIB220053). The report concluded that this Project will not generate significant new traffic when it adds 16 single family homes on a new cul-de-sac street that will be about 700 feet long. The Project's Trip Generation was modeled to be a total of 150 daily trips. The Project was estimated to generate 12 trips occurring during the AM peak hour (3 in, 9 out) and 16 trips occurring during the PM peak hour (10 in, 6 out). Hence, the Project would increase traffic on Boronda Road about 4% (one car every five minutes) immediately south of the project. All other segments would experience increases of 2% or less. The traffic report found these increases would be imperceptible.

The report focused on the Project effects on traffic operations on five nearby intersections and the weekday a.m. and p.m. peak traffic hour

operations on Boronda Road. In the vicinity of the Project in the Boronda community, the street is a two-lane collector with a posted speed limit of 35 miles per hour. Boronda Road extends north to Westridge Parkway, which connects to Davis Road. The key roadways in the project area include Boronda Road, Calle Del Adobe, El Rancho Way, Post Drive, and Westridge Parkway. The function of these intersections was found to be adequate without and with the Project, not going below County thresholds except for two intersections. The side-street operations at the Post Drive at Calle De Adobe intersection currently operate at Levels of Service (LOS) F during a.m. peak traffic. The traffic report recommended County monitor the function of Boronda Road at Calle del Adobe intersection, as it marginally meets the all-way stop warrants. Similarly, the intersection at Calle Del Adobe and Post Drive was found to marginally meet the warrants for rural conditions when only the Project was added. Cumulative conditions plus the Project at Post Drive and El Rancho Way approaches at the Post Drive at Calle De Adobe intersection would operate at LOS F (peak AM and peak PM) without intersection improvements. Signalizing this intersection would bring the LOS up to LOS B during the AM and PM peak hours. HCD-Engineering Services found that the City of Salinas is coordinating the installation of a signal at this intersection. The Project is consistent with the Circulation Element. Policy C-1.1, C-1.2, C-1.3 and C-1.11, C-1.12 are met through the County's Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90 and Countywide Traffic Fee pursuant to General Plan Policy C-1.8 (Condition Nos. 21 and 23). Policy C-1.4 is met through the application of Condition No. 10, as discussed above.

- l) 2010 General Plan Policy AG-1.2. The project is consistent with Agriculture Policy AG-1.2 which require well-defined buffer areas as partial mitigation for new non-agricultural development proposals that are located adjacent to agricultural land uses on farmlands designated as Prime, of Statewide Importance, Unique, or Local Importance. Farmland identified as “of Statewide Importance” is west of the project site. To buffer from the agricultural operation on the Farmland parcel, the Project includes a 139-foot buffer from the closest new residential parcel boundary and a 6-foot-tall sound wall across that boundary as well as a 6-foot-tall sound wall to create a defined buffer between the existing residence at the Project site and the farmland. Although the Agricultural Advisory Committee recommended Planning Commission approval of the Project, there is an inconsistency with the zoning code that is intended to implement Policy AG1.2, Title 21 Zoning Code section 21.66.030.F, which requires a 200-foot agricultural buffer easement. Therefore, the applicant requested a Variance. With a Variance, the project does not need to conform with Title 21 section 21.66.030.F requirement for an agricultural buffer of 200 feet.

Condition of approval No. 30, requires the reduced-distance buffer easement to include vegetative and material buffering (sound wall). See Findings 7, 8 and 9 and supporting evidence.

m) Inclusionary Housing. Chapter 18.40 of Monterey County Code (Inclusionary Housing, MCC), which was not updated to match the GP Policy, and only requires 20% affordable units (8% moderate, 6% low, 6% very low) for the development of 5 or more units. In this case, Chapter 18.40 would require that three inclusionary units be provided (one low- and two moderate-income units). Policy LU-2.13 of the 2010 GP requires new development of more than 5 units to provide 6% very low, 6% low, 8% moderate, and 5% Workforce I units, for a total project obligation of 25%. With the adoption of GP Policy LU-2.13, the affordability ratio in Policy LU-2.13 became the standard for residential development of five or more units. If Policy LU-2.13 were to be applied, using a 25% affordability ratio, the project would be required to provide three inclusionary units and one Workforce I unit (above inclusionary income levels).

When calculating the percentage of inclusionary housing, the County subtracts existing lots from the total and does not count non-residential lots to be created by the subdivision, like drainage and roadway parcels. The Project site consists of one existing unit, so the unit is subtracted from the total to calculate the number of affordable units required, resulting in 16. If Policy LU-2.13 were to be applied, using a 25% affordability ratio, the project would be required to provide three inclusionary units and one Workforce I unit (exceeding inclusionary income levels of the Zoning Ordinance). The Project proposes to meet MCC Chapter 18.40 by providing three inclusionary units at the moderate-income level (18.75%). The applicant provided an analytic of the loss that is incurred by developers when low- and very-low income levels are required of new development such as the proposed Project. The documents that were submitted to the HAC for consideration are attached to the May 8, 2024 Planning Commission staff report. The HAC recommendation in a unanimous vote (5 AYES, 0 NOES) at a publicly noticed hearing on April 10, 2024 was to support the developer's proposal. The timing at which the developer will cause the three units of moderate-income-level housing to be constructed is prior to the issuance of the building permit for the tenth (10th) market rate unit. See Condition No. 8.

Should the County enforce GP Policy LU-2.13, the applicant would need to construct a Workforce I income level unit or pay an in lieu fee of \$35,266. However, State HCD issued a letter of technical assistance to the County in 2020 that indicated the County should not apply affordability requirements above the 20% represented by very low, low, and moderate income level units without having analyzed it as a

potential constraint in the preparation of a Housing Element. The County has not made this analysis, and thus, Policy LU-2.13 should not be enforced in this case.

- n) Allowed Use in MDR Zoning and Development Standards. The subject property is a four-acre, semi-developed parcel within Boronda Community Area, Greater Salinas Area Plan, and 2010 Monterey County General Plan. The project site is designated and zoned Medium Density Residential (MDR). The MDR designation is appropriate for a range of residential uses and housing types, recreational, public and quasi-public, and other uses that are incidental and subordinate to the residential use and character of the area (General Plan Policy LU-2.33). Pursuant to Title 21 section 21.12.050, the MDR district allows for a range of land uses to be approved with a use permit. This range of uses includes single-family housing, and other uses of a similar nature, density and intensity. The proposed subdivision project is consistent with these types of uses. Lot sizes vary in area and would be between 6,004 square feet and 26,631 square feet. The proposed largest lot (remainder lot) will be occupied by the existing dwelling which is the Applicant/Owner's residence). The average lot size of new residential lots would be 6,370 square feet. The density is just over four units per acre. The project is eligible to a density bonus pursuant to Monterey County Code Chapter 21.65, therefore, the resulting subdivision is within the allowed density for the parcel (see Finding 1, Evidence "o" and Finding 10). The project complies fully with the requirements of the zoning ordinance for lot size and design. The maximum building site coverage for the MDR/4-UR zoning is 35% (pursuant to section 21.12 of Title 21). Setbacks are 20 feet front, 5 feet side, 10 feet rear. Lots are clustered pursuant to MDR zoning code section 21.12.060.A of Title 21. Height maximum is 30 feet for the district, so a two-story residence could be as much as 4,200 square feet in floor area on the smallest lot (6,004 square feet). The proposed subdivision is consistent with the design of others in the neighborhood.
- o) Density Bonus. Zoning of the property (MDR/4) allows a maximum of four units per acre. Based on the total acreage (four acres), the maximum allowed number of lots/units is 16. Title 21 section 21.65.050.C states that applications that provide and maintain at least 10 percent of the base units in a condominium or planned development project to moderate income units are eligible for a density bonus, where "base units" are defined as the number of units that would be allowed under the General Plan land use designation and zoning ordinance for the site before calculation of the density bonus. Pursuant to Title 21 section 21.65.060.C.3, projects that provide 18 percent of moderate units qualify for a maximum density bonus of 13 percent in the number of market rate units allowed in MDR/4 zoning, which results in two bonus units for the Project. Absent the County's Inclusionary Housing Ordinance, the applicant would need to sell two

units to moderate-income households (10 percent of the project) to qualify for a 5 percent density bonus (one additional unit) necessary to develop the existing unit and 16-new units on the four-acre parcel. Government Code Section 65915(d)(2)(B) requires the County to grant two incentives or concessions for projects that include at least 20 percent of the total units for persons and families of moderate income in a development in which the units are for sale. By agreeing to construct and restrict three units for sale to persons or families of moderate-income, the project does not reach the 20 percent threshold required to qualify for two incentives or concessions (three moderate-income units divided by 16 total units equals 18.75% affordability). Therefore, Govt. Code Section 65915(d)(2)(A) applies, and the applicant is entitled to one incentive or concession. The concession that was primarily requested by the applicant is waiving the final map processing fees. Standard Final Map processing fees shall not be applied. This is memorialized in Condition No. 29.

- p) Lot Legality. The subject property is a four-acre part of Tract 1, “part of Rancho el Sausal, 413.42 acres in Volume 129 of Deeds at Page 485, Records of Monterey County. The four-acre lot is shown in the same configuration in 1964 Assessor’s Parcel Map Book 261, page 10. Therefore, the County recognizes the subject parcel as a legal lot of record.
- q) Access and Homeowners’ Association. Pursuant to Title 16, Chapter 16.80, Regulations Relating to Applications Involving Use of Private Roads, the project involves creation of a private road. The purchasers of the new lots would access their properties via a new approximately 700-foot-long cul-de-sac privately constructed as part of the subdivision. Title 16 section 16.80.030.J defines an easement as a form of “private road agreement” between parties concerning the right to use private property as access to another parcel of private property. The Project is conditioned to form a Homeowners Association for road and drainage maintenance, to prepare an operation and maintenance plan for all facilities, and to implement a fee program to fund the cul-de-sac’s operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision (Condition No. 19).
- r) Urban Reserve Review (No Land Use Advisory Committee). The project was not referred to a Land Use Advisory Committee (LUAC) for review because there is no LUAC with jurisdiction for the Greater Salinas area. Because the proposed subdivision is within the UR district outside of City of Salinas, the application was routed to the City of Salinas during application review. The City’s Planning department did not indicate that there were design elements particular to this subdivision that would not meet City ordinances. In separate review, City engineers requested that the improvement plans detail curb ramps, streetlights, cluster mailbox, street trees and a joint

trench and that the utility cabinets and transformers be installed underground. When the project sewer ties to the Boronda system, the City stated that the Boronda system discharges to the City's sanitary sewer. Therefore, the Applicant shall pay City sanitary sewer impact fees when they construct. Lastly, the City Engineer estimated the Salinas traffic fees in the 2021 review.

- s) County staff conducted several virtual site inspections via Google Earth between October 2021 and March 2024 to verify that the project on the subject parcel conforms to the plans listed above.
- t) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in HCD-Planning File No. PLN210223.

2. FINDING:

EVIDENCE: a)

SITE SUITABILITY – The site is physically suitable for the proposed use.

The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Environmental Services, HCD-Engineering, Public Works, Facilities and Parks Dept.-Parks, the Environmental Health Bureau, (EHB), and the Monterey County Regional Fire District. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. The following reports have been prepared and were used in the analysis of the Project:

- Geotechnical Investigation (LIB210239) prepared by Andrew Kasunich of Haro, Kasunich & Associates, Salinas, California, July 13, 2021;
- Preliminary Stormwater Control Plan (within application for PLN210223) prepared by Rich Weber of Whitson Engineering, Monterey, California, June 25, 2021 amended on July 13, 2021;
- Traffic Impact Analysis (LIB220053) prepared by Keith Higgins, Gilroy, California, January 14, 2022;
- Preliminary Cultural Resource Reconnaissance of APN 261-101-006-000 (PLN210223) prepared by Susan Morley and Brenna Wheelis, (LIB220053) November 1, 2021.

- c) County staff independently reviewed these reports and concurs with their conclusions.

- d) The westerly 2/3rd of the project site is flat. The easterly 1/3rd slopes gently toward the east to a low-lying natural drainage area on lots to the southeast. 0.004% of the overall area is greater than 25% slope.

- e) The applicant proposes to raise the ground level of all the rear lots to meet the HCD recommendation to allow for any excess stormwater to

drain into County property rather than inundate a private residence on the parcel to the east of the project site, APN 261-101-005-000.

- f) The Vehicle Miles Travelled for the Project was assessed by the Traffic engineer who found an average of 8.5 VMT per capita at the Project. The Project VMT is estimated to be less than the average for the County. Therefore, it will have a less-than-significant impact on traffic pursuant to CEQA.
- g) County staff conducted several virtual site inspections via Google Earth between October 2021 and March 2024 to verify that the project on the subject parcel conforms to the plans listed above.
- h) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN210223.

3. FINDING:

HEALTH AND SAFETY – The establishment, maintenance, or operation of the project will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: a)

The project was reviewed by HCD-Planning, HCD-Environmental Services, HCD-Engineering, Public Works, Facilities and Parks Dept.-Parks, the Environmental Health Bureau (EHB), and the Monterey County Regional Fire District (Regional Fire District). Conditions have been recommended, 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.

b)

Necessary public facilities are either available or will be provided. The proposed development subdivision would be served by existing and new water, sewer, storm drain, and reclaimed water lines. California Water Service serves the area and the subject property with potable water. The Boronda Community Services District provides wastewater collection and treatment system to the area and subject property, and have the adequate capacity to provide sewage disposal of the proposed 16 residential lots. When the project sewer ties to the Boronda system, the Boronda system discharges to the City's sanitary sewer. Potable water supply is provided to the Project by California Water Service. The project site is located within the Salinas service area, and the water provided to this area comes from the Salinas Valley Groundwater Basin. The Boronda Community Services District has provided a "can and will serve" letter for the proposed project. See also Finding No. 6 and supporting evidence.

c)

All Boronda Road frontage improvements will require an encroachment permit from the County which includes specific

requirements and inspections to ensure applicable County standards are met. Conditions of Approval for prior to Final Map require a Construction Management Plan (Condition No. 22) to minimize construction impacts on the neighborhood. Furthermore, the subdivider shall be responsible for all maintenance and operations of the subdivision improvement from the time of installation to the establishment of a Homeowner's Association (Condition Nos. 15, 18 and 19).

d) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in HCD-Planning File No. PLN210223.

4. FINDING:

NO VIOLATIONS – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. A violation exists on the property which shall be abated through the decision on this project.

EVIDENCE: a)

Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is aware of an open violation existing on subject property, Code Enforcement Case No. CE050196. The VTM identifies unpermitted accessory structures, including structures in the side setback of the original parcel, which will be demolished prior to Final Map. In addition, Condition No. 28 has been applied to ensure that this demolition occurs to close the code enforcement case.

b) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN210223.

5. FINDING:

SUBDIVISION – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

EVIDENCE:

- a) Consistency. The project as designed and conditioned is consistent with the 2010 Monterey County General Plan, including the Greater Salinas Area Plan (see Finding 1).
- b) Design. The lot design is consistent with the Lot Design Standards of Title 19 section 19.10.030. The VTM has been reviewed for lot requirements and other ordinances and General Plan requirements. Lot sizes vary in area and would be between 6,004 square feet and 26,631 square feet and the largest lot is occupied by the existing dwelling (the subdivider's residence). The average lot size of new residential lots would be 6,370 square feet. All lots are clustered pursuant to Title 21 section 21.12.060.A. Development standards are met, as discussed in Finding 1.
- c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Findings 1 and 2, and supporting Evidence).
- d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat. There is a drainage ditch that is in the center of the Boronda Community and some drainage improvements on a parcel to the Northeast of the Project offer a drainage basin. The subdivision improvements draft plan show development of a reinforced drain channel on the eastern edge of the subdivision are intended to direct stormwater flows that are not able to be captured onsite (due to the areas of steep slope that will remain sloped). There are no riparian habitats, fish or wildlife habitat that are indicated on County GIS at the project site. Drainage offsite involves manmade construction/maintenance.
- e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, 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 (see Finding 3).
- f) Water Supply. Title 19 section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. Sections 19.03.015.L and 19.07.020.K require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long-term water supply with the project. Finding Nos. 5 and 6 describe how the project meets Code and Policy requirements.
- g) Sewage Disposal. Sewage disposal services, in accordance with Title 19 sections 19.03.015.K and 19.07.020.J would be the same as the originally proposed project. The wastewater collection and treatment

h) system has adequate capacity for sewage disposal, and will be serviced by Boronda CSD. (See Finding 3).

Easements. Although no easements are recorded with the grant deed of the property (Document No. 2014053774; recorded October 18, 2014), the civil engineer for the Project identified one utility easement located on the project site in the form of a sanitary sewer easement at the southeast corner and an existing 6-inch sanitary sewer main is located in the easement. HCD-Engineering Services added a Condition of Approval requiring the owner/Applicant to provide for the easements on the Final Map (Condition No. 20).

i) Traffic. A Traffic Impact Analysis was prepared for the Project by Keith Higgins, Traffic Engineer, in January 2022. The Project's Trip Generation was modeled to be a total of 150 daily trips. The Project was estimated to generate 12 trips occurring during the AM peak hour (3 in, 9 out) and 16 trips occurring during the PM peak hour (10 in, 6 out). Hence, the Project would increase traffic on Boronda Road about 4% (one car every five minutes) immediately south of the project. All other segments would experience increases of 2% or less. The traffic report found these increases would be imperceptible. The report concluded that existing, Project plus cumulative effects would result in the Post Drive and El Rancho Way approaches at the Post Drive at Calle De Adobe intersection peak operation at LOS F (AM, PM). Signalizing this intersection would bring the LOS up to LOS B during the AM and PM peak hours. The project would be responsible for paying its fair-share contribution towards the signal, based on the relative number of trips it adds to the intersection (Condition No. 10). See also Finding 1, Evidence "c."

j) Affordable Housing. The Project as proposed would meet this requirement by providing all inclusionary units at the moderate income level. The applicant provided a breakdown of how perfect compliance with Chapter 18.40 would be cost preventative with a subdivision of this size. Staff brought the proposed alternative compliance with the Code to the Housing Advisory Committee on April 10, 2024. The applicant's proposed Inclusionary Housing income level distribution for the project is three moderate-income inclusionary units instead of the one low- and two moderate-income units required by the Inclusionary Housing Ordinance and no Workforce Housing requirement, whether in lieu fee or otherwise, because the 5% Workforce requirement of the GP Policy LU-2.13 was not formally adopted into the Title 18 ordinance and that requiring 5% Workforce housing is an impediment to provision of housing. The HAC considered this proposal most reasonable and recommended it to the Planning Commission in a unanimous vote (5 AYES, 0 NOES). The three moderate income level homes are required to be constructed prior to the issuance of the building permit for the tenth market rate unit (Condition No. 8). See also Finding 1, Evidence "d" and "m."

- k) Parks and Recreation. The project has been reviewed for site suitability by the Public Works, Facilities and Parks Dept.-Parks, there has been no indication from these departments that the site is not suitable for the proposed development. Section 19.12.010 of Title 19/Quimby Act requires subdivisions of 50 parcels or less to pay an in-lieu fee. The owner/Applicant requested the Chief of Parks determine the fee in accordance with provisions contained in Section 19.12.010. Staff provided the fee amount of \$8,719 which is also stated within Condition No. 9.
- l) The project planner reviewed the application materials, plans, and County GIS records to verify that the proposed project on the subject parcel conforms to the applicable plans and County codes and will not adversely impact the neighborhood character or known scenic/visual resources. The VTM includes some proposed new trees and the Project is conditioned to include a Landscape Plan to be completed (Condition No. 24). County staff conducted several virtual site inspections via Google Earth and a site visit between October 2021 and March 2024 to verify that the proposed project would be consistent with the residential and agricultural uses in the surrounding area.
- m) The application, vesting tentative map, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN210223.
- n) Based on the evidence described above, the proposed up to standard subdivision and uses are consistent with the surrounding residential and agricultural neighborhood character (i.e., subdivision improvement design features) and there is no reason for the standard subdivision to be denied.

6. FINDING:

EVIDENCE: a)

LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM – The project location has a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development as required by General Plan Policies PS-3.1 and PS-3.2, respectively.

The property's existing water use is limited to the single family dwelling, which uses 0.27 acre-feet per year (AFY), on average. The new residential subdivision will demand additional potable water. As proposed, the 4-acre subdivision, when fully built out with 17 single-family residences (one of which already exists), would have an estimated water demand of approximately 4.59-acre AFY.

b) The Project's water supply would be provided by the California Water Service company. The project site is located within the Salinas District and would provide potable water to the site from wells located in the Salinas Valley groundwater basin. The California Water Service wells and the project site are located in the Monterey County Water Resources Agency benefit assessment Zone 2C, and the project applicant/owner has been paying the Zone 2C assessment.

- c) California Water Service, as the water provider, is a regulated public utility that is mandated to provide water that meets public health standards and thus has adequate water quality. The criteria required by PS-3.2(a) is satisfied.
- d) Potable water would be provided by California Water Service via its entitlements. This satisfies the criteria of PS-3.2(b), which points to the authorized production capacity of a facility operating pursuant to a permit from a regulatory agency. California Water Service projected that, under all hydrologic conditions, its groundwater supply for the Salinas District will fully meet future demands through 2040. California Water Service has also provided a “can and will serve” letter for the proposed project that indicates the applicable water purveyor for the site is able to provide water supply for the proposed project based on its existing facilities.
- e) California Water Service has the technical, managerial, and financial capability to provide water to the subject site consistent with PS-3.2(c). California Water Service has a proven record and has demonstrated its technical, managerial and financial capabilities to deliver water.
- f) PS-3.2(d) requires consideration of the rights to water from the source. In this case, California Water Service’s Salinas District 2020 Urban Water Management Plan (dated June 2021) provides detailed information on the Salinas District’s historical and projected water demands, water supplies, supply reliability and vulnerabilities, contingency planning, and demand management programs, including water conservation planning. California Water Service projected that its groundwater supply for the Salinas District will fully meet future demands through 2040 under all hydrologic conditions.
- g) General Plan Policy PS-3.2(e) and (g) state:
 - e. *Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply; and to those resources and species.*
 - g. *Completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions.*

Although the Salinas Valley Groundwater Basin is currently in overdraft, actions taken by both California Water Service and Monterey County Water Resources Agency (WRA), including conservation, system improvements, and future projects are projected to continue to provide for a reliable water supply. Relevant efforts include the Salinas Valley Water Project, Conservation Master Plan, and Greater Monterey County Integrated Regional Water Management Program. California Water Service’s website (www.calwater.com) shares the Conservation Progress Update for February, 2024. The Salinas District has reduced overall water use by 7.5% since 2020. Therefore, cumulative impacts of development of the infill development that this Project exemplifies has been analyzed and shows

the ability to balance. New projects under Zone 2C and best practices are renewing or sustaining the basin function. The criteria “e” and “g” are met in this case.

- h) Substantial evidence related to proof of a sustainable water supply for the project is provided in the following documents, which are incorporated herein by reference:
 - California Water Service 2020 Urban Water Management Plan for the Salinas District (dated June 2021);
 - California Water Service’s Conservation Progress Update ([www.calwater.com/conservation/conservation-progress -update](http://www.calwater.com/conservation/conservation-progress-update)); and
 - California Water Service’s will-serve letter.
- i) The proposed project subdivision is new development within benefit assessment Zone 2C of the WRA which provides funding for water projects that address seawater intrusion in the Salinas Valley groundwater basin. The property owners have been paying annual assessments to receive benefits associated with water projects that improve water supply and water quality.
- j) Sustainable Groundwater Management Act of 2014 (SGMA). The State of California passed legislation in 2014 to provide for the sustainable management of basins at a local level by providing local agencies with the authority, and with technical and financial assistance, to sustainably manage groundwater. SGMA uses California Groundwater Bulletin 118 (2016 Update) to determine a category for each groundwater basin. California Water Service extracts groundwater from two hydraulically connected sub-basins of the groundwater basin known as the Pressure Subarea and the East Side Subarea. These aquifers, named for their relative depths, are known as the “180-foot”, the “400-foot”, and “900-foot” aquifers. The State has designated the 180-foot and 400-foot aquifers as critically over-drafted. The Act requires that aquifers identified as being in critical overdraft have Groundwater Sustainability Plans (GSPs) adopted by 2020 and that improvements/actions required by that plan be operational by 2040. The Act also requires that aquifers identified as a Medium or High Priority Basin, but not in critical overdraft, have Groundwater Sustainability Plans adopted by 2022 and that improvements/actions required by that plan be operational by 2042. The groundwater basin is identified as a High Priority Basin, and the 180-foot and 400-foot aquifers of the Pressure Subarea and the East Side Subarea sub-basins are identified as in critical overdraft. Therefore, a plan must be adopted by 2020 and actions to bring the basin into a sustainable state, as defined in the local GSP, must be operational by 2040.
- k) A Groundwater Sustainability Agency, the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA), was formed in 2017 for the area within which the project is located. The SVBGSA is

charged with achieving groundwater sustainability through the development and implementation of Groundwater Sustainability Plans (GSPs) under this Act. The SVBGSA has been preparing GSPs for this area (<https://svbgsa.org>) to meet its legislative mandate to bring the basin into balance and to have the GSP adopted for the Pressure Subarea and the East Side Subarea sub-basin areas by 2020. In January 2020, the Salinas Valley Basin Groundwater Sustainability Agency adopted a Groundwater Sustainability Plan for the 180/400 aquifer sub-basin. Therefore, with a GSP in place, the appropriate management agency and Plan provides for assurance of project and conservation measures to maintain basin water balance within the State's regulatory environment.

7. FINDING:

EVIDENCE: a)

VARIANCE (SPECIAL CIRCUMSTANCES) – Special circumstances apply to the subject property, including the size, shape, topography, location or surroundings. Therefore, the strict application of development standards in the Monterey County Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

The property adjacent and to the west (227-011-014-000) is zoned Farmland and governed by Title 21, Chapter 21.30. Chapter 21.66 includes a provision for agricultural buffers on properties that are developed with uses that have the potential to conflict with uses typical for Farmland-zoned parcels. Title 21 section 21.66.030.F requires that new residential development adjacent to agricultural areas share be required to establish a well-defined buffer zone within the area to be developed and that the buffer shall be a minimum of 200 feet wide. Land within the easement may not be used for recreational areas as part of housing or public facilities. While the Code provides that “minor storage structures or sheds associated with the residential uses may be permitted within the easement area,” the existing dwelling could not be within the agricultural buffer easement. Therefore, given the constraint of existing dwelling in use, it is impossible to complete the Project without a Variance from these agricultural buffer requirements.

b)

The site is in the Boronda Community Area (2010 General Plan Figure CA1), an area that is a priority for development in the unincorporated areas of Monterey County. The property is zoned for Medium Density Residential use, and the proposed medium density residential use is therefore a better fit for the zoning district than the existing single-family dwelling. Furthermore, the project is within the Urban Reserve district. City of Salinas expects this area to have a density of at least eight units per acre as part of future annexation. At the proposed scale and density, the proposed subdivision’s new lots meet the City’s foreseeable density requirement. It is not possible to design a medium-density subdivision at this site that could meet the agricultural buffer

requirements. Consequently, disallowing the Project due to a strict application of the agricultural buffer zoning requirement would deprive the property of privileges enjoyed by properties in the vicinity and classified as Medium Density Residential-Urban Reserve.

- c) The purpose of the width of an agricultural buffer easement is to “protect agriculture from impacts of new residential or other incompatible development and to mitigate against the effects of agricultural operations on the proposed uses” (Title 21 section 21.66.030.F.2.a). Sufficient buffering through a combination of structural and effective distance is proposed. Condition of approval No. 30 requires the reduced-distance buffer easement to include vegetative and material buffering (sound wall).
- d) The project was referred to the Agricultural Advisory Committee (AAC) for review of the proposed agricultural buffer for the subdivision and recommendations on April 27, 2023. The AAC generally supported the project with an agricultural buffer easement of less than 200 feet, but they did not take a vote. The AAC’s recommendations were to 1) construct a 7-foot-tall buffer wall along the 20-foot setback line of the existing dwelling’s lot (proposed Lot 17), 2) add vegetation buffers and 3) reach out to the area’s agricultural operators to exchange information of their activities so that growers can advise of their crop operations and activities to reduce incompatible issues. The VTM was revised following this meeting to include a larger buffer distance than previously proposed and incorporated a 6-foot-tall buffer wall long the western boundary of Lot 17 (Remainder Parcel) and Lot 1 (first new residential lot).
- e) The application, plans, and supporting materials submitted by the applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN210223.

8. FINDING:

VARIANCE (SPECIAL PRIVILEGES) – Granting of this Variance does not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

EVIDENCE: a)

The other properties adjacent to the Farmland zoned neighboring parcel, including APNs 261-092-001-000, 261-092-019-000 and 261-091-001-000 to the south on Boronda Road and 261-101-012-000 and 261-101-013-00 to the north on Boronda Road, are built to the Medium Density Residential Zoning District setbacks and do not have an agricultural buffer easement.

b)

The application, plans, and supporting materials submitted by the applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN210223.

9. FINDING: **VARIANCE (AUTHORIZED USE)** – The Variance does not grant a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE:

- a) Regulations for Medium Density Residential zoning districts (Title 21, Chapter 21.12) do not expressly authorize agricultural buffer easements.
- b) The project use is allowed in Medium Density Residential zoning districts with the entitlement of a Standard Subdivision.
- c) In a publicly noticed meeting of the Agricultural Advisory Committee (AAC) on April 27, 2023, the proposal to limit the size of the agricultural buffer easement was reviewed and recommendations were made. The AAC generally supported the project with an agricultural buffer easement of less than 200 feet, but they did not take a vote.
- d) The application, plans, and supporting materials submitted by the applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN210223.

10. FINDING: **DENSITY BONUS** – Title Chapter 21.65 implements Government Code sections 65915 through 65917 and requirements for allowance of density bonus in the County. Density Bonus regulations work in conjunction with the County's Inclusionary Housing Ordinance (MCC Chapter 18.40). The application was found to qualify with density bonus requirements.

EVIDENCE:

- a) Zoning of the property (MDR/4) allows a maximum of four units per every acre. Based on the total acreage (four acres), the maximum allowed number of lots/units is 16. The proposed development is more dense (17). To achieve the proposed density, the applicant has requested a density bonus of 5%. To qualify for a 5% density bonus, the applicant must agree to restrict sale at least 10% of the pre-density bonus units to moderate-income households.
- b) As proposed, more than 10% of the pre-density bonus units will be restricted for sale to moderate-income households. Density bonus units are not additive to units required by Inclusionary Housing Ordinance.
- c) By applying the density bonus, one additional lot/unit is included in the subdivision (total of 17 residential lots, 16 allowed by the MDR zoning ordinance).
- d) The Density Bonus was applied so that the VTM is consistent with the zoning. Although the applicant requested two concessions, they are only eligible for one. County staff and the applicant have agreed that waiver of fees associated with Final Map processing is the preferred concession as it is limited to one. This is granted and memorialized as Condition No. 29. The second request included a waiver of fees for construction of the inclusionary units and any similar Building and Traffic fees. Although the project does not qualify for a second concession as designed, Board of Supervisors Resolution 2000-342 outlines a ministerial process for the HCD Director to waive fees for

building permit applications for the inclusionary portion of proposed residential developments and traffic fees for affordable housing projects. As this is allowed through ministerial action, it does not have to count as an incentive or concession. At the time of hearing, the HCD Director has agreed to waive fees for construction of two moderate income units, not three. The reasoning is that the project has already been incentivized by moving the Inclusionary Housing ratios up to moderate income level units, only. Therefore, HCD requires further justification on the financial need for the third moderate income unit's construction fees to be waived. HCD awaits a submittal to the Director for additional review.

11. FINDING:

EVIDENCE: a)

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

EXEMPT – The project is exempt from environmental review and no unusual circumstances were identified to exist for the proposed project. It can be seen with certainty that there is no possibility that the subdivision may have a significant effect on the environment.

The Project meets the common-sense exemption pursuant to CEQA Guidelines section 15061(b)(3). This section states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. There is no reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. In this case, common-sense exemption is also based on the assessment that the Project meets most requirements of the residential infill exemption pursuant to CEQA Guidelines Section 15195.

b) The project is a standard subdivision of a four-acre lot with an existing dwelling and accessory buildings into 16 new residential lots (a 2.93 acre area resulting in lots with a median of 0.138 acres), a 0.93-acre road and utility lot, a 0.11-acre lot for onsite drainage control and a 0.6 acres remainder lot with an existing dwelling unit in an urbanized location with similar development on three sides. The project also includes a Variance to reduce the agricultural buffer from 200 to 139 feet on the northwest and 78 feet on the southwest.

c) The site qualifies as “infill” based on the definition stated in Article 12.5, Exemptions of Agricultural Housing, Affordable Housing, and Residential Infill Projects. Section 15191(e)(1 and 2) identifies infill as previously developed for qualified urban use or all immediately adjacent parcels are developed with existing qualified urban uses. The subject site is developed as residential use, which is one of the qualified urban uses per Section 15191(k) definition.

d) The residential infill exemption (CEQA Guidelines Section 15195) requires that community-level environmental review for the Boronda area has been certified within the last five years (15195(a)(1) and related to 15195(b)(2)). The 2010 GP EIR that designated the Boronda

area as a Community Plan area (with priority for development), is over five years old. For this reason, the proposed subdivision cannot qualify for statutory exemption pursuant to residential infill.

e) The following thresholds that trigger exception from the residential infill exemption are not crossed (CEQA Guidelines section 15195(b)):

- *the site of the project is not more than four acres in total area;*
- *the project does not include any single level building that exceeds 100,000 square feet;*
- *the project is a residential project on an infill site;*
- *the project is within one-half mile of a major transit stop;*
- *the project does not contain more than 100 residential units;*
- *the project promotes higher density infill housing such that the density of the project is higher density than the average density of the residential properties within 1,500 feet;*
- *The project meets the following requirements regarding availability of affordable housing: The project would result in housing units being made available to not less than 10% moderate, 10% low or 5% very low income families OR pays appropriate in-lieu fees pursuant to local Inclusionary Housing Ordinance.*

The proposed standard subdivision is of a four-acre lot and the potential for any new dwelling to exceed 100,000 square feet in size is barred by the sizes of the lots (maximum sized lot is 9,951 square feet in size with undevelopable areas due to constructed slope of 33% and maximum density limit per the MDR Zoning District of 35%). The project is infill in Boronda Community Area. There is a transit stop 0.4 miles away at Calle del Adobe and Addington which has a bus arriving every 32 minutes and arrives at the Salinas Transit Center in 20 minutes. There is potential for 16 additional units to be constructed with implementation of the standard subdivision, which is substantially fewer than the 100-unit threshold. Finally, the project promotes higher density (4.25 units per acre) infill than the original lot, which was developed at a density of one unit per four acres. Sum density of all the residential lots within 1,500 feet of the subject parcel is 3.46 units per acre. With the density bonus, density is both higher than the neighborhood sum density and higher than what MDR/4 zoning allows. Finally, the proposed subdivision includes a proposal for three moderate-income level inclusionary housing lots. This is 18.75% of the new housing produced by the Project, more than the 10% required by CEQA Guidelines section 15195(b).

Pursuant to CEQA Guidelines section 15195(b), a project that otherwise meets the criteria set forth above is not exempt from CEQA if any of the following occur:

- *There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. (Discussed in Evidence "e," below).*

- Substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project have occurred since community-level environmental review was certified or adopted. (Discussed in Evidence “f,” below).

- New information becomes available regarding the circumstances under which the project is being undertaken and that is related to the project that was not known, and could not have been known at the time that community-level environmental review was certified or adopted. (Discussed in Evidence “f,” below).

f) There are no unusual circumstances of this subdivision that have reasonable possibility to produce a specific, significant effect on the environment. The parcel does not contain scenic resources and the activity of the project will not degrade the existing visual character or quality of the site or its surroundings and glare shall be controlled through the review of development on individual new lots. The parcel does not convert farmland, conflict with Williamson Act or include any forest lands. Air quality and greenhouse gases are regulated through adherence with Monterey Bay Air Resources District standards during subsequent ministerial permitting and there is no potential for the subdivision to conflict with or obstruct implementation of the Air Quality Management Plan. The MBARD CEQA Air Quality Guidelines include project standard conditions and best management practices that will be followed during construction. There are no biological, cultural, historical, or other resources on the parcel or that are located where they could be harmed by the subdivision Project. The Project does not have potential to expose people to potential substantial adverse effects related to earthquakes, soil erosion or other soil-related risks because the Project shall adhere to the Geotechnical Report recommendations. There is no impact from the Project creating hazards or involving hazardous materials that would not be very small quantities with controls followed through adherence with Environmental Health regulations during subsequent permitted activities of grading and construction. There is no impact to water quality standards or drainage as designed and conditioned for Regional Post-construction requirements, related Conditions of Approval 4-7 and monitoring thereof. The project is not within a 100-year flood hazard area, near a dam or levee, or subject to seiche, tsunami or mudflow. Furthermore, the project’s potential to impact groundwater is addressed through the WRA Zone 2C program and the activities of the GSA and the California Water Service. As infill between two existing residential areas, the Project would infill to unify an established community. The Project is consistent with the 2010 GP and does not conflict with any Land Use or Planning codes. There are no impacts to Mineral Resources. The Monterey County section 10.60.030 noise regulations are in place to regulate noise related to uses, which are anticipated to

be normal residential use noise. Furthermore, the Project shall have a Homeowners Association which may also further limit the neighborhood activities. The Project condition of approval requiring a Construction Management Plan (Condition No. 22), which sets a contact person for any noise complaints. The Project does not induce substantial population growth or displace substantial numbers of existing housing or people. The 16 new residential lots (median size of 0.138 acres) will be infill within a Community Area that is adjacent to a City and will not displace a house or people. When compared to the community and City population, the potential increase of roughly 64 new persons (16 units of 4 person household) is insignificant. There would not be a physical impact associated with new or altered governmental facilities such as fire protection, police protection, schools, parks, or other public facilities. All the public services are in place in Boronda. A sewer capacity study was performed for the Project which concluded that there is sufficient capacity in the existing system to support the Project. A Can-and-will-serve letter was provided from the water purveyor, California Water Service. Sufficient police and fire protection serve the area. There is a park within 0.75 mile of the location. Recreation facilities and parks would not be impacted or deteriorated by the Project. No parks, trail easements, or other recreational facilities would be impacted and the demand for such facilities would not be significantly increased. Utilities and service systems were assessed during Project application review including review of a draft Stormwater Control Plan. Conditions of Approval were added to ensure the applicable Regional Water Quality Control Board requirements are met (Condition Nos. 4-7). Water supply and wastewater treatment capacity were reviewed and both were found sufficient to serve the Project without requiring new facilities or entitlements (see also Finding 1, 2 and 6). The Project will be served by the Monterey Peninsula landfill which has demonstrated capacity for service to approximately 2120. Traffic was analyzed and the Project's 150 daily trips were not found to conflict with the performance of the circulation system, taking into account the ability of the Project to conform with payments of applicable transportation fees and specific fees to City of Salinas to address one intersection impact when measured with Project and cumulative impact. There would be no conflict with the Regional Transportation Plan for Monterey County or the Transportation Agency for Monterey County's standards established for County roads or highways. There would be no resulting change to air traffic patterns due to the Project that is not mitigated by planned traffic signalization (led by the City of Salinas). There would be no increase in hazards due to the design of the cul-de-sac as it enters onto Boronda Road in an area with 35 MPH speed limit. The Project would not result in inadequate

emergency service because the traffic impact on the nearby circulation system was found to be insignificant. The Project does not conflict with plans or programs regarding public transit, bicycle, or pedestrian facilities. All Boronda Road frontage improvements will require an encroachment permit from the County which includes specific requirements and inspections to ensure applicable County standards are met. Finally, a Vehicle Miles Travelled assessment made by a Traffic engineer found an average of 8.5 VMT per capita at the Project. The engineer cited an estimated County threshold for significant VMT as 9.7, following VMT tables based on the “Technical Advisory on Evaluating Transportation Impacts in CEQA,” issued by the Office of Planning and Research (OPR) in 2018. The Project VMT is estimated to be less than the average for the County in reference to the VMT threshold guidance from OPR. Therefore, the Project will have a less-than-significant impact on traffic pursuant to CEQA. In sum, no adverse environmental effects were identified during staff review of the development application.

- g) The last community-level review under CEQA was the 2010 General Plan EIR. There have been no substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project that have occurred since the 2010 GP FEIR was certified and the 2010 GP was adopted. The Boronda Community Area has not been built out in a manner inconsistent with what was anticipated in the 2010 GP EIR. Furthermore, there has not been new information regarding the circumstances of the subject site or Boronda since the 2010 GP EIR was certified.
- h) The application, plans, and supporting materials submitted by the applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN210223.

12. FINDING:

APPEALABILITY - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE:

Title 21 Section 21.80.040 provides that this decision on the Project is appealable to the Board of Supervisors.

DECISION

NOW, THEREFORE BE IT RESOLVED, based on the above findings and evidence and the administrative record, that the Planning Commission:

1. Finds the Project is covered by the common-sense exemption pursuant to CEQA Guidelines section 15061(b)(3);
2. Approves a Vesting Tentative Map to subdivide a four-acre lot into 16 residential lots (median size 0.138 acres), a road and utility parcel (0.93 acres), a drainage parcel (0.11 acre), and an approximately 0.6-acre remainder lot that retains the existing residential dwelling

unit, and demolition of unpermitted accessory structures to close Code Enforcement Case No. CE050196; and

3. Approves a Variance request to reduce the agricultural buffer from 200 to 139 feet on the northwest and 78 feet on the southwest.

PASSED AND ADOPTED upon motion of Commissioner _____, seconded by Commissioner _____, and carried this 9th day of April, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Melanie Beretti, AICP
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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

NOTES

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

The Zoning Ordinance (Title 21) provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

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

2. This permit expires 3 years after the above date of granting thereof unless the Final Map is filed within this period.

County of Monterey HCD Planning

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

PLN210223

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Standard Subdivision permit (PLN210223) allows a Standard Subdivision and Vesting Tentative Map to subdivide a four-acre lot into 16 residential lots ("Lots 1-16," median size 0.138 acre), a road and utility parcel (Parcel 1, 0.93 acre), a drainage parcel (Parcel 2, 0.11 acre), and a remainder lot (approximately 0.6 acre) that retains the existing residential dwelling unit, and demolition of existing unpermitted structures to clear code violation no. CE050196. The project also meets Density Bonus requirements. The property is located at 442 Boronda Rd, Salinas (Assessor's Parcel Number 261-101-006-000), Greater Salinas Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the HCD - Chief of Planning. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Standard Subdivision permit (Resolution Number _____) was approved by the Planning Commission for Assessor's Parcel Number 261-101-006-000 on April 9, 2025. The permit for subdivision of a four-acre lot with an existing dwelling and accessory buildings into seventeen residential lots plus one lot for onsite drainage control and a variance request for agricultural buffer of less than 200 feet was granted subject to 30 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the HCD - Chief of Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual 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 recovery. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

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.

4. CALIFORNIA CONSTRUCTION GENERAL PERMIT

Responsible Department: Environmental Services

Condition/Mitigation CALIFORNIA CONSTRUCTION GENERAL PERMIT

Monitoring Measure: The applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) including the Waste Discharger Identification (WDID) number, to HCD-Environmental Services. In lieu of a SWPPP, a letter of exemption or erosivity waiver from the Central Coast Regional Water Quality Control Board may be provided. (HCD-Environmental Services)

Compliance or Monitoring Prior to issuance of any grading or construction permits, the applicant shall submit a SWPPP including the WDID number certifying the project is covered under the California Construction General Permit or a letter of exemption from the Central Coast Regional Water Quality Control Board.

Action to be Performed:

5. STORMWATER CONTROL PLAN (PR2-4)

Responsible Department: Environmental Services

Condition/Mitigation STORMWATER CONTROL PLAN (PR2-4)

Monitoring Measure: The applicant shall submit a Stormwater Control Report and a Stormwater Control Plan, prepared by a registered professional engineer, to HCD-Environmental Services for review and approval. The report and plan shall address the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. The plan shall include the location of the drainage facilities and construction details. The Stormwater Plan shall include the construction inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed and approved the Stormwater Control Plan for conformance with the geotechnical recommendations. (HCD-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or construction permits, the applicant shall submit a Stormwater Control Report and a Stormwater Control Plan to HCD-Environmental Services for review and approval. Prior to issuance of any grading or construction permits, the applicant shall submit certification from a licensed practitioner that they have reviewed and approved the stormwater control plan for conformance with the geotechnical recommendations.

6. MAINTENANCE AGREEMENT (PR 2-4)

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall enter into a Maintenance Agreement (Agreement) that clearly identifies the responsible party for ongoing maintenance of structural Stormwater Control Measures. The Agreement shall contain provisions for an annual drainage system report, prepared by a registered Professional Engineer, that includes the status of all structural stormwater control measures and maintenance recommendations. The annual report shall be submitted to HCD-Environmental Services, for review and approval, no later than August 15th. All recommended maintenance shall be completed by October 15th of the same year. If maintenance is required, certification shall be provided that all recommended maintenance has been completed before the start of the rainy season. (HCD – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit the signed and notarized Agreement to HCD-Environmental Services for review and approval. The approved Agreement shall be recorded, and a copy of the recorded document shall be provided to HCD-Environmental Services. A copy of the standard Agreement can be obtained at HCD – Environmental Services.

7. OPERATION AND MAINTENANCE PLAN (PR 2-4)

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an Operation and Maintenance Plan prepared by a registered Professional Engineer that includes, at a minimum, the following:

- A site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed.
- O&M procedures for each structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietary devices.

The O&M Plan shall include short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance. (HCD – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit the O&M Plan to HCD-Environmental Services for review and approval.

8. H0SP01 -- INCLUSIONARY HOUSING REQUIREMENT

Responsible Department: Economic Development

Condition/Mitigation Monitoring Measure: This application is subject to Ordinance 5175. The Applicant has also requested a 5% density bonus, which requires 2 moderate-income units. The Ordinance requires the applicant to provide three (3) on-site Inclusionary Units. Prior to the recordation of the Final Map, the applicant shall execute an Inclusionary Housing Master Developer Agreement with the County, and in a form acceptable to the County, that specifies the Inclusionary and Affordable Housing Requirements. The Inclusionary Housing Master Developer Agreement shall be recorded concurrent with the Final Map. The Inclusionary Housing Master Developer Agreement will require the applicant to construct and sell three (3) Inclusionary Units to moderate-income households at an affordable price determined by the County prior to the issuance of the building permit for the tenth (10th) market rate unit. Sale of the first two moderate-income units shall satisfy the requirements for obtaining the density bonus increase sought by the Applicant. The County is not applying General Plan Land Use Policy LU-2.13.d. to this project because the state has opined that without a proper analysis, the policy could be considered a constraint to housing production.

Compliance or Monitoring Action to be Performed: Prior to or concurrent with the Final Map, Applicant/owner shall execute an Inclusionary Housing Master Developer Agreement with the County, and in a form acceptable to the County, that specifies the Inclusionary Housing Requirements.

Applicant shall construct and sell three homes to moderate-income households at an affordable price determined by the County prior to the issuance of the building permit for the tenth (10th) market rate unit.

9. PKSP1 RECREATIONAL REQUIREMENTS

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: The Applicant shall comply with the Recreation Requirements contained in Section 19.12.0 10 of the Subdivision Ordinance Title 19, Monterey County Code, and Section 21.10.070 B of the Zoning Ordinance Title 21, as approved by the Chief of Parks. The Parks Division shall require a minimum dedicated recreational area of at least 3% of the subject project. The value of the improvements together with any recreational equipment located thereon shall be a credit against the payment of recreational in lieu fees imposed in accordance with Section 19 .12.0 10 (G) and (I) 2. of the Subdivision Ordinance, Title 19. (Parks)

Compliance or Monitoring Action to be Performed: Prior to the Recordation of the Final Map, the owner/applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code, as approved by the Chief of Parks. The owner/applicant shall dedicate a minimum of 3% of the parcel to active, functional recreational purposes including, but not limited to: tot lots, play field lots, playgrounds, neighborhood parks, and even "recreational community gardening, which consists of the cultivation by persons other than, or in addition to, the owner of such land, of plant material not for sale."

2. locate the area to be dedicated, and where appropriate, the siting and conceptual design of the park facilities to be dedicated or used in lieu of fees;
3. provide the approximate time when the development of the park or recreational facility shall commence;
4. provide the value of the recreational improvements which shall be a credit against the payment of recreational fees.

If the subdivider does not have recreational areas included in the subdivision, prior to the recordation of the Final Map, the owner/applicant shall pay recreational in-lieu fee based on the following standard:

.003 (acres/person) X 3.0 (persons/dwelling unit) X

16 (single- family detached) =0.144 acres of land, or 6,272.64 sq. ft. of land (required for dedication).

The in-lieu fee is then based on the 0.144 acres of land required for dedication divided by 4.04 (total subject parcel(s) acreage) = 3.56% (acreage as a % of the total acreage) X \$244,615.54 (fair market value of the land) = \$8,719 (FEE-IN-LIEU OF DEDICATED LAND).

10. PWSP002 - NON-STANDARD CONDITION - CITY OF SALINAS TRAFFIC FEE

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay towards the City of Salinas (City) Traffic Fee Ordinance (TFO) program. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits, Owner/Applicant shall pay to the City of Salinas the traffic mitigation fee. Owner/Applicant shall submit proof of payment to Monterey County HCD- Engineering Services.

11. PWSP0007 - OPERATIONS AND MAINTENANCE PLAN

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prepare an Operation and Maintenance Plan (OMP) for all HOA facilities subject to the approval of the Director of Public Works. Said OMP shall include a detailed inventory of all facilities, operating requirements of each item, schedules, and proposed maintenance strategies for perpetuation of the facilities. The OMP shall take into account the phasing of the project over time and the financial needs for completion of the work on schedule. The OMP shall include an estimated cost for completion of the operating and maintenance strategy requirements, capital replacement, and an operating reserve over time for completion of each phase of the development and at completion of the development. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map, Applicant's Engineer shall prepare an OMP.

12. PW0001 – FRONTAGE IMPROVEMENTS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Construct curb, gutter, driveway connections, sidewalk, and paveout, together with required drainage facilities, along the frontage of Boronda Road. The design and construction is subject to the approval of PWF&P. Encroachment Permits are required for all work within the public right-of-way.

Compliance or Monitoring Action to be Performed: Owner/Applicant shall submit design HCD – Engineering Services for review and approval, obtain an encroachment permit from HCD. Improvement to be complete prior to issuance of building permits for any residential unit in the subdivision in accordance with the Subdivision Improvement agreement and to the satisfaction of the Department of Public Works. (Public Works).

13. PW0008 – DEDICATION (STREET AND RIGHT-OF-WAY)

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Dedicate to the County of Monterey, an easement 5 feet in width along the property's entire frontage along Boronda Road for road right-of-way purposes.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map, Surveyor shall include the offer of dedication in the Owner's Statement.

14. PW0015 – UTILITY'S COMMENTS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Submit the approved tentative map to applicable utility companies. Subdivider shall submit utility company recommendations for required easements, if any, to the HCD-Engineering Services.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, Owner/Applicant/Subdivider shall provide a copy of the approved tentative map to all applicable public utility companies for review. Subdivider shall submit utility comments to the HCD-Engineering Services.

15. PW0016 - MAINTENANCE OF SUBDIVISIONS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Subdivider shall be responsible for all maintenance and operations of subdivision improvements from the time of installation until: a) acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement agreement, and b) a homeowners association (HOA) or other agency with legal authorization to collect fees sufficient to support the services, is formed to assume responsibility for the services. (Public Works)

Compliance or Monitoring Action to be Performed: Subdivider shall be responsible to maintain and operate improvements until maintenance and operation is assumed by another entity (ongoing). (Public Works)

16. PW0020 - PRIVATE ROADS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Designate all subdivision roads as private roads.

Compliance or Monitoring Action to be Performed: Subdivider's Surveyor shall designate private roads on final map

17. PW0021 - ROAD NAMES

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Submit all proposed road names to the Department of Housing and Community Development for approval by County Communications.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map Subdivider shall submit proposed road names to HCD. HCD-Engineering Services will submit to County Communications for Approval

18. PW0023 IMPROVEMENT PLANS

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Submit improvement plans to HCD - Engineering Services for review and approval. Design is subject to approval by PWF&P. The roads be constructed in accordance with the typical section shown on the tentative map. (Public Works)

Compliance or Monitoring Action to be Performed: Improvement plans and bonds to be provided prior to recordation of final map. Improvement to be constructed prior to issuance of any building permit in the subdivision and in accordance with subdivision improvement agreement. Improvements to be bonded prior to recordation of final map. (Public Works)

19. PW0030 - HOMEOWNERS ASSOCIATION

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Form a homeowners association for road and drainage maintenance. Prepare an operation and maintenance plan for all facilities. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map, Subdivider shall submit documentation of formation of homeowners association or other entity to maintain roads and drainage improvements.

20. PW0036 - EASEMENTS AND RIGHT-OF-WAY

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements and rights of way. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the Parcel Map, Subdivider's Surveyor shall include all existing and required easements or rights of way on Parcel Map.

21. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the HCD-Engineering Services.

22. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to HCD-Planning and HCD-Engineering Services for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project.

CMP shall include, at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of the Grading Permit or Building Permit, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the HCD-Planning and HCD-Engineering Services for review and approval.

On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

23. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County HCD-Building Services the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to HCD-Engineering Services.

24. PD012 -- LANDSCAPING (SUBDIVISION)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: PD012 – LANDSCAPING

The site shall be landscaped. Applicant/owner shall submit a Landscape Package Application in accordance with MCC Chapter 16.63 as required in Section 16.63.050 or Section 16.63.060, and subject to review and approval by the Chief of Planning. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits including grading, a Landscape Package shall be submitted to HCD for review and approval. Landscape Package shall be considered complete if it complies with Section 16.63.120.

Prior to final inspection, the landscaping shall be installed in accordance with the provisions of the approved Landscape Package. Compliance with the approved Landscape Package shall be verified by inspections in accordance with Section 16.63.120.

25. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the 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/her/its 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, recordation of the certificates of compliance 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. (County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

26. PD005(A) - NOTICE OF EXEMPTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption. (HCD-Planning)

Compliance or Monitoring Action to be Performed: After project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning.

27. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: 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.

28. PDSP001: DEMOLISH UNPERMITTED STRUCTURES ON REMAINDER PARCEL PRIOR TO FINAL MAP

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: There is a code violation case on the part of the parcel proposed for subdivision that will be a remainder parcel. The code violation case, CE050196, relates to accessory structures over 24 square feet that were constructed without benefit of permits in the setback. The violation was in process of being closed through Stipulated Agreement and a Construction Permit (11CP00299) for demolition. Some structures were demolished and others not, and those structures in the setback were later rebuilt. County would normally refuse to process permits on any APN where code violations exist unless the action of the planning permit is remedy to the violation. In this case, as the project is a subdivision guided by the CA Subdivision Map Act and the violation is limited to the area of remainder parcel, the subdivision can proceed. It is explicitly stated in the Project Description that the action includes demolition of unpermitted structures. The unpermitted structures shall be demolished prior to final map and the code enforcement case shall be closed and all fees paid prior to final map. Government Code Section 66424.6(a): When a subdivision, as defined in Section 66424, is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing. Alternatively, the subdivider may omit entirely that portion of any unit of improved or unimproved land which is not divided for the purpose of sale, lease, or financing. If the subdivider elects to designate a remainder, the following requirements shall apply:

(1) The designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required.

(HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to final map, all unpermitted structures shall be demolished and code enforcement case CE050196 shall be closed and all associated fees paid.

29. PDSP002: DENSITY BONUS CONCESSION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: By agreeing to restrict three units for sale to persons or families of moderate-income, the applicant has reached the 10 percent threshold required to qualify for one incentive or concessions (3 moderate-income units divided by 16 total units equals 18.75% affordability). Therefore, Govt. Code Section 65915(d)(2)(A) applies and the applicant's specified concession is for Final Map processing fees to be waived.
(HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to Final Map, owner/applicant shall provide County staff with all required reports per the condition compliance for the project and a final version of all standard Final Map processing documents and provide recording fees for the Recorder's Office. HCD and Public Works processing fees will be waived.

30. PDSP003: AGRICULTURAL EASEMENT AND BUFFERING

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A less-than-200 foot agricultural easement is allowed for this subdivision with a Variance. The easement shall also serve to buffer neighboring agricultural fields pursuant to the 2010 General Plan Agricultural Element Policy AG-1.2 which calls for an Agricultural Buffer between agricultural and non-agricultural uses. A proposed easement deed shall be submitted to, and approved by, the Director of HCD-Planning and the Agricultural Commissioner's Office and accepted by the Board of Supervisors prior to recording the final map or prior to the issuance of grading and building permits. The Project shall include construction of a 7-foot sound wall at the 20-foot front setback line on Parcel 1, drainage parcel. The Project shall include vegetative buffering in Parcel 1.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to recording the final map, the Owner/Applicant shall submit the appropriate agricultural buffer easement deed to HCD and the Agricultural Commissioner's Office for review and approval.

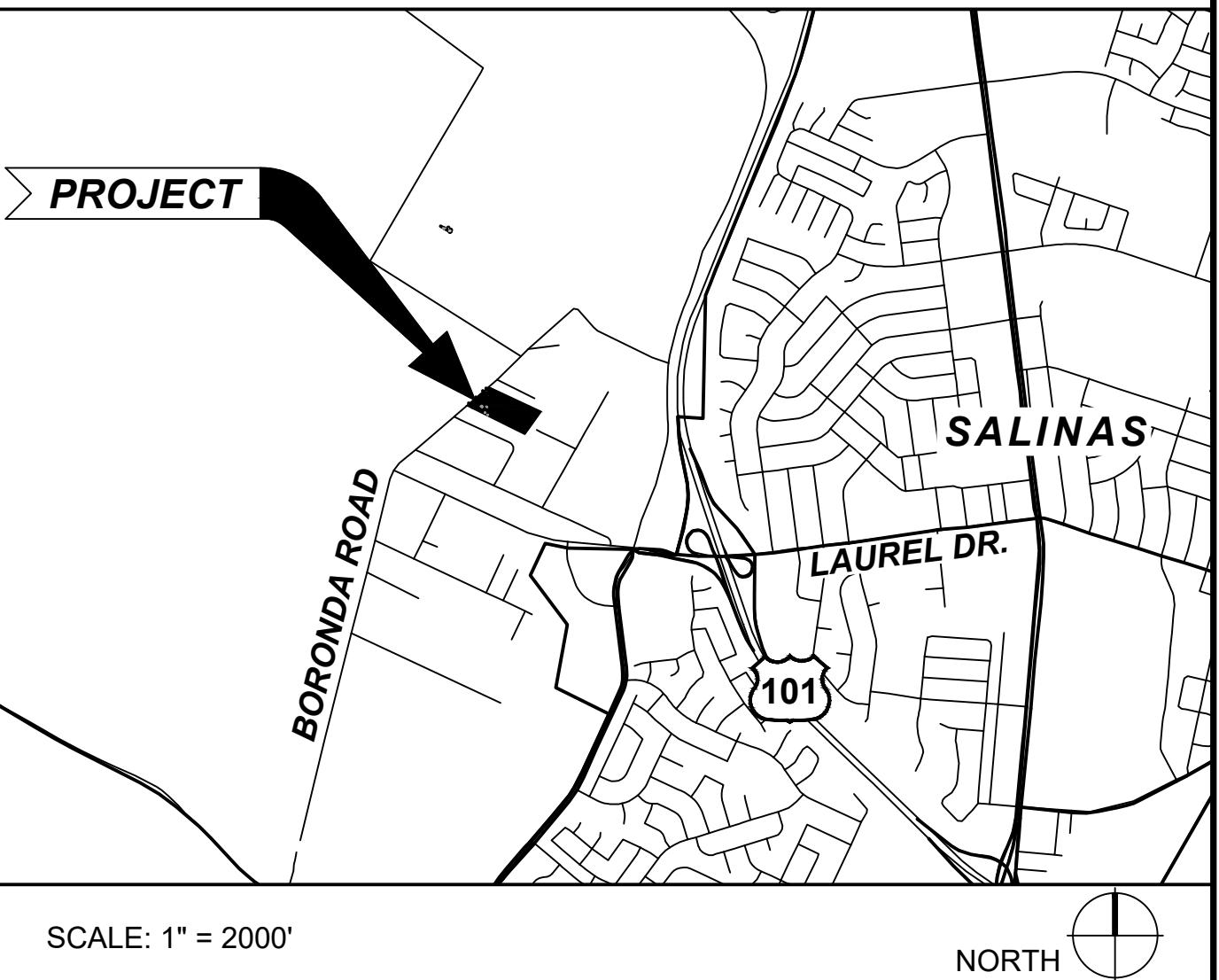
Prior to final inspection of the first related permit the Owner/Applicant shall record the deed and map showing the approved easement. Submit a copy of the recorded deed and map to HCD-Planning.

442 BORONDA ROAD VESTING TENTATIVE MAP

PROPOSED SUBDIVISION OF A PART OF RANCHO EL SAUSAL, BEING A PART OF THAT CERTAIN 413.42 ACRE TRACT DESCRIBED AS "TRACT 1" IN DECREE OF DISTRIBUTION OF ESTATE OF EUGENE SHERWOOD, FILED IN VOLUME 129 OF DEEDS AT PAGE 485, RECORDS OF MONTEREY COUNTY, CALIFORNIA

JULY 20, 2023

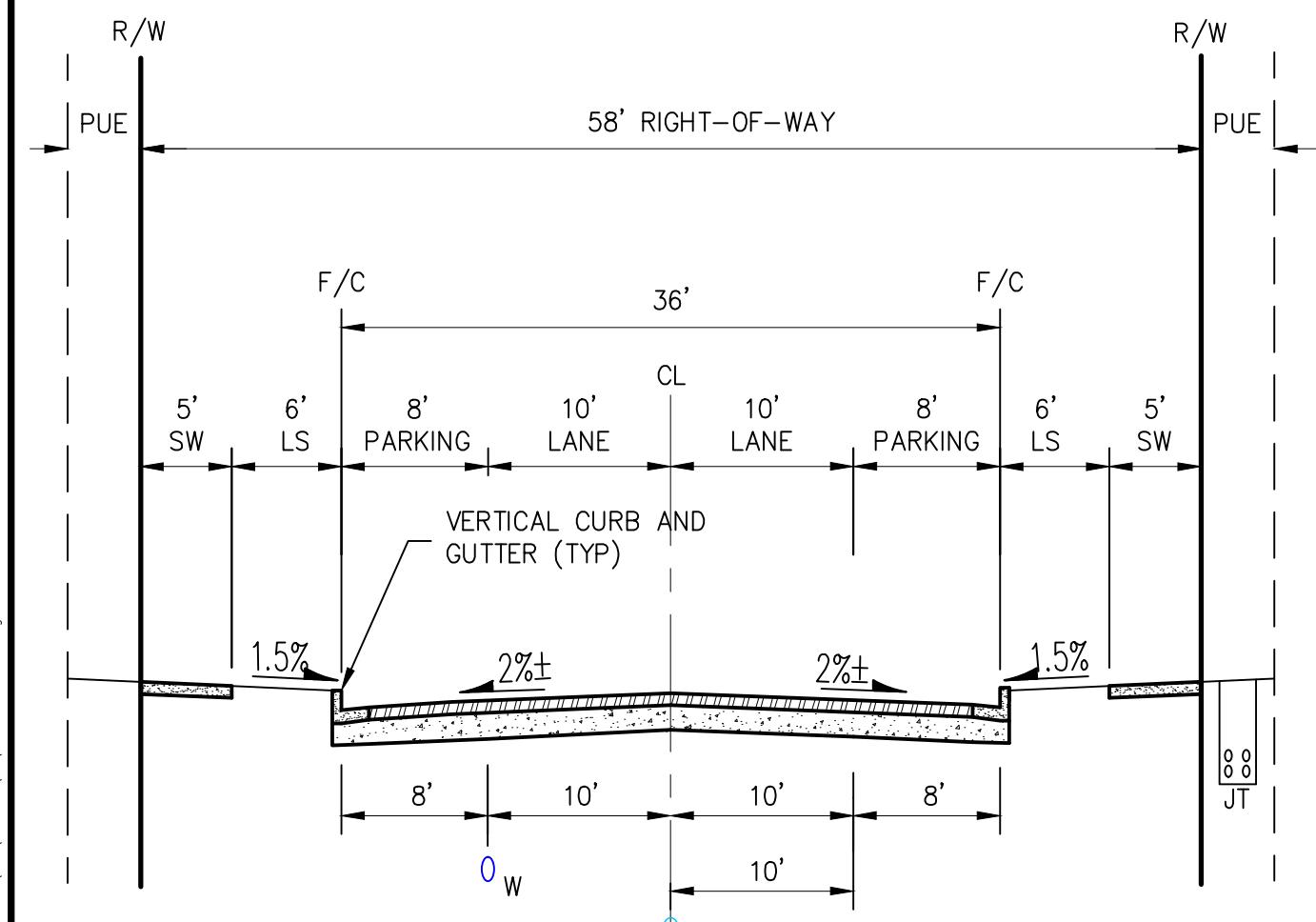
VICINITY MAP



SCALE: 1" = 2000'

NORTH

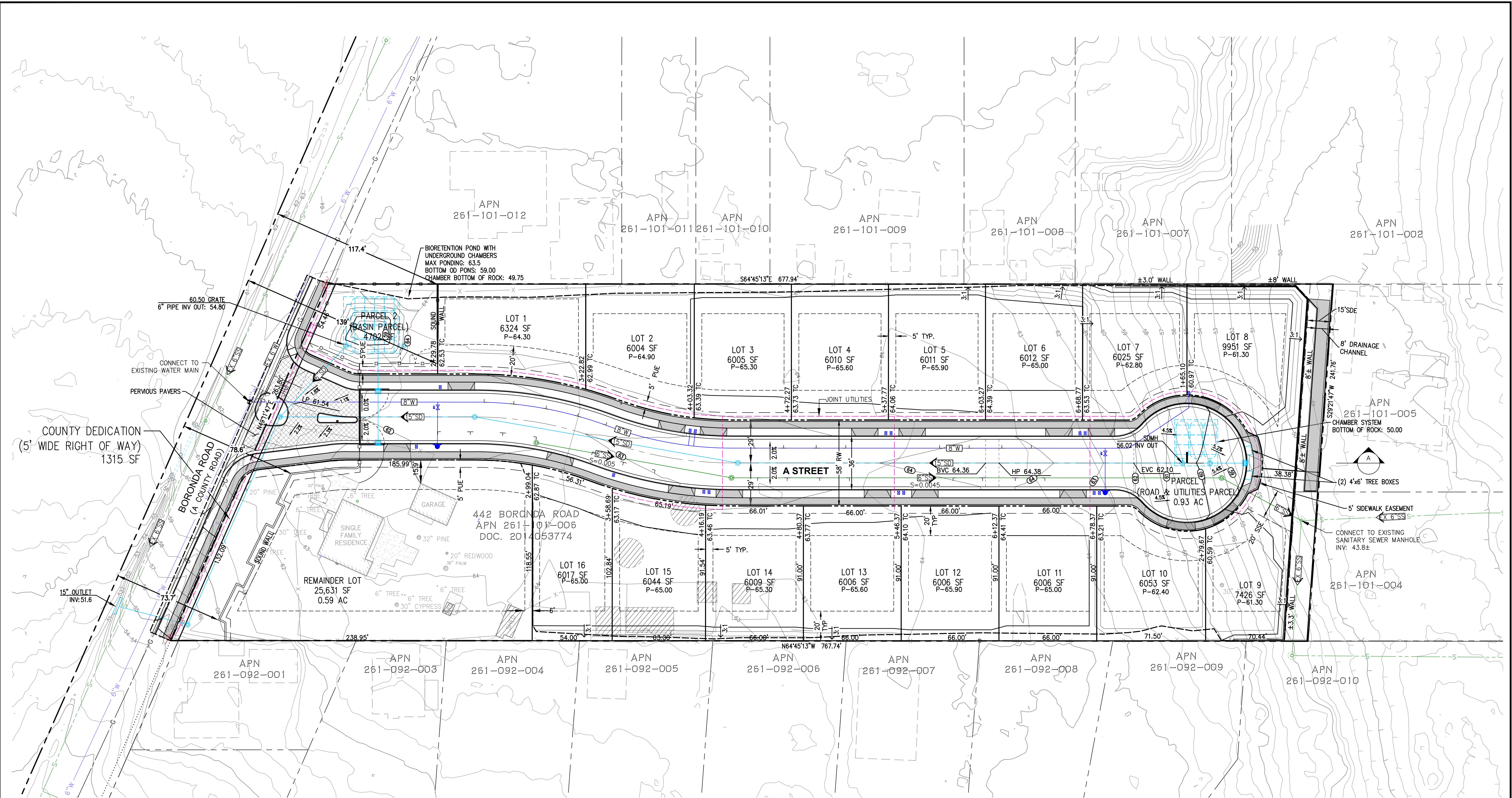
SHEET INDEX		PROJECT TEAM	ABBREVIATIONS / LEGEND	SUBDIVISION NOTES																					
SHEET NO.	DESCRIPTION																								
T-1	INDEX, LEGEND, VICINITY MAP AND NOTES																								
T-2	SITE PLAN																								
SITE SUMMARY																									
<table border="1"> <thead> <tr> <th>DESCRIPTION</th><th>ACRES</th><th>USE</th></tr> </thead> <tbody> <tr> <td>PARCEL 1 (ROAD & UTILITIES)</td><td>0.93</td><td>PRIVATE ROAD & PUBLIC UTILITIES</td></tr> <tr> <td>PARCEL 2 (BASIN)</td><td>0.11</td><td>STORMWATER BASIN</td></tr> <tr> <td>RIGHT OF WAY DEDICATION</td><td>0.03</td><td>COUNTY RIGHT OF WAY</td></tr> <tr> <td>LOTS 1-16</td><td>2.34</td><td>RESIDENTIAL MEDIUM DENSITY</td></tr> <tr> <td>REMAINDER LOT</td><td>0.59</td><td>RESIDENTIAL MEDIUM DENSITY</td></tr> <tr> <td>TOTAL PROJECT AREA:</td><td>4.00</td><td></td></tr> </tbody> </table>				DESCRIPTION	ACRES	USE	PARCEL 1 (ROAD & UTILITIES)	0.93	PRIVATE ROAD & PUBLIC UTILITIES	PARCEL 2 (BASIN)	0.11	STORMWATER BASIN	RIGHT OF WAY DEDICATION	0.03	COUNTY RIGHT OF WAY	LOTS 1-16	2.34	RESIDENTIAL MEDIUM DENSITY	REMAINDER LOT	0.59	RESIDENTIAL MEDIUM DENSITY	TOTAL PROJECT AREA:	4.00		
DESCRIPTION	ACRES	USE																							
PARCEL 1 (ROAD & UTILITIES)	0.93	PRIVATE ROAD & PUBLIC UTILITIES																							
PARCEL 2 (BASIN)	0.11	STORMWATER BASIN																							
RIGHT OF WAY DEDICATION	0.03	COUNTY RIGHT OF WAY																							
LOTS 1-16	2.34	RESIDENTIAL MEDIUM DENSITY																							
REMAINDER LOT	0.59	RESIDENTIAL MEDIUM DENSITY																							
TOTAL PROJECT AREA:	4.00																								
SLOPE SUMMARY																									
<table border="1"> <thead> <tr> <th colspan="3">EXISTING SLOPE GRADIENTS</th></tr> <tr> <th>RANGE</th><th>AREA (SF)</th><th>% SITE</th></tr> </thead> <tbody> <tr> <td>0-19.9%</td><td>174,149</td><td>99.99%</td></tr> <tr> <td>20%-30%</td><td>586</td><td>0.003%</td></tr> <tr> <td>>25%</td><td>354</td><td>0.002%</td></tr> <tr> <td>>30%</td><td>300</td><td>0.002%</td></tr> </tbody> </table>				EXISTING SLOPE GRADIENTS			RANGE	AREA (SF)	% SITE	0-19.9%	174,149	99.99%	20%-30%	586	0.003%	>25%	354	0.002%	>30%	300	0.002%				
EXISTING SLOPE GRADIENTS																									
RANGE	AREA (SF)	% SITE																							
0-19.9%	174,149	99.99%																							
20%-30%	586	0.003%																							
>25%	354	0.002%																							
>30%	300	0.002%																							
SLOPE DENSITY FORMULA DOES NOT APPLY TO MDR ZONING DISTRICTS PER SECTION 20.64.180																									
<table border="1"> <thead> <tr> <th colspan="3">PROJECT CONSULTANT/LEGAL</th></tr> <tr> <th colspan="3">ANTHONY LOMBARDO & ASSOCIATES 144 W GABILAN STREET SALINA CA, 93901</th></tr> <tr> <th colspan="3">DALE ELLIS (831) 751-2330</th></tr> </thead></table> <table border="1"> <thead> <tr> <th colspan="3">MORTGAGE/REAL ESTATE</th></tr> <tr> <th colspan="3">TERRY NANCE 306 1ST STREET PACIFIC GROVE, CA 93950</th></tr> <tr> <th colspan="3">(831) 657-9239</th></tr> </thead></table>				PROJECT CONSULTANT/LEGAL			ANTHONY LOMBARDO & ASSOCIATES 144 W GABILAN STREET SALINA CA, 93901			DALE ELLIS (831) 751-2330			MORTGAGE/REAL ESTATE			TERRY NANCE 306 1ST STREET PACIFIC GROVE, CA 93950			(831) 657-9239						
PROJECT CONSULTANT/LEGAL																									
ANTHONY LOMBARDO & ASSOCIATES 144 W GABILAN STREET SALINA CA, 93901																									
DALE ELLIS (831) 751-2330																									
MORTGAGE/REAL ESTATE																									
TERRY NANCE 306 1ST STREET PACIFIC GROVE, CA 93950																									
(831) 657-9239																									
<p>TYPICAL STREET NOT TO SCALE</p> <p>TYPICAL BASIN DETAIL NOT TO SCALE</p>																									
<p>442 BORONDA ROAD VESTING TENTATIVE MAP</p> <p>PROPOSED SUBDIVISION OF A PART OF RANCHO EL SAUSAL, BEING A PART OF THAT CERTAIN 413.42 ACRE TRACT DESCRIBED AS "TRACT 1" IN DECREE OF DISTRIBUTION OF ESTATE OF EUGENE SHERWOOD, FILED IN VOLUME 129 OF DEEDS AT PAGE 485, RECORDS OF MONTEREY COUNTY, CALIFORNIA</p>																									
<p>Whitson ENGINEERS Civil Engineering • Land Surveying 6 Harris Court, Monterey, California 831.649.5225 whitsonengineers.com</p>																									
<p>DATE: JULY 20, 2023</p>																									
<p>PROJECT: 4295.00</p>																									



1 TYPICAL BASIN DETAIL
NOT TO SCALE

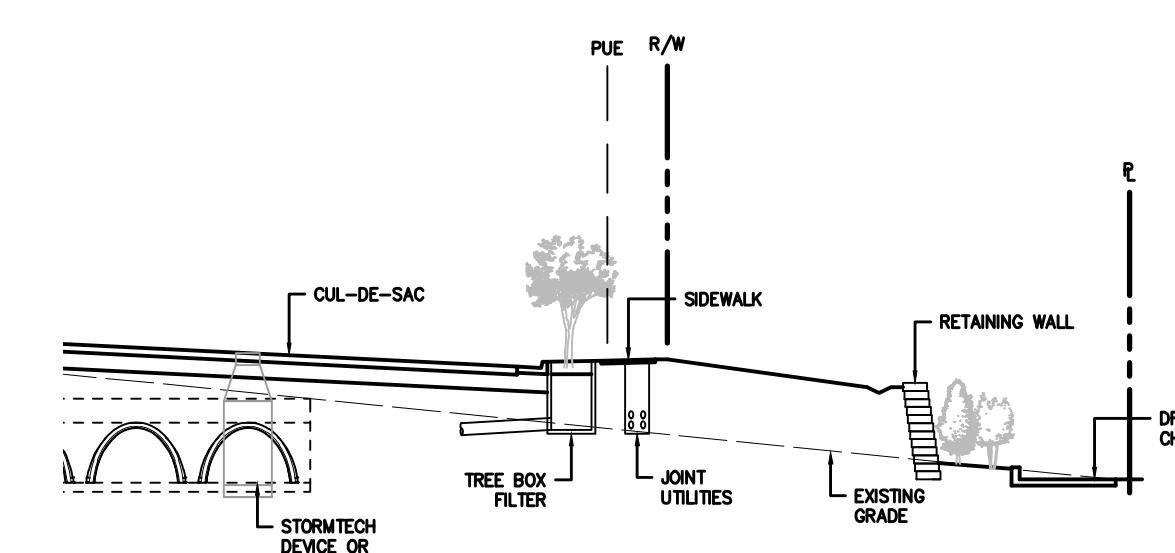
**Whitson
ENGINEERS**
Civil Engineering • Land Surveying
6 Harris Court, Monterey, California
831.649.5225 whitsonengineers.com

T-1
OF 2

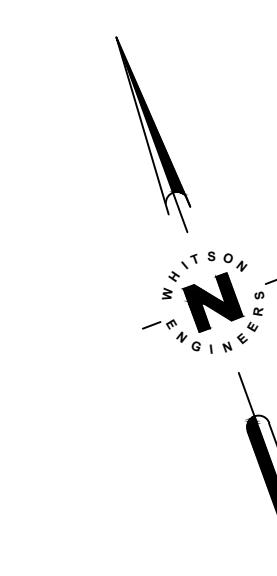


ESTIMATED EARTHWORK SUMMARY		
DESCRIPTION	CUT (CY)	FILL (CY)
ROUGH GRADING	2,500	9,500
ON SITE FILL SHRINKAGE (15%)	-	1,400
FOUNDATION SPOILS	320	-
UTILITY TRENCH SPOILS	1,000	-
STORM CHAMBERS + SD	1,140	-
TOTAL	4,960	10,900
NET	6,560 IMPORT	
ESTIMATED AREA OF DISTURBANCE	3.3 ± AC	

1. FOUNDATION SPOILS BASED ON 20 CY PER HOUSE



PRIOR TO THE RECORDATION OF THE FINAL MAP, ALL EXISTING IMPROVEMENTS SHALL BE REMOVED WITH THE EXCEPTION OF SINGLE FAMILY RESIDENCE AND THE DETACHED GARAGE ON THE REMAINDER LOT.



SITE PLAN VESTING TENTATIVE MAP 442 BORONDA ROAD

PROPOSED SUBDIVISION OF A PART OF RANCHO EL SAUSAL, BEING A PART OF THAT CERTAIN 413.42 ACRE TRACT DESCRIBED AS "TRACT 1" IN DECREE OF DISTRIBUTION OF ESTATE OF EUGENE SHERWOOD, FILED IN VOLUME 129 OF DEEDS AT PAGE 485, RECORDS OF MONTEREY COUNTY, CALIFORNIA