1.0 Introduction

Purpose and Organization

The County of Monterey, acting as the lead agency, determined that the proposed Rancho Roberto Subdivision (hereinafter “proposed project”) might result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. Therefore, the County of Monterey had a draft environmental impact report (Draft EIR) prepared to evaluate the potentially significant adverse environmental impacts of the proposed project. The Draft EIR was circulated for public review between July 7, 2003 and September 3, 2004, and public comment was received. CEQA Guidelines section 15200 indicates that the purposes of the public review process include sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals.

This Final EIR has been prepared to address comments received during the public review period and, together with the Draft EIR, constitutes the complete Rancho Roberto Subdivision EIR.

This Final EIR is organized into the following sections:

- **Section 1** contains an introduction to the Final EIR.
- **Section 2** contains written comments on the Draft EIR, as well as the responses to those comments.
- **Section 3** contains a revised summary of the Draft EIR, identifying the changes in the impacts and mitigation measures resulting from comments on the Draft EIR.
- **Section 4** contains the revisions to the text of the Draft EIR resulting from comments on the Draft EIR.
- **Section 5** contains the revised mitigation monitoring program.
2.0 Comments on the Draft EIR ................................................ 1
2.0 Comments on the Draft EIR

CEQA Guidelines section 15132(c) requires that the Final EIR contain a list of persons, organizations, and public agencies that have commented on the Draft EIR. A list of the correspondence received during the public review period is presented below.

CEQA Guidelines sections 15132(b) and 15132(d) require that the Final EIR contain the comments that raise significant environmental points in the review and consultation process, and written response to those comments. A copy of each correspondence received during the public review period is presented on the following pages. Where comments have not been numbered by the commenter, numbers along the left-hand side of the letter identify each comment. A response to each comment that raises a significant environmental point is presented immediately following the letter. Where required, revisions have been made to the text of the Draft EIR based on the responses to comments, and these are included in Section 4, Changes to the Draft EIR.

The public review period ended on September 3, 2004. A list of the correspondence received is presented on the following page. Table 1 summarizes the significant environmental comments received in each comment letter.
• Association of Monterey Bay Area Governments [AMBAG], August 12, 2004
• Petition from Sunny Mesa neighborhood (submitted August 15, 2004)
• California Department of Transportation [Caltrans] (August 24, 2004)
• Pajaro Valley Water Management Agency (September 3, 2004)
• Law Office of J. William Yeates on behalf of Friends, Artists and Neighbors of Elkhorn Slough (September 2, 2004)
• Robert and Stacy Messing (August 16, 2004)
• Angela Tavarez (August 17, 2004)
• David Evans (August 30, 2004)
• Julie Moran (August 31, 2004)
• Diana Collins (August 31, 2004)
• Manuel and Megan Solano (September 1, 2004)
• Alex and Patricia Solano (September 2, 2004)
• Eli and Pat de los Santos (September 1, 2004)
• Ronni Heinrick (September 1, 2004)
• Holly Myers (September 2, 2004)
• Larry Henley (September 3, 2004)
• Louis Paul Arbanas (September 3, 2004)
• Transportation Agency of Monterey County [TAMC] (August 18, 2004)
• Anne Nowassa Hozier (September 3, 2004)
• Harry and Clarice Wiggins (September 3, 2004)
• Sierra Club (September 1, 2004)
• Elayne Stein (August 17, 2004)
• Fenton and Keller on behalf of the Applicant (September 3, 2004)
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Letter from Association of Monterey Bay Area Governments (AMBAG) 1/1
Response to the letter from AMBAG (August 12, 2004)

No environmental issues are raised in this letter. No response is required.
Petition from Sunny Mesa Neighborhood 1/2
Response to the petition from Sunny Mesa neighborhood (August 15, 2004)

The cover page and first page of the petition are presented above. The petition includes nine pages and 109 signatures.

1. The project proposes access from Fruitland Avenue, which is the street providing access to the existing house on the project site. The traffic report prepared by Higgins Associates estimates that Fruitland Avenue would provide access to approximately 166 houses when all lots within the neighborhood are built out. This level of development would not exceed the signalization threshold volume for the Salinas Road/Fruitland Avenue intersection, which Higgins Associates estimates to be 178 houses. At the time the Higgins Associates analysis was prepared (June 2000) there were about 90 homes existing in the neighborhood. The Fehr and Peers Associates traffic report addressed access on Fruitland Avenue but did not identify a significant effect.

Traffic generation is based on studies collected by the Institute of Transportation Engineers (ITE), and is typically considered to be 9.57 daily trip ends per house (about five round trips). The Fehr and Peers Associates traffic report for the proposed project used a slightly higher rate. The traffic reports do not provide anticipated traffic volumes on Fruitland Avenue, however, at the standard rate of 9.57 trips per unit, the street could expect about 860 daily trips with the existing 90 houses, and about 1,588 daily trips with the estimated build-out of 166 houses. This traffic volume is not unusually high for a residential street. A review of the residential neighborhood traffic calming criteria for a number of cities suggests that traffic volumes of up to 3,000 are typical in residential areas. Minimum traffic volume criteria for traffic calming measures are typically set at between 700 and 1,200 average daily trips, so Fruitland Avenue could potentially qualify for traffic calming under many established programs.

If a secondary access were provided on Spring Road, a small number of trips may be diverted from Fruitland Avenue. However, the trip would be considerably longer using Spring Road (then via Hudson Landing Road to Elkhorn Road). The Salinas Road/Fruitland Avenue intersection currently operates at acceptable levels of service and is projected to do so through cumulative conditions. The Hudson Landing Road/Elkhorn Road intersection operates at LOS E and LOS F. If the only access were by way of Spring Road, project traffic would be diverted to an intersection with a worse level of service.

Refer also to the response to Comment 5 in the letter from Robert and Stacy Messing.
Letter from California Department of Transportation [Caltrans] 1/2
Letter from California Department of Transportation [Caltrans] 2/2
Response to letter from California Department of Transportation (August 24, 2004)

1. The $13,000,000 had been assumed to be programmed to the improvements in the 2002 Regional Transportation Program. TAMC now acknowledges that this funding will not be available prior to 2030. The Draft EIR has been revised. Refer to Section 4.0 Changes to the Draft EIR.

2. The comment is acknowledged. The EIR used the latest cost figures available, but recognizes that cost estimates change. Note that the second monitoring action for Mitigation Measure 10 stipulates that the Monterey County Department of Public Works would provide current cost estimates.

3. The reference is assumed to be to Table 13 in the Draft EIR. Table 13 uses the combined AM and PM peak trips, whereas the Higgins Associates table uses PM peak trips only. To determine fees, the methodology used in the Blackie Meadows fee analysis, which used PM peak volumes only, would be used, although the results should be similar either way.

4. The U.S. Highway 101/San Juan Road interchange was included in the traffic study, however, on the advice of Caltrans, in its comment letter on the Sunridge Views Subdivision EIR, the Prunedale bypass project was added as an alternate to that project, because it was likely that the Prunedale bypass project would supplant the former. The two are included in Mitigation Measure 10 as an either/or item.

5. The comment is acknowledged. The proposed fee program is discussed on Page 2-71 of the Draft EIR.
Letter from Pajaro Valley Water Management District 1/4
Letter from Pajaro Valley Water Management District 2/4
Letter from Pajaro Valley Water Management District 3/4
Letter from Pajaro Valley Water Management District 4/4
Response to Letter from Pajaro Valley Water Management District

1. The Draft EIR does not present information on future recycling to attempt to “hide” the effects of the proposed project on groundwater, nor does it claim the already initiated recycled water project at the Watsonville wastewater treatment plant as a project-specific mitigation measure. The Draft EIR states that the proposed project, plus two future houses not presently proposed by the applicant, would increase withdrawals by 11.96 acre-feet per year (Table 4 on Page 2-56). This increase in groundwater withdrawals represents only 0.009 percent of the usable storage of the groundwater basin.

The proposed project would withdraw water from Pajaro Sunny Mesa wells located near the border of the North Highlands and Pajaro subareas. The storage of these subareas was documented at 912,247 acre-feet and 702,809 acre-feet respectively, by Fugro West Inc. in 1995. The combined storage is over 1,600,000 acre-feet. Current (1999 from the North Monterey County Comprehensive Water Resources Management Plan) is 6,341 acre-feet and future build-out overdraft is projected to be 8,441 acre-feet per year. Without any augmentation, at a worst-case scenario of maximum future overdraft conditions every year from now on, the existing basin storage would provide more than 190 years’ supply of water. SB 610 (California Water Code section 10910ff), which sets State requirements for projecting the existence of an adequate water supply for proposed projects, establishes a 20-year timeframe for determining adequacy. The water supply available to the proposed project far exceeds this timeframe. Under a more realistic overdraft scenario, with implementation of the Revised Basin Management Plan, overdraft will decrease from current conditions and should eventually be reduced to a near zero under that plan. Several components of the Revised Basin Management Plan are already constructed and one of the key components, the recycled water and coastal distribution system, is planned to come on line in 2007-2009. Therefore, a water supply that would be adequate far in excess of 190 years, perhaps indefinitely, will be available with implementation of the Revised Basin Management Plan.

The proposed project would actually help the conditions of the most critically overdrafted Springfield Terrace subarea, because it would cease current withdrawals from that aquifer (water would be supplied from Highlands North and Pajaro subareas), and would eventually contribute recycled water recharge to that aquifer (as well as the Pajaro subarea). The Draft EIR presents information on the effects of the recycled water program to illustrate probable project effects several years into the future. The recycled water plant will reduce project effects compared to project conditions without the plant. The recycled water program is pertinent to the proposed project’s future water balance because a significant portion of the proposed project’s wastewater would be recycled when that project is completed. The Draft EIR does not portray the recycled water project as a project-specific mitigation, but rather, a key component of the Revised Basin Management Plan, which provides mitigation for the regional groundwater overdraft. In providing this regional mitigation, the Revised Basin Management Plan also improves the specific groundwater effects of the proposed project.
2. If the PVWMA impact fee is in place prior to the issuance of building permits, the proposed project will be responsible for payment of the fees. However, whether the project pays these fees or not, the recycled water program will have beneficial effects on the groundwater conditions in north Monterey County, and will reduce the effects of projects whose wastewater is delivered to Watsonville.

Mitigation Measure 9 ensures that water use will not exceed that projected in the hydrology report (11.51 acre-feet for 26 houses). Mitigation Measure 9 will be revised to specifically state that amount. Refer to Section 4.0 Revisions to the Draft EIR.

3. The comment is acknowledged. Refer to the response to Comment 2.

4. The comments are acknowledged. The text has been corrected to reflect these comments. Refer to Section 4.0 Revisions to the Draft EIR.
Letter from the Law Office of J. William Yeates on behalf of Friends, Artists and Neighbors of Elkhorn Slough 1/26
Letter from the Law Office of J. William Yeates on behalf of Friends, Artists and Neighbors of Elkhorn Slough 2/26
Letter from the Law Office of J. William Yeates on behalf of Friends, Artists and Neighbors of Elkhorn Slough 3/26
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Letter from the Law Office of J. William Yeates on behalf of Friends, Artists and Neighbors of Elkhorn Slough 5/26
Letter from the Law Office of J. William Yeates on behalf of Friends, Artists and Neighbors of Elkhorn Slough 8/26
Letter from the Law Office of J. William Yeates on behalf of Friends, Artists and Neighbors of Elkhorn Slough 9/26
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Letter from the Law Office of J. William Yeates on behalf of Friends, Artists and Neighbors of Elkhorn Slough 25/26
Letter from the Law Office of J. William Yeates on behalf of Friends, Artists and Neighbors of Elkhorn Slough 26/26
Response to Letter from Law Office of J. William Yeates on behalf of Friends, Artists and Neighbors of Elkhorn Slough

Note: The letter includes several attachments, which due to their length are not included here. These attachments may be reviewed during normal business hours at the Monterey County Planning and Building Inspection Department at 2620 First Avenue, Marina California; (831) 883-7526.

The attachments not included here are:

- Draft findings of the Monterey County LUP Periodic Review; Chapter 2: Land Use and Public Works Infrastructure
- Memorandum from Walter Wong dated October 26, 2000 re: position on North County Water
- Monterey County Planning and Building Inspection Department Active Planning Projects in North County as of Tuesday August 31 [2004]

1. The Notice of Preparation (NOP) describes the project for which the applicant submitted a Coastal Development Permit application, which is the subdivision of 26 lots with a remainder parcel on a 13.3-acre site. The Draft EIR included the development of two additional houses on the remainder parcel described in the NOP. There is no significant difference in the project described in the NOP and that discussed in the Draft EIR.

2. Several of the technical reports prepared for the proposed project were based on the submitted application for 26 houses. However, the Draft EIR analyzes the additional two houses that could be constructed on the remainder parcel at the currently allowed densities for that parcel. This information was included in the Draft EIR to reflect potential build-out of the entire 13.3-acre site.

No application has been submitted for subdivision of the remainder parcel, so no will-serve letter is required at this time. The tentative map does not show two additional parcels, because it proposes a remainder parcel. The proposed street design would allow access to two future lots. Mitigation measures are proposed to prevent development within the remainder parcel from having a significant effect on biological resources.

3. If two houses were constructed on the remainder parcel, it is likely that they would obtain water from Pajaro Sunny Mesa.

4. There is no current proposal to build houses on the remainder parcel, so that is not known. Mitigation Measure 1 places a conservation easement on the remainder parcel, and limits the area that could be developed in the future.

5. Refer to the response to Comment 4.
6. At the current allowed density, only two houses are allowed on the remainder parcel.

7. There is no current proposal to build houses on the remainder parcel. Refer to the response to Comment 2.

8. The applicant has not requested a change to the zoning (or General Plan) designations on the remainder parcel.

9. Refer to Mitigation Measure 1 on page 2-15 of the Draft EIR, which would place a conservation easement over portions of the remainder parcel within 100 feet of the wetland areas.

10. The geological report may have used assumptions from an earlier version of the project, prior to the application to the County. However, the number of houses stated in the geological report does not alter the geology of the project site, nor the validity of the conclusions of the geological report.

11. The hydrological report is based on the submitted application. Refer to the response to Comment 2.

12. Refer to the response to Comments 2 and 4.

13. The groundwater baseline is derived from the Fugro West Inc. study from 1995 as updated by the North Monterey County Comprehensive Water Management Plan, which was adopted in January 2002. Current groundwater conditions are described on pages 2-40 through 2-44 of the Draft EIR.

14. An intermittent stream carries drainage from the project site towards the northern end of Elkhorn Slough. Refer to Page 2-54 of the Draft EIR. The Draft EIR does identify the introduction of additional urban pollutants as a significant environmental effect (refer to pages 2-19 and 2-63 of the Draft EIR). Mitigation measures to reduce this effect to a less than significant level are presented on pages 2-19 and 2-20 of the Draft EIR.

15. The biological resources of Elkhorn Slough are described on Page 2-11 of the Draft EIR.

16. The two lots/houses that could be subdivided/constructed on the remainder parcel are included in the Draft EIR project description to avoid a piece meal approach to the analysis. The additional two lots/houses are included in the Draft EIR analysis. Refer to Pages 2-13 (Biological Resources), 2-55 through 2-57 (Hydrology and Water Quality), and 2-73 (Transportation/Traffic). High ground water is noted as a concern on the remainder parcel in Section 2.2 Geology and Soils, and although effects on two future houses on the remainder parcel are not specifically discussed, the potential impact from this condition is identified and, Mitigation Measure 7 is presented to reduce this potential impact to a less than significant level. The two additional lots/houses on the remainder parcel are not discussed in Section 2.4 Schools, however, because there is no
significant impact on schools, and a standard fee is paid per house to mitigate the potential effects on schools, and if two additional houses were to be built on the remainder parcel they would pay the same standard fee, there would be no new impact.

17. Refer to Page 2-73 of the Draft EIR. The traffic impact analysis prepared for the proposed project looks at the effects of 26 houses, and does not account for the existing house on the project site that would be removed. The net increase in houses with two houses assumed eventually built on the remainder parcel is 27 houses (28 new houses less the one existing). Therefore, the traffic impact analysis considers one less house than does the Draft EIR. The addition of one additional house above that studied in the traffic impact analysis would not materially affect the results of the traffic impact analysis. Any fees paid as mitigation would be calculated on a per-house basis, so fee payment would be proportionate to the number of houses.

18. Yes. Refer to pages 2-55 through 2-57. Tables 4 and 5, which show the project water balance, both include a scenario with two additional houses. The text, likewise, reflects the potential for two additional houses.

19. The two additional lots would be developed on the remainder parcel. Refer to the response to Comment 4.

20. The water quality impacts of 28 houses are analyzed. The water quality effects would not differ significantly between 26 and 28 houses. Project designs (detention basin) and Mitigation Measures 1, 2, 3, and 5 would reduce potential water quality impacts to a less than significant level.

21. The erosion effects would not differ significantly between 26 and 28 houses. Mitigation Measures 2, 3, 5, and 8 would reduce potentially significant effects from erosion to a less than significant level.

22. The map used on Page 8 of the Biological Assessment appears to be an old concept plan. Plans submitted with the application do not include the southern lots and designate the area as a remainder parcel. At current allowable development densities, the remainder parcel is large enough for only two parcels.

23. The 25 percent threshold would apply to the number of units approved by the Board of Supervisors for the project site.

24. Mitigating factors are listed on pages 2-60 and 6-61, and are lettered a-e. In addition to these, on-site groundwater re-charge with injection wells was considered, but considered infeasible at the project site due to the underlying clay layer.

25. The Revised Basin Management Plan would be implemented incrementally, with full implementation expected in 2007 to 2009. Some components of the Revised Basin Management Plan have already been completed. County water conserving ordinances are already in place, and Mitigation Measure 9 is likely to be implemented prior to full implementation of the Revised Basin Management Plan.
26. The study required by Mitigation Measure 9 would be prepared by the applicant; if the applicant were committed to constructing the last 25 percent of the houses approved by the Board of Supervisors, the applicant would have to complete the study.

27. The Todd Engineers report was extrapolated to include the two potential lots/houses on the remainder parcel. The results of the extrapolation are shown in Tables 4 and 5 in the Draft EIR.

28. The Monterey County Water Resources Agency and the Pajaro Valley Water Management Agency have overlapping jurisdictions in north Monterey County, and they work together on groundwater issues that are of concern to both agencies. However, the Pajaro Valley Water Management Agency is solely responsible for implementation of its Revised Basin Management Plan.

29. The hydrological report considered site soils characteristics in developing the water balance. Table 4 reflects the findings of the hydrological report.

30. Water that did re-surface would do so down-stream of the detention basin.

31. The amount of water that would re-surface, and then flow towards Elkhorn Slough is not known, and would vary with seasonal rainfall and soil water conditions. The overall flow rate would not be significantly different from existing conditions, because the increased surface water flow would be detained in the detention basin, and the water that infiltrated the soil and re-surfaced would be delayed in its downstream flow through the infiltration and resurfacing process. The overall quantity of flow to Elkhorn Slough would not change significantly, because most of the water being imported to the project site would be exported through the sewer system. The main increase in water applied to the project site would occur during the dry months in the form of irrigation water. Most of the water flowing from the springs during this time of year evaporates before reaching Elkhorn Slough.

32. According to Bob Gier of the City of Watsonville, which operates the wastewater treatment plant, the recycled water plant is planned for completion between 2007 and 2009. Refer to Page 2-45 or Page 2-61 of the Draft EIR.

33. No reference to Mr Ikeda’s statement is provided. The Revised Basin Management Plan covers several hydrogeologic basins, including the Springfield Terrace. The plan proposes recharge in the coastal areas of the Pajaro and Springfield Terrace basins and provides alternative and/or additional recharge areas in the inland areas of the Pajaro Basin. The Revised Basin Management Plan aims to all but eliminate groundwater withdrawals from the Springfield Terrace, and replace irrigation water currently drawn from and applied to Springfield Terrace with imported water.

34. The Draft EIR concludes that there is evidence that a long-term sustainable water supply will be in place within about five years, when major components of the PVWMA Revised Basin Management Plan are implemented. However, because the proposed project would result in a drop in the net groundwater levels, and the groundwater aquifers are currently over-drafted, a remaining significant impact is identified. Mitigation
Measure 9 requires that building permits for the final one-quarter of the proposed houses be withheld until it can be assured that the total water use will not exceed that projected in the hydrology report for the proposed project. As projected in the hydrology report, the proposed project’s contribution to overdraft would represent an extremely small portion of the total aquifer storage capacity (0.009 percent), and would be a less than significant impact.

The history of the proposed project is presented on page 1-2 of the Draft EIR.

Based upon a review of the information provided by the applicant and information in the file, the project was deemed complete on January 10, 2000. At that time, the payment of a hydrological development impact fee was intended to and considered to mitigate any significant hydrological effects and to effectively provide assurance of a long-term sustainable water supply. The applicant would be required to pay the hydrological development impact fee if the proposed project is approved. The applicant submitted with the application a will-serve letter from Pajaro-Sunny Mesa in accordance with Monterey County Code section 19.10.070, and an initial nitrate and water use questionnaire.

A hydrological study was conducted for the proposed project in conjunction with the Draft EIR. The hydrological study indicated that the proposed project would result in further declines in the groundwater levels, although these declines would be a very small percentage (0.009 percent) of the total aquifer storage. Given the recent progress towards implementation of the Revised Basin Management Plan, which will provide direct benefits to the project vicinity, and the Salinas Valley Water Project, which will provide indirect benefits, County-wide water conservation efforts, it was concluded that long-term sustainable water supplies were available. However, a short-term effect on the groundwater aquifers was identified, that would remain until the regional approaches were completed and in effect. To remedy the short-term effects, Mitigation Measure 9 was proposed to assure that water use at the proposed project would not exceed that projected by the hydrology report and Draft EIR. While this measure would not eliminate the environmental effects on the groundwater aquifer, it would reduce the effect to a less than significant level.

Ordinance 4082 adopted on September 5, 2000 requires that all proposed subdivisions show a sustainable source of water prior to an application being deemed complete. This ordinance amended portions of Title 19 of the Monterey County Code, but the new provisions are not retroactive to projects for which an application had already been deemed complete prior to June 26, 2000. The application for the proposed project was deemed complete on January 10, 2000, so this ordinance does not apply to the proposed project.

Monterey County Code sections 19.03.015(L) and 19.07.020(K) provide in part that “the applicant shall also provide proof of an assured, long-term water supply in terms of sustained yield and adequate quality for all lots which are proposed to be created through subdivisions.” The water supply must meet both water quality and quantity standards expressed in Title 22 of the California Administrative Code subject to the
review of the Director of Environmental Health. These sections, and Monterey County Code section 19.10.070(A) require that in the case of water supplied by a public utility, a letter from the utility showing its ability to serve the proposed project is required. The applicant submitted with the application a will-serve letter from Pajaro-Sunny Mesa Community Services District.

Monterey County Code section 20.144.070(E)(11) states that a development shall not be approved if it will generate a water demand exceeding or adversely impacting the safe, long-term yield of the local aquifer; and there are no project alternatives and/or mitigation measures available that will reduce the development’s water use to a level at which it will not exceed or adversely impact the safe, long-term yield of the local aquifer. Monterey County Code section 20.144.140(B)(3)(a) restricts residential build-out of the North County planning area to a total of 2,043 new lots or units, beginning with certification of the North County LUP/LCP in June 1982. This figure represents development at a level of 50 percent of the build-out remaining at the time the North County LUP/LCP was certified. Additional development beyond the first phase requires an amendment to the North County LUP/LCP that is only allowed after safe groundwater yields have been established and water supplies are determined to be available.

According to the Monterey County Planning and Building Inspection Department, with current zoning, the 50 percent threshold will not be exceeded with the proposed project. When considering all pending applications through December 2003 including all pipeline projects (e.g.; Rancho Roberto), there are 255 units/ lots available in North County before this threshold is reached. Refer to the discussion of Water Resources 2.5.3. Specific Policy A2 below, for details. The proposed project is consistent with North County LUP/LCP development densities for the project site, and at present, additional residential units are available for approval in north Monterey County.

Although recharge of the aquifer would continue on the project site, the proposed project would decrease net recharge by 5.18 acre-feet per year under current conditions, and 1.66 acre-feet when project wastewater is recycled in the future. This represents between about 0.003 and 0.009 percent of total usable basin storage. The north Monterey County hydrogeologic area is in a state of significant overdraft, and the proposed project would generate a water demand for which a long-term sustainable supply of water cannot be assured without a regional program to address groundwater balance problems. The PVWMA Revised Basin Management Plan, when implemented, will address the regional groundwater balance and assure an adequate groundwater supply for planned growth within the PVWMA, including the proposed project. The Revised Basin Management Plan is currently being implemented.

35. The comment appears to refer to the second paragraph on Page 1-29 of the Draft EIR, and takes the statement out of context. The second paragraph on that page reads (emphasis added):

Consistency Analysis: When the Revised Basin Management Plan is implemented, a sustainable yield of groundwater adequate for both
agricultural and urban uses would be available. The Revised Basin Management Plan proposes to replace groundwater sources for agricultural irrigation in portions of the Pajaro and Springfield Terrace subareas with imported sources of water (Central Valley Project water and recycled wastewater) distributed through the coastal distribution system. Although the proposed project would draw water from the North Highlands subarea (potentially from the Pajaro subarea in the future), the quantity of water withdrawn for residential purposes (less than four percent of the total with two subareas) is far less than that withdrawn for agricultural purposes. The additional pumping required for the proposed project would not significantly affect the availability of water for agricultural pumping, and with completion of the coastal distribution system and delivery of imported water, groundwater will no longer be an important source for agricultural irrigation in these areas. Because additional groundwater pumping to serve the proposed project would have no significant effect on agricultural pumping, the proposed project would be consistent with this policy.

The statement means that residential water use constitutes a small portion (four percent) of the overall basin water use, and that agricultural use constitutes the largest portion of water use. The statement does not suggest that on-site agricultural water use is greater than the proposed residential water use. A project water balance is provided in Tables 4 and 5 in the Draft EIR.

36. Refer to the response to Comment 35.

37. The Draft EIR states that the additional draw is a significant environmental impact on Page 2-60.

38. With implementation of the Revised Basin Management Plan the groundwater basin would be in balance. The Revised Basin Management Plan accounts for future growth as allowed by current planning designations. The proposed project is consistent with current planning designations, therefore, was taken into account when the Revised Basin Management Plan was developed.

39. The Pajaro Valley Management Agency is developing an imported water supply that would provide water for mixing with the recycled water (the re-cycled water has a total dissolved solids content that is considered too high for straight use as irrigation water). The Revised Basin Management Plan, including water import and water recycling are discussed on Pages 2-44 through 2-51 of the Draft EIR.

The import water supply is feasible. Pajaro Valley Water Management Agency has begun final design work on extending a supply line from the existing Central Valley Project line near Gilroy, has secured options on water allocations from the Central Valley Project, and is in the process of securing funding for the import project. The Pajaro Valley Water Management Agency is responsible for implementation of the Revised Basin Management Plan.
40. No Mitigation Measure 1d was included in the Draft EIR. The Draft EIR does not rely solely on the *Revised Basin Management Plan* for mitigation of impacts to groundwater resources, although the County is encouraged by the progress in its implementation. Refer to Page 2-50 of the Draft EIR. In addition to the *Revised Basin Management Plan*, the Draft EIR relies on existing water conservation ordinances and the Salinas Valley Water Project. Mitigation Measure 9 is provided to assure that water use at the proposed project is consistent with the assumptions included in the Draft EIR, and to implement additional measures to guarantee that water use would not exceed that analyzed in the Draft EIR.

41. Refer to the response to Comment 24.

42. Refer to the response to Comment 24.

43. Refer to the response to Comment 24.

44. The water balance reflects the anticipated water use, with conservation accounted for. Presumably, the water balance would recognize the water reductions under County water conservation ordinances.

45. The County is not exacting the Augmentation fee. The Pajaro Valley Water Management Agency would collect the fee to implement its *Revised Basin Management Plan*. CEQA Guidelines section 15091(2) does not require that the lead agency be the same agency the implements a plan and collects funding for that plan.

46. Refer to the response to Comment 28.

47. The Pajaro Valley Water Management Agency Board sets its fees. A flat use rate applies to users who receive delivered water. The augmentation fees apply to users who pump their water. Pajaro Valley Water Management Agency Ordinance 2003-01 raised augmentation charges from $80 to $120 per acre/foot of water beginning July 2003, and the major portion of that fee, which covers capitol improvements, was validated by the Court of Appeals. The agency’s preliminary budget for fiscal year 2004-2005 anticipates an increase to $170 per acre-foot to take effect January 2005. The Pajaro Valley Water Management Agency is also considering a development impact fee, which would apply to new development at the time building permits are obtained.

48. The Monterey County Water Resources Agency fee was $1,000 per residence, and is collected one time, at permit issuance. The fee is now expired, but would apply to the proposed project because it was in effect on the date the application was deemed complete. Refer to Page 2-37 of the Draft EIR.

49. Refer to the response to Comment 38.

50. CEQA Guidelines section 15130 allows cumulative effects to be based on either a list of past, present, and probable future projects, or a summary of projections contained in an adopted general plan. The cumulative hydrology analysis is based on build-out of
the Monterey County General Plan within the north Monterey County hydrogeologic area. The specific projects mentioned are included within this build-out.

51. According to the Fresno Bee (August 20, 2004), a 2003 agreement for Pajaro Valley Water District to purchase the rights to 27,000 acre-feet of Broadview Water District water expired due to delays in completing the environmental review process. Approximately 16,200 acre-feet were expected to be delivered from that agreement. Westlands Water District is currently negotiating to purchase the water. The water was not assured at the time the Draft EIR was prepared and circulated. The Draft EIR referred to negotiations underway at the time. Pajaro Valley Water Management Agency states in their letter on the Draft EIR that the Agency intends to purchase future Central Valley Project water with funds from a proposed impact fee. Refer to the September 3, 2004 Pajaro Valley Water Management Agency letter). The Draft EIR analysis is not affected by this information. Implementation of the Revised Basin Management Plan is not tied to securing this particular source of Central Valley Project water.

52. The Pajaro Valley Water Management Agency adopted the Revised Basin Management Plan on February 6, 2002, and the plan is being implemented. No lawsuits are proceeding against the plan. In implementing ordinance to raise augmentation fees was the subject of legal action. Refer to Page 2-50 of the Draft EIR.

53. Refer to the response to Comment 52.

54. Refer to the response to Comment 51.

55. Refer to the response to Comment 40.

56. The proposed project is not a “project” under Water Code Section 10912, which defines a “project” as (among others) a proposed residential development of more than 500 dwelling units.

57. No. SB 610 (2001 session) does not apply to projects of fewer than 500 dwelling units.

58. The Consultant is not aware of a water management plan that specifically accounts for the demand associated with the proposed project. The Revised Basin Management Plan considers planned growth through 2040, including planned Monterey County General Plan land use build-out in north Monterey County. The planned build-out development includes the project site and the proposed project.

59. Refer to the response to Comment 57.

60. Refer to the response to Comment 57.

61. Refer to the response to Comment 57.

62. Refer to the response to Comment 57.
63. LUP/LCP Policy 4.3.6.D5 reads: “Where public facilities or water supply necessary to support residential development are limited, residential growth should be phased to allow sufficient time for these essential elements to be provided.”

This policy is similar to LUP/LCP Policies 4.3.5.7, 2.5.2.3, and 2.3.3.A2. LUP/LCP Policy 2.5.2.3 is discussed on Page 1-28 of the Draft EIR, and the conclusion is that the proposed project would be consistent with this policy because the proposed project is a pipeline project that is within the allowed 50-percent development threshold, and because the anticipated implementation of the Revised Basin Management Plan would assure long-term supplies.

64. Monterey County Code section 20.144.070 establishes water resources development standards. Subsection (E)(3) is the most pertinent to the proposed project and is discussed on Page 1-35 of the Draft EIR. The proposed project is determined to be consistent with this policy. Refer to the response to Comment 34.

65. Monterey County Code section 20.144.070 (E)(10) addresses affects on agricultural water supplies. Water usage in the Springfield Terrace subarea was estimated by Fugro West Inc. at 94 percent for agriculture, four percent for residential and two percent for other uses. In the Pajaro subarea, 96 percent of water is used for agriculture. At the “50 percent” build-out threshold of the North County LUP/LCP there would be approximately 5,800 residential units in the north Monterey County area. At that development level, the proposed project would represent approximately 0.4 percent of residential units. The proposed project’s water use would be a very small percentage of residential water use, and an extremely small percent of total water use. The Fugro West Inc. report states that to achieve groundwater balance in the Springfield Terrace, essentially all agricultural water use would need to cease. This water will be replaced by the recycled water from the Watsonville wastewater treatment plant recycled water project, currently under development. Residential water use within Springfield Terrace would continue, but would not substantially affect the overall groundwater balance, because residential water use is a small part of the whole. The proposed project would use water drawn from wells within the Pajaro subarea, which is much less constrained in terms of available water supplies. The proposed project would not significantly affect agricultural water supplies.

66. Refer to the response to Comment 64.

67. The Water Resources Agency fee is authorized by Monterey County Ordinance 4005 (now expired, but applicable to the proposed project because it was in effect when the application was deemed complete). The Pajaro Valley Water Management Agency charges an annual flat fee for customers of delivered water and an augmentation fee for those who pump well water. The Pajaro Valley Water Management Agency is considering implementation of a development impact fee.

68. The Water Resources Agency fee is discussed on Page 2-37 of the Draft EIR. The fee was established based on the estimated cost of the projects it would fund. Residences pay a one-time fee of $1,000, based on an assumed daily flow of 250 gallons, and a fee rate of $50 per 200 gallons and a minimum fee of $1,000.
69. Refer to the response to Comment 68.

70. Ordinance 4005 established four purposes to which the fee could be applied. Some of these purposes have been achieved (such as the groundwater management plan), but the fee could be applied to remaining authorized purposes. The fee purposes are listed on Pages 2-37 and 2-38 of the Draft EIR, and include actions to study, monitor, and improve north Monterey County groundwater conditions.

71. Refer to the response to Comment 70.

72. The Monterey County Water Resources Agency prepared the North Monterey County Comprehensive Water Resources Management Plan, which establishes a framework for addressing water issues in the Salinas Valley Groundwater Basin and north Monterey County hydrogeologic area. The Water Resources Agency is responsible for implementation of the plan within the Salinas Valley Groundwater Basin. Section 4 of the Plan is an implementation program, and the Water Resources Agency is implementing this program. The Plan does not specifically address the proposed project or the project site, but rather regional approaches. The project site is within the Pajaro Valley Water Management Agency’s jurisdiction and measures in the Revised Basin Management Plan relate to the project site more directly, but still at a regional level.

73. Refer to the response to Comment 71.

74. Per Mitigation Measure 9, the applicant is responsible to maintain the water use at the level analyzed in the Draft EIR.

75. Yes, the fee has expired, but would still apply to the proposed project because of the application completeness date. Refer to the response to Comment 67, and to Page 2-37 of the Draft EIR.

76. The fee ordinance was not extended.

77. Vegetative filtering removes pollutants, so discharging water into vegetated areas results in better water quality than discharging directly into a body of water or stream.

78. The storm drainage pipe is proposed to be located beneath a street in the approximate location of the swale.

79. The Draft EIR states that the project will have a potentially significant effect on downstream water quality. In addition to the proposed detention basin, Mitigation Measures 1, 2, 3, 5, and 8 would reduce this impact to a less than significant level. Refer to Page 2-63 of the Draft EIR. The applicable standards of significance are listed on Pages 2-14, 2-30, and 2-58 of the Draft EIR.

80. Run-off would increase from approximately 0.71 acre-feet annually to approximately 7.97 acre-feet annually. Pollutants potentially carried within the run-off were not quantified.
81. Refer to the response to Comment 79.

82. Water from storm drains would discharge into the detention basin. Refer to Page 1-20 and to Figure 9 Conceptual Utilities Plan on Page 1-23 of the Draft EIR.

83. The drainage basin is proposed for the area of the alluvial basin.

84. Monterey County Code section 20.06.1200 defines a structure as:

   Structure means anything constructed or erected, except fences under six feet in height, the use of which requires location on the ground or attachment to something having location on the ground, but not including any trailer or tent.

The headwall and weir of the detention basin would qualify the basin as a structure.

85. The proposed drainage basin is acceptable within the wetland area and would not conflict with North County LUP/LCP Environmentally Sensitive Habitat 2.3.2 General Policy 2. The basin is an acceptable use within wetlands based on the criteria established by the United States Army Corps of Engineers under Section 404 of the Clean Water Act.

86. The water quality measures required by Mitigation Measure 5, including grease/oil water and sediment separators, use of open drainage conveyances, and vegetative filter strips would adequately address non-point source water pollution at the proposed project.

87. Mitigation Measure 5 requires that the detention basin be designed to maintain off-site flow rates at the current level for storm conditions up to the 100-year design storm.

88. Consultation with the County’s Water Resources Agency suggested that the water in the basin should be capable of being emptied within a 24 hour period to permit storage for subsequent storms, and that the location of the basin within the alluvial basin area may hinder infiltration. Therefore, less than the estimated 50 percent infiltration from the basin is expected as the storm drainage would flow towards Elkhorn Slough. Much of the water that is released from the detention basin is likely to infiltrate as it flows towards Elkhorn Slough in the intermittent stream/swale that leads to the slough.

89. The change from pasture to urban uses could result in an increase in urban pollutants. Refer to Pages 2-51 through 2-54 and 2-58.

90. Cumulative water quality impacts are discussed on Page 3-3 of the Draft EIR.

91. The Elkhorn Slough Watershed Conservation Plan, prepared by the Elkhorn Sough Foundation and Nature Conservancy in 1999, was consulted during preparation of the Draft EIR.
92. The document was reviewed but not cited. The aforementioned watershed conservation plan contained information more pertinent to use in the Draft EIR.

93. Brackishwater snail is known to occur in Elkhorn Slough.

94. The Brackishwater snail is a federal species of concern. No habitat is designated for species in this classification.

95. Degradation of water quality was identified as a potentially significant impact. This potentially significant impact could affect brackishwater snail. However, the proposed basin and implementation of Mitigation Measures 1, 2, 5, and 8 would reduce these impacts to a less than significant level.

96. Refer to the response to Comment 95. Cumulative effects on biological resources are discussed on Page 3-1.

97. The proposed project would have potentially significant impacts on special status amphibians, including the California red-legged frog. Mitigation Measures 1, 2, 4, and 6 would reduce these effects to a less than significant level for both project and cumulative conditions. Cumulative effects on biological resources are discussed on Page 3-1.

98. The conservation easement is described in Mitigation Measure 1. It would cover one half of the project site, and at a minimum, encompass the wetlands and the area within 100 feet of the wetlands, as well as all land on the project site lower than 100 feet above mean sea level. The precise boundary is not specified in the mitigation measure. The precise boundaries would be shown on the Final Map, and subject to the review of the Planning and Building Inspection Department and acceptance by the Board of Supervisors.

99. Drainage lines would be allowed within the conservation easement, but not other pipelines.

100. Refer to the response to Comment 98. The remainder lots would necessarily be contiguous with the rest of the subdivision’s lots, therefore generally to the north of the conservation easement.

101. The conservation easement is for the purpose of protecting the wetland habitat and would include the wetland habitat. Refer to Mitigation Measure 1.

102. Mitigation Measure 1 preserves a large area of land to provide continued natural filtering of pollutants. It permits the construction of a detention basin within the area, which would allow settling of sediment and associated pollutants. Mitigation Measure 2 would prevent the introduction of sediment into the wetlands areas during construction. Since sediment can be a carrier for urban pollutants, the prevention of sediment transport helps to prevent introduction of urban pollutants.

103. Mitigation Measure 5 requires the basin be sized to accommodate all increased project site run-off.
104. The Building Official would determine if upstream run-off must also be accommodated by the new drainage basin.

105. Drainage from the project drainage collection system would be discharged to the detention basin.

106. The topographic map prepared for the Pajaro Valley Golf Course by Bestor Engineers indicates that drainage along the border of the two properties is generally southward, and parallel to the property line. Minimal drainage may flow onto the project site from the golf course. It is not likely that this water would carry a significant pollutant load.

107. The drainage basin is proposed for the location of the wet area. Refer to Page 1-20 in the Draft EIR, and Figure 9 on Page 1-23 in the Draft EIR.

108. The drainage basin is proposed to be located within the wetland area. Section 404 Nationwide Permit 43 permits drainage basins within wetlands.

109. A protocol survey has not been conducted on the project site.

110. Refer to the response to Comment 22.

111. It is not clear what is meant by “both portions” of the project. One of the project roads is proposed for within the swale, one would cross the swale, and one would be outside the swale.

112. The proposed roads are not near environmentally sensitive habitat.

113. The biological report recommended a 25-foot setback from the wetlands. The analysis conducted for the Draft EIR, which included a site visit by the EIR consultant’s biologist, concluded that a 100-foot setback would be appropriate. The North County LUP/LCP does not specify a minimum setback distance, but does state that development on parcels within 100 feet of ESHA are not allowed to adversely impact the habitat’s long-term maintenance.

114. The road depicted on a map in Appendix C is not a part of the proposed project. The proposed project is described in Section 1.3 Project Characteristics on Page 1-19 of the Draft EIR.

115. Refer to the response to Comment 22.

116. The general plan and zoning designations on the remainder parcel allow one lot per 2.5 acres. Refer to the discussion on Page 1-19 of the Draft EIR.

117. Mitigation Measure 1 would require a conservation easement over the wetlands and adjacent areas, and Mitigation Measure 2 would require protective measures during construction. Mitigation Measures 3, 4, 5, and 8 would reduce indirect effects on the wetlands water quality and vegetation.
118. The biologist for the environmental consultant prepared the biological resources sections of the Draft EIR based on information in the existing biological resources reports, standard biological references, and her own site visit. The biological reports for the three subdivisions were prepared independently of one another. The environmental consultant was simultaneously preparing EIRs for three north Monterey County subdivisions, and noted that the mitigation contained in the Rancho Roberto biological resources report was less stringent than the biological report for the Los Robles subdivisions. In preparing the EIRs, the environmental consultant strived to use a consistent approach for all three EIRs, regardless of the perceived variations in the level of scrutiny in each biological report.

119. A survey for tarplant was conducted by Rana Creek Habitat Restoration in June 1999, and no tarplant was observed.

120. The commenter states that no mitigation measures are proposed to mitigate significant adverse impacts to ESHA. In fact, six separate measures are presented that would directly or indirectly reduce impacts to ESHA. Refer to the response to Comment 117.

121. Refer to the response to Comment 4.

122. Refer to the response to Comment 100.

123. Placing parcels within the alluvial basin could comply with these sections of the North County LUP/LCP if measures were taken to protect the wetland habitat from adverse effects of development on those parcels. The alluvial basin is within an existing parcel.

124. Mitigation measures would be required to ensure compliance of the proposed project with these sections of the Coastal Implementation Plan. Mitigation Measures 1 and 2 would ensure compliance.

125. Refer to the response to Comment 124.

126. The Pajaro Valley Golf Course was considered in the Draft EIR cumulative traffic analysis. Refer to Page 3-5 of the Draft EIR.

127. The Pajaro Valley Golf Course traffic impact analysis, prepared by Higgins Associates in October 1999, estimates that project would generate 1,675 daily trips.

128. Refer to the response to Comment 127. The Pajaro Valley Golf Course includes 90 single-family lots, 84 townhouses, nine additional holes on the golf course, and the addition of 5,000 square feet of meeting space to the clubhouse.

129. The Pajaro Valley Golf Course traffic impact analysis assumes the meeting space would be used by existing golf course patrons or by new golf course patrons, whose trips are accounted for in either existing or project scenario golf course traffic. The golf course is anticipated to add 36.75 trips per hole, or about 330 trips.
130. The Draft EIR compared the results of the Rancho Roberto cumulative traffic impact analysis to the Pajaro Valley Golf Course cumulative traffic impact analysis and concluded that the results of those report’s cumulative analyses were not significantly different. The traffic engineer at Fehr and Peers has stated that the addition of more trips to the cumulative scenario would not result in new impacts, although the timing for some impacts might advance from the general plan to the cumulative scenario. Since the mitigation is payment of a fee, the mitigation required to reduce the impacts would not change.

131. The Rancho Los Robles traffic impact analysis indicates that project would generate approximately 3,611 trips at build-out.

132. The Rancho Los Robles project is a “pipeline” project.

133. The Rancho Los Robles project is included as “Oak Tree Ranch (Los Robles).”

134. The comment does not raise an environmental issue in regard to the proposed project, and no response is necessary.

135. The comment does not raise an environmental issue in regard to the proposed project, and no response is necessary.

136. The Rancho Los Robles project was included in the cumulative analysis presented in the Draft EIR.

137. Table 14 does not include the 1,675 daily trips from the Pajaro Valley Golf Course project. However, the cumulative effects with the golf course project included were determined not to be significantly greater with the golf course project.

138. Information from the two intersections appears to have been transposed in Table 10 on Page 2-74 of the Draft EIR. The existing LOS F conditions listed for the intersection of Werner Road and Salinas Road during the PM peak period should refer to the intersection of Salinas Road and Elkhorn Road. Project conditions LOS for these intersections are correct in Table 10. A corrected Table 10 is presented in Section 4.0 Changes to the Draft EIR.

139. There are no existing ramps at that location, and none are anticipated under “project” conditions. Construction of an interchange with ramps at that location is not expected to begin until at least 2009.

140. The Regional Transportation Plan (RTP) considers funding sources for the programs it proposes. However, it relies on established formal funding channels to determine the extent to which program components are expected to be funded. Because there is not a significant degree of certainty for funding from ad hoc fees, this source is not included in the RTP’s estimate of available funding.

141. The RTP was adopted by the Transportation Agency for Monterey County (TAMC) in February 2002.
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142. Appendix C of the RTP includes a consolidated project list. Most of the affected roads and intersections studied in the Draft EIR are included on that list.

143. The traffic impact analysis studied impacts on State Route 1, the G-12 corridor, and intersections with U.S. Highway 101. The proposed project would pay a development impact fee to reduce its share of impacts to a less than significant level. The routes would not mitigate anything.

144. Existing conditions are provided in Table 10 on Page 2-74 of the Draft EIR. Note that the existing LOS F conditions listed for the intersection of Werner Road and Salinas Road during the PM peak period should refer to the intersection of Salinas Road and Elkhorn Road. Refer to the response to Comment 138.

145. Mitigation Measure 10 on Page 2-84 lists the locations for which fees would be collected.

146. Information on funding and potential construction timeframes for a number of projects in north Monterey County is presented on Pages 2-79 and 2-80 of the Draft EIR. Two of the improvements are currently underway or will be shortly (Hall Road/Las Lomas Drive and Hall Road/San Miguel Canyon Road).

147. Appendix B of the RTP identifies all known funding sources over the 20-year projection timeframe of the RTP. Local traffic development impact fees are included within a larger local funds category, which totals $223,200,000 over 20 years. The local funds account for about 8.5 percent of all identified funding sources. The amount of traffic fees collected from the proposed project would depend on the estimated cost of the projects listed in Mitigation Measure 10 when the fees are determined by Monterey County Department of Public Works. Based on year 2000 costs, the fees amounted to more than $115,000 as calculated by Higgins Associates (refer to Appendix F of the Draft EIR). Actual fees are expected to exceed this amount based on revised improvement costs that would be higher than those used by Higgins Associates.

148. The traffic development impact fees are put primarily towards local road improvements, such as the signalization of the Hall Road/San Miguel Canyon Road intersection, which is planned for construction next year.

149. Refer to the response to Comment 148.

150. Fees will not be deposited to this fund until it is approved. Ad hoc fees are held in accounts by the Public Works Department.

151. With the fair share fees contributed by the proposed project, in light of other expected funding sources, including fair share payments from other expected developments, the necessary improvements would be funded. Several of the necessary improvements are expected to be constructed within the next five years. The interchange at San Miguel Canyon Road and U.S. Highway 101 was completed three years ago, and additional improvements in that section of U.S. Highway 101 are underway. The mitigation proposed does not result in the instantaneous resolution of all
adverse traffic conditions in the project area, but rather the fair share incremental funding of the necessary projects, which in time, will alleviate adverse traffic conditions.

152. The geological and geotechnical reports considered the entire site. Foxx, Nielsen, and Associates conducted a total of 21 borings, ten of which were within the area of the proposed lots, eight of which were on the remainder parcel and three of which were near the boundary of the proposed subdivision and remainder parcel. Refer to Appendix D of the Draft EIR.

153. Specific engineering recommendations are typically completed during the building design and permit process. It is not expected that this work would be completed prior to approval of the tentative map.

154. Additional sedimentation is identified as a potentially significant impact on Page 2-63 of the Draft EIR. The proposed drainage basin and implementation of Mitigation Measures 1, 2, 3, 5, and 8 would reduce this potential impact to a less than significant level.

155. The proposed detention basin, including the requirements of Mitigation Measure 5, would settle sediment from storm water run-off, and reduce sediment loads downstream of the basin. Additional measures that would reduce sediment transport include preservation of existing open space (Mitigation Measure 1), construction period erosion controls (Mitigation Measure 2), re-vegetation, mulching, jute netting, and seeding of bare ground (Mitigation Measures 3 and 8), discharge of drainage to vegetated areas and vegetative filter strips (Mitigation Measure 5), and seasonal grading limits, physical grading limits, sedimentation fencing, protection of stock piles, and observation by a soils engineer (Mitigation Measure 8).

156. The slope gradient varies on both the northern and southern portions of the project site, but is between zero and 20 percent. Refer to Page 1-4 of the Draft EIR. The project site topography is shown as background information in Figure 8 on Page 1-21 of the Draft EIR.

157. Refer to the response to Comment 156.

158. The amount of sediment that would be carried off-site has not been quantified, and would depend on the amount of disturbance and occurrence of rain. The proposed detention basin and implementation of Mitigation Measures 1, 2, 3, 5, and 8 would reduce off-site transport of sediment to a less than significant level.

159. Yes. The wetlands are located in the remainder parcel. Please refer to Pages 1-4, 1-19, 1-26, 2-4, and 2-13 of the Draft EIR, and to Figure 8 on Page 1-21, and Figure 10 on Page 2-5 of the Draft EIR.

160. Disking may be considered a prohibited activity within wetlands per North County LUP/LCP General Policy 2.3.2.1. The “no project” alternative assumes that existing conditions and practices would continue. There is no valid reason to expect those to change under this scenario.
161. If disking weeds was beneficial to the maintenance of a wetland, it might be allowed.

162. The conservation easement is included in Mitigation Measure 1, and would reduce biological effects of the proposed project.

163. The drainage basin is part of the proposed project. Mitigation Measure 5 adds conditions to the design of the proposed basin. The detention basin would help to mitigate water quality impacts.

164. The proposed project includes a detention basin to reduce off-site storm water flow rates. Mitigation measures presented in the Draft EIR provide protection for water quality and habitat.

165. According to Monterey County Code section 20.12.050, residential structures up to four units are allowed in the MDR zoning district with a conditional use permit.

166. This policy reads in part: “On parcels adjacent to sensitive habitats, or containing sensitive habitats as part of their acreage, development shall be clustered to prevent habitat impacts.” The proposed project proposes 26 lots on one half of the project site, and only two additional houses could be built on the remaining portion of the project site. The project, as proposed, is clustered.

167. The initial study considers a project of 26 lots. Section 2.6 Effects Addressed in the Initial Study addresses a project of up to 28 lots.

168. Refer to the response to Comment 34.

169. Refer to the responses to Comments 34, 42, and 170.

170. The *Revised Basin Management Plan* is an adopted plan and implementation has already begun. The Harkins Slough project was the first component of the plan completed, in 2002. The recycled water component is funded and in the design stage, with completion anticipated for 2007-2009. Final engineering design is underway for the Central Valley Project import pipeline. A large portion of the funding necessary for full implementation has been secured, and implementation is currently underway.

171. Refer to the response to Comment 34. The PVWMA has an entitlement from the CVP of 19,900 acre-feet of water per year, but no new water contracts are currently permitted. The PVWMA has an agreement with the Mercey Springs Water District for 6,260 acre-feet of water, which is from an existing entitlement from the CVP. The PVWMA is negotiating an additional purchase from the Broadview Water District, but this supply has not been secured at this time.

172. Refer to the response to Comment 34.

173. Refer to the response to Comments 34 and 170.
174. The project vicinity has rural characteristics, but the project site and areas immediately north of the project site are designated for medium density residential development. Most of the area immediately north of the project site is built at higher than rural densities.

175. Refer to the response to Comment 34.

176. The section of Title 19 cited in the Draft EIR is from the Coastal Commission-certified version of the code dated 1988. As noted on Page 1-32 there have been amendments to Title 19 since that time, but since they were not approved by the Coastal Commission, they may not apply.

177. Refer to the response to Comment 34.

178. Regarding the conservation easement, refer to the response to Comment 98. Location of pipelines is best described by an illustration. For that illustration, refer to Figure 9 Conceptual Utilities Plan. Note however, that Mitigation Measure 1 would require that the sewer pump station, located at the southerly terminus of the sewer lines, be located outside the conservation easement; therefore, the sewer line shown may terminate farther to the north than shown in Figure 9. No proposal has been submitted for the two houses that could be located on the remainder parcel, but they would need to take access from the already proposed streets.
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Letter from Robert and Stacy Messing 7/7
Response to Letter from Robert and Stacy Messing

1. Refer to the response to the Petition from the Sunny Mesa neighborhood.

2. The proposed project is within the densities allowed by the general plan and zoning designations.

3. The residents of Fruitland Avenue could work with the Monterey County Public Works Department to install speed bumps if traffic speeds are excessive. However, the proposed project would contribute only 15 percent of the traffic on Fruitland Avenue and would not be solely responsible for installation of the speed bumps.

4. The North County LUP/LCP does not have policies requiring a park in this area. However, the possibility of requiring a park within the subdivision has been discussed. Pajaro Sunny Mesa operates several small parks within its jurisdiction, and is the agency that would maintain a public park if one were located in the proposed project.

5. According to the attached letter from Supervisor Calcagno, the County needs to resolve a right-of-way issue before such improvements can be constructed. As a condition of approval of the project, the applicant will be responsible for designing and constructing curb, gutter, sidewalk and paveout along the westerly side of Fruitland Avenue extending from the beginning of the radius return on Salinas Road, through the radius return, to the second driveway south of Salinas Road. The applicant will also be responsible for obtaining adequate right-of-way for the improvements, whether by purchase of the necessary land directly, or, if that is refused by the property owner, through reimbursement to the County for acquisition through condemnation. The County will be making several safety improvements within the existing right-of-way as an interim measure.

6. Monterey County Public Works was contacted regarding sewer line conditions in the Sunny Mesa neighborhood. They report that the sewer lines in that area have required maintenance to address flow issues for many years, but they are not aware that the recent development has worsened those conditions. The applicant may need to make upgrades to the existing line in Fruitland Avenue or the existing line that connects to Hudson Landing Road.
Letter from Angela Taverez 1/2
Letter from Angela Taverez 2/2
Response to Letter from Angela Tavarez

1. Refer to the response to the Petition from the Sunny Mesa neighborhood, and the response to Comment 2 in the letter from Robert and Stacy Messing.

2. Refer to the response to Comment 5 in the letter from Robert and Stacy Messing.

3. Refer to the response to Comment 6 in the letter from Robert and Stacy Messing. The sewer pump station would not be affected by wet conditions. The storm drain pump station would run during wet conditions. The sewers and storm drains are separate systems.

4. Drainage and flooding are addressed on Pages 2-54, 2-55, and 2-59. A drainage basin would be developed to retain the additional storm water flows that would result from increased impermeable surfaces. A high water table is identified as a design constraint and a potentially significant impact on Pages 2-28 and 2-29 of the Draft EIR. Mitigation Measure is presented on Page 2-30 to reduce this potential impact to a less than significant level. The Clustered Development Alternative presented on Page 3-22 of the Draft EIR was designed to recognize and accommodate the natural drainage patterns of the project site.
Letter from David Evans 1/3
Letter from David Evans 2/3
Letter from David Evans 3/3
Response to Letter from David Evans

1. Refer to the response to Comment 34 in the letter from J. William Yeates.

2. Traffic is mitigated by payment of a traffic impact fee. This is allowed for the mitigation of cumulative impacts per CEQA Guidelines section 15130(a)(3). In *Save Our Peninsula Committee v. Monterey County Board of Supervisors* ("September Ranch"), the California Appellate Court held that fees associated with an adopted improvement program could be used to mitigate cumulative or project level impacts.

3. Refer to the response to Comment 34 in the letter from J. William Yeates.

4. Refer to the response to Comment 2.

5. In addition to the proposed detention basin, Mitigation Measures 1, 2, 3, 4, 5, and 8 would reduce water quality impacts to a less than significant level. These measures require preservation of half the project site under a conservation easement, construction erosion fencing, a landscaping and re-vegetation plan, spill abatement plan, vegetative filtering, grease traps, and an erosion control plan.

6. School impacts are discussed in Section 2.4 Schools. Although the proposed project would add students to at least two public schools that are currently crowded, fees collected pursuant to the Leroy F. Greene School Facilities Act of 1998 are considered to mitigate school effects to a less than significant level. No additional mitigation is allowed under this legislation.

7. The biological resources section considered the role of the project site as a corridor for wildlife movement. No existing wildlife movement within the project site was identified, although the project site was identified as potential upland habitat for some protected amphibians. Mitigation Measure 1 would protect habitat on half the project site within a conservation easement. Cumulative loss of habitat was considered on Page 3-1 of the Draft EIR, and Mitigation Measure 1 was considered adequate to reduce the proposed project’s contribution to cumulative effects on habitat to a less than significant level.
Letter from Julie Moran 1/2
Letter from Julie Moran 2/2
Response to Letter from Julie Moran

1. The Draft EIR acknowledges that existing traffic conditions are unacceptable at many locations in the project vicinity. The proposed project would contribute to these conditions. The proposed project would also pay a development impact fee to pay its fair share of the cost of necessary improvements. Refer to the response to Comment 2 in the letter from David Evans.

2. Refer to the response to Comment 34 in the letter from J. William Yeates.

3. The proposed project would reduce on-site infiltration but not eliminate it.

4. Mitigation Measures 1, 2, 4, and 6 presented on Pages 2-15 through 2-23 of the Draft EIR would reduce impacts to special status amphibians to a less than significant level. Refer to the response to Comment 5 in the letter from David Evans regarding water quality.

5. The downstream biological water quality effects were discussed on Page 2-12 of the Draft EIR. Although the riparian corridor between the project site and Elkhorn Slough was not specifically discussed, the potential effects on downstream waters in general would be similar within the riparian corridor, and the mitigation measures presented would effectively mitigate the potential impacts in all downstream waters.

6. Refer to the response to Comment 4 in the letter from Angela Tavarez. The proposed storm water detention basin would prevent increases in downstream flooding.

7. Refer to the response to Comment 6 in the letter from David Evans.
Letter from Diana Collins 1/2
Letter from Diana Collins 2/2
Response to Letter from Diana Collins

1. Refer to the response to Comment 1 in the letter from Julie Moran and the response to Comment 2 in the letter from David Evans.

2. Refer to the response to Comment 34 in the letter from J. William Yeates.

3. Refer to the response to Comment 3 in the letter from Julie Moran.

4. Refer to the response to Comment 4 in the letter from Julie Moran and the response to Comment 5 in the letter from David Evans regarding water quality.

5. Refer to the response to Comment 5 in the letter from Julie Moran.

6. Refer to the response to Comment 6 in the letter from Julie Moran and the response to Comment 4 in the letter from Angela Tavarez.

7. Refer to the response to Comment 6 in the letter from David Evans.
Email from Manuel and Megan Solano 1/1
Response to the Email from Manuel and Megan Solano

1. Refer to the response to the Petition from the Sunny Mesa neighborhood. The traffic reports prepared for the proposed project did not consider the additional traffic to create traffic hazards in a residential area.

2. Refer to the response to Comment 6 in the letter from Robert and Stacy Messing regarding sewer. Joe Rosa, general manager of Pajaro Sunny Mesa was contacted regarding water delivery in the Sunny Mesa neighborhood. He reported that he is not aware of problems with the water lines in the area.

3. The “Reduced Development” Alternative on pages 3-17 through 3-22 addresses this option, with a project of 17 houses (two more than the writer suggests). Although hydrological impacts from the proposed 26-unit project can be reduced by phasing when building permits are issued, the “Reduced Development” alternative eliminates the burden on the County to monitor such mitigation. Due to limited resources available for monitoring, the County prefers the “Reduced Development” alternative as a solution to mitigation of hydrological effects. The “Reduced Development” alternative would result in lower cumulative contributions to groundwater effects because the total withdrawals from the aquifer would be reduced. A 17-unit project would result in a one-third reduction in water use compared to the proposed project. The “Reduced Development” alternative would have correspondingly lower traffic effects as well. The discussion of alternatives has been revised.

4. Refer to the response to the Petition from the Sunny Mesa neighborhood.
Email from Alex and Patricia Solano 1/1
Response to Email from Alex and Patricia Solano

1. Refer to the response to the Petition from the Sunny Mesa neighborhood and to the response to Comment 5 in the letter from Robert and Stacy Messing.

2. Refer to the response to Comment 34 in the letter from J. William Yeates regarding water, the response to Comment 6 in the letter from Robert and Stacy Messing regarding sewer, and the response to Comment 6 in the letter from David Evans regarding schools.

The affordability of housing is not an environmental issue, although the addition of an affordable housing component was analyzed in Section 3.2 Alternatives.
Letter from Eli de los Santos
Response to Letter from Eli and Pat de los Santos

1. Refer to the response to the Petition from the Sunny Mesa neighborhood and to the response to Comment 5 in the letter from Robert and Stacy Messing.
Letter from Ronni Heinrich 1/14
Letter from Ronni Heinrich 2/14
Letter from Ronni Heinrich 3/14
Letter from Ronni Heinrich 4/14
Letter from Ronni Heinrich 5/14
Letter from Ronni Heinrich 6/14
Letter from Ronni Heinrich 7/14
Letter from Ronni Heinrich 8/14
Letter from Ronni Heinrich 9/14
Letter from Ronni Heinrich 10/14
Letter from Ronni Heinrich 11/14
Letter from Ronni Heinrich 12/14
Letter from Ronni Heinrich 13/14
Letter from Ronni Heinrich 14/14
Response to Letter from Ronni Heinrich

1. The comment is acknowledged. The area in and around the wetlands showed evidence of plowing or disking during the Consultant’s site visit in June 2002.

2. The comment is acknowledged. The birds and wildlife found on the project site are discussed on Pages 2-4 through 2-11.

3. Refer to the response to Comment 4 in the letter from Angela Tavarez regarding flooding and the response to Comment 5 regarding downstream water quality.

4. Refer to the response to Comment 6 in the letter from David Evans.

5. Refer to the response to the petition from the Sunny Mesa neighborhood, and the response to Comment 5 in the letter from Robert and Stacy Messing.
Email from Holly Myers
Response to Email from Holly Myers

1. Refer to the response to the petition from the Sunny Mesa neighborhood, and the response to Comment 5 in the letter from Robert and Stacy Messing.

2. The traffic conditions at the Salinas Road/State Highway 1 intersection are discussed on Pages 2-69, 2-72, and 2-79. Construction of an interchange at this location is planned to begin in 2009.
Email from Larry Henley
Response to Email from Larry Henley

1. The claim that traffic has increased four times over the past five years is not substantiated, and unlikely given the number of units now and five years ago.

2. Refer to the response to Comment 6 in the letter from Robert and David Messing.
Letter from Louis Arbanas 1/2
Response to Letter from Louis Arbanas

1. Refer to the response to the petition from the Sunny Mesa neighborhood, and the response to Comment 5 in the letter from Robert and Stacy Messing.

2. Refer to the response to Comment 6 in the letter from Robert and David Messing.

3. The comment concerning the condition of the pavement on Fruitland Avenue is acknowledged. However, the comment does not raise an environmental concern and no response is necessary.

4. Refer to the response to Comment 152 in the letter from J. William Yeates and the response to Comment 4 in the letter from Angela Tavarez. There is no evidence that the proposed project would have a geological effect on existing houses.

5. The comment is acknowledged. The comment does not raise an environmental concern and no response is necessary.
Letter from Transportation Agency of Monterey County 1/3
Letter from Transportation Agency of Monterey County 2/3
Letter from Transportation Agency of Monterey County 3/3
Response to Letter from Transportation Agency of Monterey County

1. This improvement was inadvertently left off the list in Mitigation Measure 10. As indicated by its specific inclusion in the impact statement, the improvements to State Highway 1 south of Salinas Road were intended to be included. Mitigation Measure 10 is revised in Section 4.0 Changes to the Draft EIR.

2 The costs would be determined by Monterey County Public Works Department, but consultation with TAMC and Caltrans is expected.

3. The comment is acknowledged. The alternate project was included at the request of Caltrans.
Email from Anne Hozier
Response to Email from Anne Nowassa Hozier

1. The project does not propose access via Spring Road. Refer to the response to the petition from the Sunny Mesa neighborhood.

2. These are general comments on traffic and water. Refer to the response to Comment 2 in the letter from David Evans, and the response to Comment 6 in the letter from Robert and Stacy Messing.

3. Refer to the response to Comment 4 in the letter from Angela Tavarez.
Email from Harry and Clarice Wiggins
Response to Email from Harry and Clarice Wiggins

1. Refer to the response to Comment 2 in the letter from Robert and Stacy Messing, regarding density, and refer to the response to the petition from the Sunny Mesa neighborhood regarding traffic safety in the neighborhood.
Letter from Sierra Club 2/7
Letter from Sierra Club 3/7
Letter from Sierra Club 4/7
Letter from Sierra Club 5/7
Letter from Sierra Club 6/7
Letter from Sierra Club 7/7
Response to Letter from Sierra Club

1. The traffic report analyzed project effects on State Highway 1 north and south of Salinas Road. Ten percent of project traffic is projected to use Tarpey Road (eastward of the San Miguel Canyon/Hall Road intersection), and most of this traffic would be bound for U.S. 101 towards San Jose or Hollister, although some traffic in this direction may headed for Aromas and would not use U.S. Highway 101. Fifteen percent of traffic would use San Miguel Canyon Road towards Salinas, although some of these trips would be headed to shopping centers at Prunedale, and would not use U.S. Highway 101. Therefore, the total percentage of traffic using U.S. Highway 101 would be less than 25 percent.

Mitigation Measure 10 includes a pro-rata share fee towards improvements to both State Highway 1 south of Salinas Road, and U.S. Highway 101 through the Prundale corridor. Refer to Section 4.0 Revisions to the Draft EIR for the revised text of Mitigation 10, to which the State Highway 1 segment has been added. State Highway 1 north of Salinas Road operates at acceptable levels, so no mitigation is included for that segment.

2. The TAMC fee is discussed on Pages 2-70 and 2-71 of the Draft EIR. Mitigation Measure 10 stipulates that the Monterey County Public Works Department would provide current project costs at the time the mitigation fee is due to be paid. Note that the preliminary TAMC fee improvements list that was available at the time the Draft EIR was prepared, did not include improvements to most of the G-12 corridor segments and intersections. It is expected that the TAMC fee, if adopted and applicable to the proposed project, would supplement, rather than replace the mitigation fees included in Mitigation Measure 10. This is because there is little duplication between the two lists.

The fair share methodology has been established to be based on weekday peak hour traffic. The County has established a standardized methodology so that all new development is analyzed consistently.

3. The cumulative and general plan scenarios provide a reasonable expectation of future development. The cumulative list and traffic study scope were reviewed and approved by the Monterey County Public Works Department prior to the commencement of the study. They were considered adequate at the time the study commenced at the beginning of the NOP period. The results of the cumulative scenarios from the Rancho Roberto traffic study were compared to the cumulative scenarios of the Pajaro Valley Golf Course traffic study to ascertain that the results were comparable and valid. It was concluded that both traffic reports indicated similar cumulative outcomes. In the case of the Rancho Robert traffic report general plan scenario, a growth factor developed by AMBAG was used to project traffic in 2025, rather than using the adopted but out-of-date existing general plan, or the as-yet un-adopted general plan update. CEQA Guidelines does not require that both cumulative scenarios be presented; one or the other is adequate. For this document, both were used to provide additional information. The AMBAG growth factors take into account all types of development, including second units, subdivisions, and building on existing lots of record.
4. Water demand factors are regional averages that are considered to adequately reflect the development that would occur.

5. While second units are allowed on lots of 6,000 to 10,000 square feet, in fact, very few such units are built in Monterey County.

6. Landscape irrigation water use rates are not based on existing project site water use. The County’s ordinances are enforceable, although monitoring and enforcement of landscaping and irrigation requirements is admittedly difficult to achieve. Mitigation Measure 9 includes additional water conserving steps that can be applied if water use in the first half of project development does not meet the projections in the hydrology report and Draft EIR.

7. The hydrology report assumes 7,000 square feet of new impervious surface per lot, plus new impervious surfaces for the streets. The proposed lots would average 8,400 square feet, so an impervious coverage of 83 percent is assumed. It is not likely that this average coverage rate would be exceeded, even with additional patios, sheds, or other additions.

8. The Draft EIR includes a detailed discussion of project site and regional hydrology. Draw-down of the aquifer was considered a short-term significant impact, which would be mitigated in the long term by implementation of the Revised Basin Management Plan and the Salinas Valley Water Project. Implementation of the Revised Basin Management Plan began several years ago, and completion of key components of the plan is expected by 2007-2009.

9. The detention basin is proposed to be 11,500 cubic feet. Mitigation Measure 5 requires the Monterey County Water Resources Agency and County Building Official to review detention basin plans and ensure that the detention basin is adequately sized to meet 100-year storm flows, and can be emptied within 24 hours to prepare for subsequent storms. Both Mitigation Measure 5 (final paragraph following the lettered list) and the associated monitoring actions (final monitoring action) require ongoing maintenance of the detention pond. Refer to Page 2-20 and 2-21 of the Draft EIR.

In addition to the water quality benefits from the detention pond (settling out of heavier materials such as sediment, and often of toxics bound to these materials), mitigation measures in the Draft EIR include several other approaches to ensure downstream water quality. Refer to the response to Comment 5 in the letter from David Evans.

10. The potential for poor quality water run-off from the proposed project to affect Elkhorn Slough is discussed on Pages 2-11 through 2-14 and on Page 3-1. In addition to the proposed detention basin, Mitigation Measures 1, 2, 4, 5, and 8 are presented to reduce this potentially significant impact to a less than significant level.
Letter from Elayne Stein 1/2
Letter from Elayne Stein 2/2
Response to the Letter from Elayne Stein

1. The timeframe for commencement of passenger operations at the Pajaro station was not known at the time the cumulative list for the Rancho Roberto traffic report was developed. Based on information in the July 7, 2003 initial study for the Monterey County Caltrain stations, the Pajaro station would generate approximately 564 new daily vehicle trips. An estimated 169 of these trips will take place prior to the anticipated departure of the first train at 6:34 AM, and an estimated 169 would take place shortly after arrival of the first evening return train at about 6:10. Available traffic counts indicate that the peak hours of traffic activity in Pajaro are from 6:30 to 7:30 AM and 5:00 to 6:00 p.m. Therefore, most of the trips to and from the station would occur outside peak hours. Most station traffic is projected to use Salinas Road north of the station, and would not pass the Fruitland Avenue intersection.

2. Refer to the response to the petition from the Sunny Mesa neighborhood and the response to Comment 5 in the letter from Robert and Stacy Messing.
Letter from Fenton and Keller 1/18
Letter from Fenton and Keller 2/18
Letter from Fenton and Keller 3/18
Letter from Fenton and Keller 4/18
Letter from Fenton and Keller 5/18
Letter from Fenton and Keller 6/18
Letter from Fenton and Keller 7/18

ATTACHMENT B – Bio REPORT
Letter from Fenton and Keller 8/18

ATTACHMENT B – Bio REPORT
Letter from Fenton and Keller 9/18

ATTACHMENT B – Bio REPORT
Letter from Fenton and Keller 10/18

ATTACHMENT B – Bio REPORT
Letter from Fenton and Keller 11/18

ATTACHMENT B – Bio REPORT
Letter from Fenton and Keller 12/18

ATTACHMENT C – GEOCONSULTANTS REPORT
Letter from Fenton and Keller 13/18

ATTACHMENT C – GEOCONSULTANTS REPORT
Letter from Fenton and Keller 14/18

ATTACHMENT C – GEOCONSULTANTS REPORT
Letter from Fenton and Keller 15/18

ATTACHMENT C – GEOCONSULTANTS REPORT
Letter from Fenton and Keller 16/18

ATTACHMENT C – GEOCONSULTANTS REPORT
Letter from Fenton and Keller 17/18

ATTACHMENT C – GEOCONSULTANTS REPORT
Letter from Fenton and Keller 18/18

ATTACHMENT C – GEOCONSULTANTS REPORT
Response to Letter from Fenton and Keller on behalf of the Applicant

Note: The letter includes several attachments. Two of these (Rana Creek biological report and Geoconsultants hydrology report) are reproduced here. Due to their length, the remainder are not included here, but may be reviewed during normal business hours at the Monterey County Planning and Building Inspection Department at 2620 First Avenue, Marina California; (831) 883-7526.

The attachments not included are:

- Photographs of project site
- Letter from Kathy Garnett dated July 27, 2004 regarding past project site uses
- Higgins Associates letter dated February 28, 2003 reviewing the Administrative Draft EIR traffic section
- Higgins Associates letter dated August 23, 2004 reviewing the Draft EIR traffic section
- Pajaro Sunny Mesa letter dated February 11, 2003 regarding the administrative draft EIR
- Letter from Dick Peixoto dated June 15, 2004 regarding interest in farming the project site

1. The comment is acknowledged.

2. The officially documented application completeness date provided by the County Planning and Building Inspection Department is January 10, 2000. Ordinarily the application completeness date is not an environmental issue, however, in this case the date is critical in determining the applicability of an environmentally related water regulation. The discrepancy in the application completeness dates would not affect applicability of this regulation.

3. Elkhorn Slough extends eastward, and then northward from its mouth at Moss Landing. The open water of Elkhorn Slough extends beyond the railroad and Elkhorn Road bridges that cross the slough near where Carneros Creek enters the slough. The water in the slough is still quite wide here, and distinctly different from Carneros Creek. The distance from the project site to Elkhorn Slough was measured along the drainage near Spring Road, southeasterly and then southwesterly until the point where there is open water. Refer to the topographic map in Figure 3 on Page 1-9 of the Draft EIR. Elkhorn Slough was considered to end at a point about three inches from the left edge of the map and one and one-quarter inches from the bottom.

4. The comment is acknowledged. A photograph of the swale is included in Figure 7 on Page 1-16 of the Draft EIR.
5. The comment is acknowledged. No sewer mains are shown in this area on the tentative map that was submitted for review. Sewage is shown pumped to an existing line within Fruitland Avenue.

6. The photograph of Elkhorn Slough was taken from a location on the Pajaro Valley Golf Course property, south of the project site above Hudson Landing Road. The bridge visible in the photograph is the railroad bridge mentioned in the response to Comment 3. Elkhorn Road is visible beyond the bridge, and the Elkhorn Road bridge is parallel to the railroad bridge, but not visible in the photograph.

7. The intent of the Draft EIR was to provide the whole of the action, including the proposed new lots and the two potential lots within the remainder parcel. The two additional lots were included separately where quantitative discussions were presented. The mitigation for the project, with or without the two remainder parcel lots, would be the same.

8. Monterey County Code section 15.20.040 requires connection to a public sewer for any structure within 200 feet of an existing sewer, or on a parcel abutting a road in which a sewer is installed.

9. The comment is acknowledged. It is assumed for discussion in the Draft EIR that some grading or other construction work could take place within the wetland areas. The detention basin is an allowed use within the wetlands.

10. The comment is acknowledged. Refer to Section 4.0 Changes to the Draft EIR for the additional text.

11. The comment is acknowledged. Refer to Section 4.0 Changes to the Draft EIR for the additional text.

12. Government Code section 66474.2 states that in determining whether to approve or disapprove an application for a tentative map, an agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined an application is complete. However, this section does not confer vested rights to develop a project in compliance with the ordinances, policies, and standards in effect at the date the application for the tentative map is deemed complete. Vested rights require a vesting tentative map as described in Government Code section 66498. Therefore, a new fee ordinance could apply to the proposed project, even if it is adopted after approval of the tentative map, because the applicant submitted a standard tentative map, not a vesting tentative map.

13. The comment is acknowledged. The peer review letter was written before the April 4, 2003 Rana Creek recommendations. The Draft EIR did reference the April 4, 2003 Rana Creek recommendations.

14. The Consultant’s own biologist reviewed the Rana Creek reports, visited the project site, and concluded that 100 feet was the appropriate set-back to the wetlands.
15. Refer to the response to Comment 3.

16. Refer to the response to Comment 14.

17. California tiger salamander utilizes both wetland and dry upland habitat. The project site has characteristics that make it a potential habitat for California tiger salamander, as well as other amphibians.

18. The fifty percent on-site mitigation was based on United States Fish and Wildlife requirements imposed on other projects on which potential California tiger salamander habitat was found. In addition to providing habitat suitable for endangered species, the measure protects the significant amount of vegetative filtering of pollutants that takes place currently on the project site, thus providing valuable protection for the water quality of downstream watercourses and Elkhorn Slough. Cumulative development in the Elkhorn Slough watershed would eventually lead to significant declines in both habitat and water quality, and have significant adverse effects on endangered species. The mitigation measure ensures that development on the project site is clustered in accordance with North County LUP/LCP polices and that a significant portion of the habitat on the project site is preserved for the benefit of habitat, endangered species, and water quality.

19. Monterey County Code section 19.03.070 A. states that the “subdivider shall submit the final map and final map documents with the County Surveyor for checking and approval at least thirty (30) days prior to the meeting of the Board of Supervisors.”

20. Refer to the response to Comments 17 and 18.

21. The existing water use was estimated based on standard water use rates for the area.

22. The comment is acknowledged. Several letters in response to the Draft EIR have stated that the project site was used as a dairy at one time. There is no evidence that uses other than grazing have taken place in recent years. The Fugro West Inc. report indicates the project site was in grazing in 1994 (refer to Figure 19 on volume 1, page 81 of that report).

23. The hydrology report was prepared by a hydrogeologist based on professional standards.

24. The applicant submitted the referenced report following the public review period. Consideration of vertical injection wells was discussed with engineers during preparation of the Draft EIR and considered infeasible, thus rejected as mitigation. While the Geoconsultants report concurs with this, it also suggests a new approach that they consider feasible. Use of the horizontal wells is apparently feasible and could further reduce groundwater imbalance. A discussion of this recharge method has been added. Refer to Section 4.0 Changes to the Draft EIR.

25. The comment is acknowledged.
26. The comment is acknowledged.

27. The Fehr and Peers Associates traffic report used a different methodology to determine traffic generation. The Higgins Associates report used the ITE standard generation rate of 9.57 trips per single-family residence. The County may wish to use the standard 9.57 trips per unit figure in calculating project fees.

28. The project’s net traffic generation would be from 25 new houses. Refer to the response to Comment 27.

29. Refer to the response to Comments 28 and 12.

30. Refer to the response to Comment 12.

31. The comment is acknowledged.

32. Pajaro Sunny Mesa has one well that was damaged by flooding, and requires replacement. A new well is not required for the proposed project specifically, but is necessary for some existing development, and would also serve new development.

33. Refer to the response to Comments 14, 17, and 18.

34. While other future uses on the project site are possible, the “no project alternative” assumes that conditions would continue as they are, and as they appear to have been for at least 10 years. The “no project alternative” rarely, if ever, achieves project objectives, but is a required part of the CEQA alternatives analysis.

35. The comment is acknowledged. The Consultant had no information that the intent was for affordable housing to be built on the remainder parcel. Construction of affordable housing on the remainder parcel could potentially result in environmental effects that were not discussed in the Draft EIR.
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3.0  Revised Summary .............................................................. 1

Project Description ........................................... Error! Bookmark not defined.
Areas of Known Controversy .............................. Error! Bookmark not defined.
Alternatives .................................................. Error! Bookmark not defined.
Environmental Impacts and Mitigation Measures Error! Bookmark not defined.
3.0 Revised Summary

CEQA Guidelines section 15123 requires an EIR to contain a brief summary of the proposed project and its consequences. The summary identifies each significant effect and the proposed mitigation measures and alternatives to reduce or avoid that effect; areas of controversy known to the lead agency; and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

Project Description

The proposed project is the subdivision of a 13.3-acre parcel into 26 residential lots and one remainder parcel. The residential lots would occupy 6.69 acres, averaging 8,400 square feet, and ranging from 6,649 square feet to 10,765 square feet. The density of the subdivided area (exclusive of the remainder parcel) would be 3.9 dwelling units per gross acre, consistent with the medium density residential zoning for that portion of the project site. Streets, sewer lines and pump station, drainage lines and detention basin, and other utilities would be developed. Lots would be sold for individual development. The proposed project includes an application for a Combined Development Permit, including a Coastal Development Permit for building demolition and infrastructure improvements, and a Tentative Map for the subdivision of land pursuant to the Subdivision Map Act and the Monterey County Subdivision Ordinance (Title 19). The 6.61-acre remainder parcel would occupy the southern half of the project site, and based on its low-density residential zoning, could be subdivided into a maximum of two lots.

The project site is located at 66 Fruitland Avenue, near the terminus of Fruitland Avenue, and to the west side of the road. The project site is Assessor’s parcel number 117-131-032-000, and consists of 13.3 acres. Most of the project site is undeveloped land that has historically been used for grazing and other agricultural uses. A single-family house and accessory structures occupy the western edge of the project site. The house was constructed in the 1930s. Several fruit trees and landscaping plants are located near the house. A gravel driveway provides access from Fruitland Avenue. A shallow drainage swale runs from north to south through the project site, ultimately flowing off-site to Elkhorn Slough.

Areas of Known Controversy

Groundwater

The project site is within the North Monterey County Hydrogeologic Area, a series of groundwater sub-basins that are in serious overdraft. Seawater intrusion and nitrate pollution problems exist in many parts of this area. A groundwater building
moratorium, that did not directly affect the proposed project because the application was submitted prior to the effective date, was in effect for a period of 24 months beginning August 9, 2000. Although a groundwater basin management plan has been developed by the Pajaro Valley Water Management Agency to address groundwater issues, development within north Monterey County remains controversial due to the current groundwater conditions.

**Traffic**

Traffic congestion is a controversial issue in the north Monterey County area, with many roads and intersections experiencing congestion. When occupied, the proposed project would add approximately 300 daily trips to north Monterey County roads, including trips through several intersections that are severely congested at peak hours. Much less traffic would be generated during construction.

**Alternatives**

A “no project” alternative, a “reduced development” alternative, and a “clustered development” alternative were analyzed. Alternatives are discussed in Section 3.2 Alternatives.

The “no project” alternative ranks as the environmentally superior alternative because it eliminates significant unavoidable groundwater impacts. The “no project” alternative eliminates many impacts simply because there is no development, although it does not include water quality or habitat protective measures, and has biological impacts from annual disking in environmentally sensitive habitat. The “reduced development” alternative has reduced severity of impacts primarily because of the smaller development area and intensity, and because many of the hydrology measures required as mitigation for the proposed project are included as part of the design of the “reduced development” alternative. The “clustered development” alternative reduces water quality impacts by incorporating natural pollutant filtering designs and maintaining a larger area in open space. Only the “clustered development” alternative fully meets project objectives.

In addition, an alternative affordable housing component is studied to provide information on the effects of adding affordable units to the proposed project.

**Environmental Impacts and Mitigation Measures**

**Significant Impacts Mitigated to a Less than Significant Level**

The proposed project would result in several impacts or potential impacts that could be mitigated to a less than significant level. All impacts and mitigation measures are summarized in Table S-1. Refer to Section 2.0 Environmental Analysis for discussion of each impact, full wording of the mitigation measures, and associated monitoring actions.
### TABLE S-1

**Summary of Project Impacts and Mitigation**

<table>
<thead>
<tr>
<th>Impact Significance and Description</th>
<th>Mitigation Measure Number and Summary of Measure</th>
<th>Residual Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Biological Resources</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significant Biological Resources Impact 1: On-site Wetlands</td>
<td>(1) Conservation easement over one-half the project site including wetlands and 100-foot buffer.</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td></td>
<td>(2) Temporary fencing along the conservation easement area boundary</td>
<td></td>
</tr>
<tr>
<td>Potentially Significant Biological Resources Impact 2: Establishment of Non-native Plants</td>
<td>(3) Landscaping and re-vegetation plan requiring native plant materials</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Potentially Significant Cumulative Biological Resources Impact 3: Degradation of Water Quality</td>
<td>(4) Spill abatement plan</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td></td>
<td>(5) Detention basin designs and pollutant filtration treatments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(8) Erosion control plan</td>
<td></td>
</tr>
<tr>
<td>Less Than Significant Impact – Burrowing Owl, Tricolored Blackbird, and Loggerhead Shrike</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Potentially Significant Biological Resources Impact 4: Special-Status Amphibians</td>
<td>(1) Conservation easement over one-half the project site including wetlands and 100-foot buffer.</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td></td>
<td>(2) Wetlands protections</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(4) Spill abatement plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(6) Salvage and Protection Plan</td>
<td></td>
</tr>
<tr>
<td>No Impact – Protected Trees</td>
<td>None Required</td>
<td>No Impact</td>
</tr>
<tr>
<td>Less than Significant Impact – Wildlife Movement</td>
<td>None Required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Impact Significance and Description</td>
<td>Mitigation Measure Number and Summary of Measure</td>
<td>Residual Impact</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td><strong>Geology and Soils</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less Than Significant Impact –</td>
<td>None required</td>
<td>Less Than</td>
</tr>
<tr>
<td><strong>Fault Rupture and Ground Shaking</strong></td>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td>Potentially Significant</td>
<td>(7) Incorporation of geotechnical investigation</td>
<td>Less Than</td>
</tr>
<tr>
<td>Geology and Soils Impact 1:</td>
<td>recommendations</td>
<td>Significant</td>
</tr>
<tr>
<td><strong>Loose Surface Soils</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potentially Significant</td>
<td>(7) Incorporation of geotechnical investigation</td>
<td>Less Than</td>
</tr>
<tr>
<td>Geology and Soils Impact 2:</td>
<td>recommendations</td>
<td>Significant</td>
</tr>
<tr>
<td><strong>High Water Table</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less Than Significant Impact –</td>
<td>None Required</td>
<td>Less Than</td>
</tr>
<tr>
<td><strong>Land Sliding</strong></td>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td>No Impact –</td>
<td>None Required</td>
<td>No Impact</td>
</tr>
<tr>
<td><strong>Liquefaction</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Impact –</td>
<td>None Required</td>
<td>No Impact</td>
</tr>
<tr>
<td><strong>Expansive Soils</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potentially Significant</td>
<td>(3) Landscaping and re-vegetation plan requiring native plant materials</td>
<td>Less Than</td>
</tr>
<tr>
<td>Geology and Soils Impact 3:</td>
<td>(5) Detention basin designs and pollutant filtration treatments</td>
<td></td>
</tr>
<tr>
<td><strong>Soil Erosion</strong></td>
<td>(8) Erosion control plan</td>
<td>Significant</td>
</tr>
<tr>
<td><strong>Hydrology and Water Quality</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significant</td>
<td>PVWMD Revised Basin Management Plan (including recycled wastewater project) and Salinas Valley Project mitigate in the long term.</td>
<td>Less Than</td>
</tr>
<tr>
<td>Hydrology and Water Quality Impact 1:</td>
<td></td>
<td>Significant</td>
</tr>
<tr>
<td><strong>Groundwater Balance in North Monterey County Hydrogeologic Area.</strong></td>
<td>(9) Project water audit and actions to maintain project water use within the levels projected by hydrology report</td>
<td></td>
</tr>
<tr>
<td>Impact Significance and Description</td>
<td>Mitigation Measure Number and Summary of Measure</td>
<td>Residual Impact</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Potentially Significant Hydrology and Water Quality Impact 2: Downstream Water Quality</td>
<td>(1) Conservation easement over one-half the project site including wetlands and 100-foot buffer. (2) Wetlands protections (3) Landscaping and re-vegetation plan requiring native plant materials (5) Detention basin designs and pollutant filtration treatments (8) Erosion control plan</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Potentially Significant Hydrology and Water Quality Impact 3: Downstream Flooding</td>
<td>(5) Detention basin designs and pollutant filtration treatments for storm drainage system</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Schools</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Transportation/Traffic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significant Transportation Impact 1: Further Degradation of LOS D or LOS E</td>
<td>(10) Payment of traffic development impact fee</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Significant Transportation Impact 2: Project Traffic Trips at Intersections and Roadway Segments Currently at LOS F</td>
<td>(10) Payment of traffic development impact fee</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Potentially Significant Transportation Impact 3: Emergency Access</td>
<td>(11) Alter street widths</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Aesthetics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potentially Significant Impact – Aesthetics</td>
<td>(3) Landscaping and re-vegetation plan requiring native plant materials Standard conditions of approval</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Impact Significance and Description</td>
<td>Mitigation Measure Number and Summary of Measure</td>
<td>Residual Impact</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td><strong>Agricultural Resources</strong></td>
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<tr>
<td>No Impact – Important Farmland.</td>
<td>None required</td>
<td>No Impact</td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td></td>
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<tr>
<td>Potentially Significant Air Quality Impact 1:</td>
<td>(12) Construction dust control measures</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Construction Dust</td>
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<tr>
<td>Less Than Significant Impact – Project Operations</td>
<td>None required</td>
<td>Less Than Significant</td>
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<tr>
<td>Less Than Significant Impact – Cumulative Air Quality</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td><strong>Cultural Resources</strong></td>
<td></td>
<td></td>
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<tr>
<td>Potentially Significant Impact –</td>
<td>Standard conditions of approval</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Buried Archeological Resources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less Than Significant Impact – Historic Resources</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td><strong>Hazards and Hazardous Materials</strong></td>
<td></td>
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<tr>
<td>Less Than Significant Impact – Prior Use of Hazardous Materials</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Less Than Significant Impact – Danger of Wildlands Fire</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td><strong>Land Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Impact – Land Use Consistency</td>
<td>None required</td>
<td>No Impact</td>
</tr>
<tr>
<td><strong>Mineral Resources</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Impact – Mineral Resources</td>
<td>None required</td>
<td>No Impact</td>
</tr>
<tr>
<td><strong>Noise</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less Than Significant Impact – Noise from Railroad and Traffic</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Less Than Significant Impact – Construction Noise</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td>Impact Significance and Description</td>
<td>Mitigation Measure Number and Summary of Measure</td>
<td>Residual Impact</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td><strong>Population and Housing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Impact –</td>
<td>None required</td>
<td>No Impact</td>
</tr>
<tr>
<td><strong>Loss of Housing</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>Public Services</strong></td>
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<td></td>
</tr>
<tr>
<td>Less Than Significant Impact –</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td><strong>Public Services Demand</strong></td>
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<tr>
<td><strong>Recreation</strong></td>
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<td></td>
</tr>
<tr>
<td>Less Than Significant Impact –</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td><strong>Park and Recreation Facilities</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>Utilities and Service Systems</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less Than Significant Impact –</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td><strong>Wastewater Treatment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than Significant Impact –</td>
<td>None required</td>
<td>Less Than Significant</td>
</tr>
<tr>
<td><strong>Need for Additional Well Capacity</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: EMC Planning Group Inc.

**Cumulative Impacts**

**Groundwater**

The proposed project would increase the overall severity of current overdraft conditions in the north Monterey County hydrogeologic area. The proposed project would have an adverse short-term cumulative impact on groundwater overdraft based on build-out of the North County LUP/LCP; however, implementation of the Watsonville wastewater treatment plant project (part of the Pajaro Valley Water Management Agency Revised Basin Management Plan) would reduce project impacts to a small fraction of the amount of water in storage in the groundwater basins, which the County considers to be to a less than significant level.

**Surface Water Quality**

The proposed project would increase urban development and pollutant levels in run-off waters. Quantities of oils and automotive fluids, heavy metals, landscaping chemicals, and pathogens would increase. This would lead to increased contamination of downstream waters, including Elkhorn Slough and Monterey Bay, as the pollutants are
carried down gradient by run-off water. The proposed project would contribute to cumulative surface water pollution from build-out of the North County LUP/LCP.

**Schools**

Approximately 282 residential units are currently approved but not built, or proposed, for the portions of north Monterey County that are within the Pajaro Valley Unified School District. Cumulative projects would generate approximately 82 new elementary school students, 39 new middle school students, and 56 new high school students. The Pajaro Middle School has adequate remaining capacity for cumulative development, but Ohlone Elementary School and Watsonville High School are currently exceeding capacity.

**Traffic**

Both a cumulative scenario based on a list of approved and proposed projects and a general plan build-out traffic scenario were analyzed. Under cumulative conditions, signalization of two intersections would be necessary:

- Hall Road and Las Lomas Drive (funding identified in 2002 RTP); and
- Hall Road and Sill Road (funding not identified in 2002 RTP).

Under general plan build-out conditions, in addition to these two improvements, the following eight intersections would require signalization:

- Salinas Road and Werner Road (funding not identified in 2002 RTP);
- Salinas Road and Elkhorn Road (funding not identified in 2002 RTP);
- Werner Road and Elkhorn Road (funding not identified in 2002 RTP);
- Elkhorn Road and Hall Road; (not included in 2002 RTP);
- Willow Road and Hall Road; (not included in 2002 RTP);
- San Miguel Canyon Road and Echo Valley Road (not included in 2002 RTP);
- San Miguel Canyon Road and Castroville Boulevard (not included in 2002 RTP); and
- San Miguel Canyon Road and Langley Road (not included in 2002 RTP).

In addition, a second northbound left-turn lane would be required at Werner Road and Elkhorn Road, and an exclusive left-turn lane on the northbound approach to San Miguel Canyon Road and Hall Road intersection would be required. The intersection of San Miguel Canyon Road and Hall Road was also identified as mitigation in the Traffic
Impact Analysis, but this project is already funded in the 2003-2004 capital improvement plan.

Two additional travel lanes would be necessary on several road segments:

- State Highway 1 between Salinas Road and State Highway 183;

- Salinas Road, between Elkhorn Road and State Highway 1 (funding not identified in 2002 RTP);

- Elkhorn Road, between Salinas Road and Hall Road (funding not identified in 2002 RTP);

- Hall Road, between Elkhorn Road and San Miguel Canyon Road (fund not identified in 2002 RTP); and

- San Miguel Canyon Road between Hall Road and U.S. Highway 101 (partial funding identified in 2002 RTP).

**Significant Unavoidable Impacts**

The proposed project would not result in significant and unavoidable impacts. Although the proposed project would contribute to groundwater declines in north Monterey County due to increased pumping from the aquifer and the diversion of most of the water used on the project site from on-site infiltration or run-off to discharge at the Watsonville wastewater treatment plant, (net increase of 1.5 AFY over current conditions), with implementation of the wastewater recycling program and coastal distribution system for recycled water, as planned in the PVWMA Revised Basin Management Plan, the project impacts would be reduced to a less than significant level. The proposed project would pay a traffic development impact fee to offset potentially significant traffic impacts.

**Beneficial Effects**

The proposed project would add housing units in north Monterey County. The region is deficient in housing, and the development of new housing would be a beneficial effect.
4.0 Changes to the Draft EIR
4.0 Changes to the Draft EIR

This section contains text and tables from the Draft EIR with changes indicated. Additions to the text are shown with underlines and deletions are shown with strikethroughs. Also refer to Section 3.0 Revised Summary for an updated summary.

The following change is made to the consistency analysis in the last paragraph on Page 1-28 of the Draft EIR:

Although recharge of the aquifer would continue on the project site, the proposed project would decrease net recharge by 5.18 acre-feet per year under current conditions, and 1.66 acre-feet when project wastewater is recycled in the future. This represents between about 0.003 and 0.009 percent of total usable basin storage. The north Monterey County hydrogeologic area is in a state of significant overdraft, and the proposed project would generate a water demand for which a long-term sustainable supply of water cannot be assured without a regional program to address groundwater balance problems. The PVWMA Revised Basin Management Plan, when implemented, will address the regional groundwater balance and assure an adequate groundwater supply for planned growth within the PVWMA, including the proposed project. The proposed project will pay fees and assessments to the Pajaro Valley Water Management Agency, some of which will fund implementation of the Revised Basin Management Plan. Therefore, the proposed project would be consistent with this policy.

The following change is made to the consistency analysis in the fifth paragraph on Page 1-31 of the Draft EIR:

Consistency Analysis: The proposed project is a residential development located in the Fruitland area of north Monterey County. The proposed project densities are consistent with the designated development density for the project site. Sewer and water services, provided by large service providers, are available at the project site. Adequate sewer capacity is available at the Watsonville wastewater treatment plant. Mitigation Measure 10 requires the proposed project to fund a fair share of necessary transportation improvements. The proposed project would be consistent with this policy.

The following change is made to the discussion of the north Monterey County groundwater basin at the end of the first full paragraph on Page 2-45 of the Draft EIR:

Without significantly deceased groundwater pumping in the coastal areas, the safe yield of the Monterey County portion of the basin is estimated to be 14,400 acre-feet per year.
The following change is made to the discussion of the PVWMA memorandum of understanding regarding Broadview water in the second full paragraph on Page 2-49 of the Draft EIR:

PVWMA has entered into a Memorandum of Understanding with the Santa Clara Valley Water District (SCVWD) and Westlands Water District regarding a plan to share costs and benefits associated with the Broadview supply. During wet years, excess CVP water could be transferred to SCVWD, and in dry years excess water from SCVWD reservoirs could be transferred to PVWMA. This arrangement would help even supplies from year to year. The goal of PVWMA at this time is to acquire only enough water to meet current needs.

The following change is made to the discussion of the PVWMA litigation regarding augmentation fees in the first (partial) paragraph on Page 2-50 of the Draft EIR:

The PVWMA Board approved the rate increases, but due to legal challenges, requested validation of the increase from the Santa Cruz County Court, to determine whether the increase is a fee, or a tax (for which a two-thirds voter approval is required). The Court validated the fees in April 2004, and this case is now pending in the Appellate Court on appeal. In a separate case, the Appellate Court held that the plaintiff’s challenge was barred by the statute of limitations to the extent that those fees related to capital improvements were valid.

The following new paragraph regarding existing water use on the project site is added following the fourth full paragraph on Page 2-55 of the Draft EIR:

Analysis by Geoconsultants Inc. used a consumptive use figure of 1.7 acre-feet per year for residences at a density of less than one unit per 10 acres (Fugro West, Inc.). Based on an infiltration rate of 40 percent for Springfield Terrace, the existing residence was estimated to use about 1.0 acre-feet of water per year, compared to 0.23 acre-feet per year estimated by Todd Engineers Inc. The Consultant substituted the 1.7 acre-foot consumption rate for the existing house and the 40 percent infiltration in the water balance spreadsheet prepared by Todd Engineers. Using these assumptions, the proposed project would result in an increase in withdrawals of only 9.61 acre-feet per year, and an increase in infiltration of only 5.39 acre-feet per year. Therefore, the proposed project would have a lesser negative effect on net recharge, a decrease of 4.42 acre-feet per year, compared to 4.54 acre-feet as determined by Todd Engineers Inc. With these assumptions, the benefit of the recycling project would be less, because the Draft EIR used an assumption of 50 percent recharge rather than 40 percent.
Potential for Increased On-Site Percolation to Groundwater. Methods to increase recharge of groundwater aquifers typically rely on gravity or forced introduction of water to the aquifer. On the project site, the underlying low-permeability clay layer limits the recharge of the groundwater aquifer by water infiltrating surface soils. Relatively little recharge is expected from the proposed detention basin, and additional detention area would not likely have a significant benefit to recharge. Vertical injection wells could be used to put water below the clay layer and increase recharge. The project soils engineer raised concerns that use of injection wells would require study to assure that the injection did not compromise geologic stability on the project site and vicinity or have other unforeseen detrimental effects. According to Todd Engineers, the introduction of significant amounts of water beneath the clay layer could potentially lead to liquefaction conditions (Bill Motzer, personal communication, May 19, 2004). In addition, if the injection well is located within the detention basin, the most practical location, siltation of the injection well could require frequent maintenance. Given the underlying clay layer and uncertainty of side effects from injection, the feasibility of increasing infiltration on the project site would require additional detailed geotechnical study. However, in a report prepared for the Applicant by Geoconsultants Inc. in September 2004, the possibility of a horizontal well, drawing water from the perched aquifer and transferring it beneath the clay layer is suggested. This approach would not face the problem of excessive siltation, because water would be drawn from within below ground, and the removal of water from the perched aquifer could potentially reduce liquefaction potential. This approach would be a closed system, not subject to surface contamination, and release rates could be controlled to maintain the downstream seeps.

Mitigation Measure 9 is revised to clarify the exact amount of water use to which the proposed project should be limited.

9. In order to reduce water use at the project site and interim groundwater overdraft effects, prior to issuance of the last 25 percent of building permits for the project, the project proponent shall have a qualified engineer prepare a water use audit of houses already constructed within the project. The study shall determine the annual amount of water used by the first 50 percent of houses for which occupancy permits were issued, based on a 12 month period following issuance of occupancy permits, and adjusted for months when the houses were not actually occupied. The report shall compare actual water use to the projections in the hydrology report for the project (11.51 acre-feet for 26 houses). If actual water use exceeds the proportional amount projected in the hydrology report, an attainment plan shall be prepared to demonstrate how total project water usage will be maintained within projected quantities. The water use attainment plan may utilize the following measures or other effective measures:
a. provision of water-saving clothes washing machines and dishwashers in existing or remaining project houses;

b. limitations on fixture unit counts in remaining houses;

c. funding of low water use fixture retrofits in non-project houses within the north Monterey County hydrogeologic area;

d. further limitations on landscaping; and

e. installation of interior and exterior water meters to allow shut-off of irrigation water supply.

No additional building permits shall be issued unless the project proponent first demonstrates that water use for that house along with others built or permitted to date will remain within the water use projected in the hydrology report.

The following change is made to Table 10 on Page 2-74 of the Draft EIR:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>AM Peak Hour</th>
<th></th>
<th>PM Peak Hour</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Existing LOS and Delay</td>
<td>Project LOS (mitigated) Delay (mitigated)</td>
<td>Existing LOS and Delay</td>
</tr>
<tr>
<td>Salinas Road and Elkhorn Road</td>
<td>C (17.9 13.9)</td>
<td>B (B) (14.0 17.2)</td>
<td>B F (12.5 13.9)</td>
</tr>
<tr>
<td>Werner Road and Salinas Road</td>
<td>B C (13.9 17.9)</td>
<td>C (*) (18.2 *)</td>
<td>B (B) (80.9 13.3)</td>
</tr>
</tbody>
</table>

The following change is made to the discussion of State Highway 1 improvements and funding on Page 2-80 of the Draft EIR:

**State Highway 1 South of Salinas Road.** Widening this highway to four lanes for the approximately seven miles between Castroville and Salinas Road would improve operations to acceptable levels. This improvement is identified in the Route 1 Corridor Study – Castroville to Santa Cruz County and the 2002 RTP. Approximately $13,000,000 has been funded for right of way acquisition and environmental review, however,
Neither the preliminary design and environmental review costs nor the $187,000,000 cost of construction is not funded through the 2002-2022 period. Widening of this segment, other than the northern-most one-half mile as part of the State Highway 1 and Salinas Road interchange, is unlikely will not occur during the 2002-2022 period (David Silberberger, personal communication, August 22, 2003, and letter from Caltrans August 24, 2004).

The following change is made to Mitigation Measure 10 on Page 2-84 and 2-85 of the Draft EIR to add State Highway 1 widening south of Salinas Road to the list of mitigation projects:

**Mitigation Measure**

10. In order to mitigate for impacts to congested roads and intersections, prior to filing the Final Subdivision Map the project proponent shall pay a pro-rata share of improvements necessary to maintain acceptable levels of service at the intersections and roadway segments affected by project traffic as listed below. These pro-rata share costs shall be based on the project’s contribution as a share of General Plan build-out traffic volumes using the methodology used for Exhibit 3 of the Rancho Roberto Traffic Study, (Higgins Associates, June 14, 2000). In the event the Board of Supervisors adopts a regional traffic impact fee prior to project approval, the ad hoc fee for projects included in the regional impact fee program shall be counted towards and transferred to the regional traffic fee account. Fees to cover pro-rata shares of the following improvements shall be required:

   a. U.S. Highway 101 and San Juan Road - Upgrade the intersection to an interchange (or the Prunedale U.S. Highway 101 Safety Improvement Program at the discretion of Caltrans);

   b. State Highway 1 and Salinas Road - Upgrade the intersection to an interchange as identified in the Route 1 Corridor Study – Castroville to Santa Cruz County (MCTC and AMBAG, 1985);

   c. Salinas Road (or Werner Road) and Elkhorn Road - Install a two-phase traffic signal as identified in the North County Circulation Study (Monterey County Public Works Department, October 1998);

   d. Elkhorn Road and Werner Road – Signalize intersection and lane improvements;

   e. Hall Road and Elkhorn Road – Signalize intersection.

   f. Hall Road and Willow Road - Provide an acceleration lane on the west leg for northbound left-turns from Willow Road;

   g. Hall Road and Las Lomas Drive – Widen southbound approach to provide one exclusive left-turn lane and one exclusive right-turn lane as identified in
the North County Circulation Study. Signalize intersection, as identified as a long-term improvement in the North County Circulation Study;

h. Hall Road and Sill Road - Widen the southbound approach to provide two turn lanes as identified in the North County Circulation Study. Signalize intersection, as identified as a long-term improvement in the North County Circulation Study;

i. Hall Road and San Miguel Canyon Road - Addition of a traffic signal as identified in the North County Circulation Study;

j. San Miguel Canyon Road and Echo Valley Road - Addition of an acceleration lane for westbound left-turns;

k. San Miguel Canyon Road and Castroville Boulevard - Addition of an acceleration lane for eastbound left-turns. Signalize intersection, as identified as a long-term improvement in the North County Circulation Study;

l. San Miguel Canyon Road and Prunedale North Road (or Langely Canyon Road) - Widen and/or channelize and/or signalize;

m. San Miguel Canyon Road between U. S. Highway 101 and Hall Road – Widen to four lanes;

n. Hall Road between Elkhorn Road and San Miguel Canyon Road – Widen to four lanes;

o. Elkhorn Road between Salinas Road and Hall Road – Widen to four lanes; and

p. Salinas Road between State Highway 1 and Pajaro – Widen to four lanes; and

q. State Highway 1 between Salinas Road and State Highway 183 – Widen to four lanes.

The evaluation of alternatives (last paragraph on Page 3-28 and first paragraph on Page 3-31 of the Draft EIR) is revised to clarify differences between the alternatives and the proposed project.

The “clustered development” alternative removes most development from an area with loose soils and high groundwater, thus eliminating potential impacts associated with these geologic hazards. In terms of water quality, the “clustered development” alternative is superior to other “build” alternative and the proposed project because the additional natural filtration of storm water is provided—superior downstream water quality. As with the “reduced development” alternative, the “clustered development” alternative includes water quality measures in the design, but the measures are carried out to a greater degree and over a larger area of open space. The “clustered development” alternative is the only alternative that fully meets project objectives.
However, the “clustered development” alternative does not reduce groundwater withdrawals, and is inferior to the “reduced development” alternative in this regard.

The “reduced development” alternative reduces the significant impact to groundwater recharge compared to the proposed project and the other “build” alternatives. The “reduced development” alternative has reduced severity of most impacts compared to the proposed project and other alternatives, primarily because of the smaller number of units. In many cases, the impact per unit is similar to the proposed project and the other “build” alternative. The “reduced development” alternative is better than the “no project” alternative in terms of biological impacts that result from annual disking in the alluvial basin and associated ESHA. The “reduced development” alternative would only partially achieve project objectives.
5.0 Revised Mitigation Monitoring Program

Introduction

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an EIR or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure compliance with the measures. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented. The monitoring program has been revised to reflect changes based on comments received during the public review period.

Monitoring Program Procedures

The Monterey County Planning and Building Inspection Department shall use the attached monitoring list for the proposed project. The monitoring program should be implemented as follows:

1. The Monterey County Planning and Building Inspection Department would be responsible for coordination of the monitoring program, including the monitoring list. The Monterey County Planning and Building Inspection Department would be responsible for completing the monitoring list and distributing the list to the responsible individuals or agencies for their use in monitoring the mitigation measures.

2. Each responsible individual or agency would then be responsible for determining whether the mitigation measures contained in the monitoring list have been
complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring list to the Monterey County Planning and Building Inspection Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring list should not be returned to the Monterey County Planning and Building Inspection Department.

3. The Monterey County Planning and Building Inspection Department will review the list to ensure that appropriate mitigation measures included in the monitoring list have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals.

4. If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Monterey County Planning and Building Inspection Department, describing the non-compliance and requiring compliance within a specified period of time. If a non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the Monterey County Planning and Building Inspection Department.

**Monitoring Checklist**

The mitigation measures presented in Rancho Roberto Subdivision Draft EIR section 2.0 Environmental Analysis form the basis for this monitoring program. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. The monitoring program has been revised to reflect changes based on comments received during the public review period. Upon approval of the proposed project these mitigation measures would become conditions of project approval, which the project proponent would be required to complete during and after implementation of the proposed project.

The checklist on the following pages will be utilized for monitoring the implementation of the mitigation measures. This monitoring checklist contains all appropriate mitigation measures in the EIR.
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## Monterey County Planning and Building Inspection Department

### Program for Monitoring or Reporting* on Mitigation Measures and Monterey County Conditions of Permit Approval

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

<table>
<thead>
<tr>
<th>Permit Cond. Number</th>
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<th>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</th>
<th>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</th>
<th>Responsible Party for Compliance</th>
<th>Timing</th>
<th>Verification of Compliance (name/date)</th>
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<tr>
<td>MM #1</td>
<td></td>
<td>(Biological Resources) In order to protect environmentally sensitive wetlands habitat and potential amphibian habitat on the project site, including associated uplands, the final map and related documentation shall include the following:</td>
<td>1A. The project proponent shall submit a final map and declarations relating to the establishment of the community association for review by the Monterey County Surveyor and a recommendation, based on conformance with the requirements of the mitigation measure, shall be sent by the Surveyor to the Board of Supervisors for its consideration in approval of the final map.</td>
<td>Project Proponent Monterey County Surveyor</td>
<td>Prior to recording of the final map</td>
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<td>a. A conservation easement over one half the project site acreage, the majority of which shall be in the southern portion of the project site, and which shall include at minimum those portions of the remainder parcel below the 100-foot contour above mean sea level, and any areas of the project site within 100 feet of wetlands. The conservation easement shall prohibit vegetation removal, excavation, grading, filling, and construction of roads and structures within the easement, except as may be permitted under Nationwide Permit 43 under Section 404 of the Clean Water Act. Such exceptions may include activities for watershed restoration or other activities that will ensure the long-term maintenance of the habitat (including the drainage basin, which serves as a settling basin);</td>
<td>1B. PBI shall review the plans for conformance with the requirements of the mitigation measure. Final improvement plans shall not be approved until they conform to the requirements of the mitigation measure.</td>
<td>PBI</td>
<td>Prior to approval of the final improvement plans</td>
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<td>b. Location of the sewer pump station outside the conservation easement;</td>
<td>1C. The community association shall file a report regarding compliance with this measure including a description of any violations and restoration performed as appropriate. The report shall be submitted to the Director of PBI. The community association shall be responsible for enforcing habitat protection and maintenance measures to protect onsite biological resources.</td>
<td>Community Association PBI</td>
<td>Annually</td>
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<td>c. Appropriate documentation (such as a statement attached and filed with the final map) for the establishment of a community association to take long-term responsibility and guarantee funding for the long-term protection and maintenance of the conservation easement, including enforcing protective measures, assessing fines for violations, and reporting violations to the County. The following measures shall be established as Covenants, Codes, and Restrictions for each lot in order to ensure the long-term protection and maintenance of the conservation easement:</td>
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<td>l. Prohibition of motor vehicle and bicycle use, pets, storage,</td>
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**Project Name:** Rancho Roberto Subdivision  
**File No:** PLN 980685  
**APNs:** 117-131-032-000  
**Approval by:** Final EIR (Revised)  
**Date:** 1/3/05
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<td>MM #2</td>
<td>(Biological Resources)</td>
<td>In order to protect the wetland areas and buffer areas during construction, the contractor shall install temporary fencing along the conservation easement area boundary prior to commencement of grading and construction activities. Four-foot fencing shall be fastened to t-post stakes placed at eight-foot intervals. Signs shall be installed to clearly designate sensitive habitat boundaries. Erosion control shall be installed to prevent washing of soil or materials into the wetland during construction. Grading shall occur within the easement only as allowed under a Section 404 permit. Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall not be allowed within the conservation easement. The fencing shall remain in place during the entire construction period. If construction is to occur within the 100-foot buffer area, protective fencing shall be placed as near the boundary of the conservation easement as possible, and in no case within the alluvial basin or spring. Permanent open-rail fencing may be installed in lieu of the temporary fencing.</td>
<td>1D. New property owners shall submit a signed affidavit acknowledging that they have read, understand, and agree to the Covenants, Codes, and Restrictions applying to the property, common areas, and conservation easement areas.</td>
<td>Property Owners</td>
<td>At transfer of property</td>
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<td>2A. The project proponent shall submit written and/or photographic verification to PBI of the appropriate installation of the exclusionary fencing. PBI shall review the evidence for adequacy of the installation and if necessary, visit the project site to verify. If the fencing is not adequate in the determination of PBI, work shall be stopped until the installation is determined satisfactory by PBI.</td>
<td>Responsible Contractor</td>
<td>PBI</td>
<td>Prior to commencement of grading activities</td>
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<td>2B. The project proponent shall submit a letter report and/or photographs to PBI documenting the ongoing maintenance and condition of the exclusionary fencing and protection of the fenced area. PBI shall review the reports for conformance with the methods outlined in the mitigation measure. Failure to submit a report showing that the proposed project is in conformance with the methods outlined in the mitigation measure shall cause all work to be stopped until conformance is confirmed and the report is received by the PBI. The project proponent shall be responsible for correcting any violations immediately. Frequency of the reporting may be decreased at the discretion of PBI</td>
<td>Responsible Contractor</td>
<td>PBI</td>
<td>Weekly during construction activities</td>
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Rancho Roberto Subdivision Mitigation Monitoring and Reporting Program
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<td>MM #3</td>
<td>(Biological Resources) In order to prevent the spread of invasive non-native species, the project proponent shall prepare a landscaping and re-vegetation plan to include the following requirements:</td>
<td>3A. The project proponent shall ensure the landscaping restrictions outlined in the mitigation measure are recorded on the deed.</td>
<td>Project Proponent PBI</td>
<td>Concurrent with recording of the final map</td>
<td>Week 12</td>
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<td>a. An eradication plan for plants listed in the County brochure <em>Invasive Plants in Monterey County</em> and currently growing on the project site.</td>
<td>3B. The project proponent shall submit landscape and re-vegetation plans to PBI for review and approval relative to restrictions outlined in the mitigation measure. The Monterey County Planning and Building Inspection Department shall review the plans, and approve the plans only if they are in conformance with the restrictions outlined in the mitigation measure.</td>
<td>Project Proponent PBI</td>
<td>Prior to approval of final improvement plans</td>
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<td>b. Use of plants listed in the County brochure Invasive Plants in Monterey County shall be prohibited;</td>
<td>3C. The project proponent shall demonstrate that the applicable provisions of the approved landscape, re-vegetation, and erosion control plans have been implemented. PBI shall inspect the landscaping at the first inspection following completion of grading.</td>
<td>Project Proponent PBI</td>
<td>Prior to sign-off on a grading permit</td>
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<td>c. For the period between October 15 and the following April 15 each year un-vegetated soil areas and bare soil between newly installed plant materials shall be mulched, covered with jute netting, or seeded with a mix of seeds best suited for the climate and soil conditions, and native to the north Monterey County region; and;</td>
<td>3D. The project proponent shall demonstrate that the applicable provisions of the approved landscape and re-vegetation plan have been implemented. PBI shall inspect the landscaping as provided by Monterey County ordinances.</td>
<td>Project Proponent PBI</td>
<td>For common areas prior to issuance of any occupancy permit for the applicable phase For individual lots prior to issuance of an occupancy permit for each lot</td>
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<td>d. Plant materials used in landscaping, erosion control, or habitat restoration shall consist of plants that are included on the County brochure Suggested Native Species Landscaping List in the North County Coastal Zone or the County brochure Drought Resistant Plants, or other appropriate native California plants as identified by a qualified biologist or landscape architect, except that lawns shall be allowed in accordance with Monterey County Code Section 18.44 and vegetable and flower gardens shall be allowed within fenced backyards.</td>
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<td>MM #4</td>
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<td>(Biological Resources) In order to prevent the dumping of potentially harmful materials and to allow a prompt and effective response to any accidental spills occurring during construction, and to protect on-site and downstream water quality and habitat, the project proponent shall prepare a materials disposal and spill abatement plan and hold a pre-construction worker orientation meeting(s) to discuss the plan. Workers shall be informed of the importance of preventing discharge or spills of construction materials, and of the appropriate measures to take should a spill occur. The materials necessary for the initial response to a spill shall be kept at an easily accessible location on the project site.</td>
<td>3E. Until invasive plants are determined by PBI to have been eradicated, the community association shall prepare a report summarizing efforts to eradicate invasive plants and showing progress from the initial conditions and previous report.</td>
<td>Community Association PBI</td>
<td>Annually</td>
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<td>MM #5</td>
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<td>(Biological Resources) In order to reduce contamination of downstream waters from urban pollutants and ensure that off-site flows of storm water do not exceed existing conditions, a registered civil engineer shall design the storm drainage system in accordance with Monterey County Code section 19.10.050, to include the following components: a. detention basin calculated subject to approval by Monterey County Water Resources Agency and the County Building Official, to detain water and regulate the off site flow rate of storm water to pre-project rates during the 100-year design storm and to allow emptying within a 24-hour period following the design storm;</td>
<td>4A. The project proponent shall prepare a discharge and spill abatement plan for review and approval by PBI. 4B. The contractor(s) shall submit to PBI written verification of the pre-construction worker orientation meeting(s), including the date, a list of attendees, and a summary of topics discussed. The project proponent shall submit written verification that all materials and equipment necessary for implementation of the spill abatement plan are on site and available for immediate use.</td>
<td>Project Proponent Responsible Contractor Project Proponent</td>
<td>Prior to issuance of a grading or building permit Prior to commencement of grading or construction</td>
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<td>b. grease/oil water and sediment separation in the farthest downstream catch basin on each line;</td>
<td>5A. A qualified engineer shall prepare final drainage system plans, including storm water detention calculations. The final drainage plans shall be subject to the review and approval of WRA and the County Building Official, based on conformance with the requirements of the mitigation measure. 5B. The project proponent shall provide written evidence from a qualified engineer to demonstrate that the drainage plan has been implemented as applicable. WRA shall review and approve such evidence.</td>
<td>Qualified Engineer Qualified Engineer per Project Proponent WRA</td>
<td>Prior to approval of final improvement plans Prior to sign-off on the grading permit</td>
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<td>c. open drainage conveyances incorporating vegetative filter strips or grassed swales to the extent feasible, rather than closed conveyances;</td>
<td>5C. The project proponent shall provide written evidence from a qualified engineer to demonstrate that the drainage improvements are functioning adequately under winter storm conditions. If the engineer observes less than adequate function of the drainage system, a report shall be prepared outlining the necessary steps to bring the drainage system into an adequate state, and those steps shall be completed within 30 days of the engineer’s report.</td>
<td>Qualified Engineer per Project Proponent</td>
<td>In January of the first year following sign-off on the grading permit</td>
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<td>d. drainage of roofs and patio areas directly to vegetated pervious areas to the extent feasible, and</td>
<td>5D. The project proponent shall provide written evidence from a qualified engineer to demonstrate that the drainage plan has been adequately implemented on each lot and on the remainder parcels and/or common areas. WRA shall review and approve such evidence.</td>
<td>Qualified Engineer per Project Proponent WRA</td>
<td>Prior to issuance of each occupancy permit</td>
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<td>e. vegetative filter strips within the conservation easement for no less than 50 feet down gradient of the developed areas, including streets and residences, and the outfall of the detention basin.</td>
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<td>The basin should be designed to blend with the surrounding natural features, and have no or low fencing, open at the bottom to allow movement of amphibians. To the extent feasible, a series of secondary basins shall be designed below the primary basin to increase the potential for settling of contaminants, and allow additional detention capacity to account for previously increased storm flow contributions from the project applicant’s up-gradient project. Maintenance of the storm drain system shall be the responsibility of the community association, which shall contract with a registered civil engineer to report on its condition to Monterey County Water Resources Agency annually. (WRA)</td>
<td>5E. The project proponent (or community association as successor) shall provide a report to WRA from a registered civil engineer, describing the condition and functionality of the storm drainage system and recommending any corrective actions. If any corrective actions are required, evidence of their completion shall be provided prior to October 15 of the same year.</td>
<td>Project Proponent or Community Association WRA</td>
<td>Annually, no later than June 30</td>
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<td>6A. PBI shall review the plan for conformance with the requirements of the mitigation measure. Construction details for long-term protection of amphibians shall be included on project improvement plans. Final improvement plans shall not be approved until they conform to the requirements of the mitigation measure.</td>
<td>Qualified Biologist per Project Proponent PBI</td>
<td>Prior to approval of final improvement plans</td>
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<td>6B. A qualified biologist shall submit written verification of the pre-construction worker orientation, including the date of the meeting, a list of attendees, and a summary of topics discussed, to PBI.</td>
<td>Qualified Biologist per Project Proponent PBI</td>
<td>Prior to commencement of grading</td>
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MM #6 (Biological Resources) In order to avoid losses of special status species during construction or occupancy, the project proponent shall submit a Special Species Salvage and Protection Plan prepared by a qualified biologist in consultation with the California Department of Fish and Game and/or United States Fish and Wildlife Service subject to the review and approval of the Monterey County Planning and Building Inspection Department. Said Plan shall include the following:

a. A qualified biologist shall conduct a pre-construction worker orientation to inform workers of the amphibian’s protected status and facilitate identification of the potential presence of Santa Cruz long-toed salamander, California red-legged frog, California tiger salamander, and foothill yellow-legged frog.

b. Establish work boundaries
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<td>MM #7</td>
<td>(Geology and Soils)</td>
<td>To address specific construction requirements for residences and streets in areas of loose surface soils, and in areas subject to seasonal or continuous high groundwater conditions, the applicant shall incorporate specific earthwork, engineering, and construction techniques appropriate for site conditions as presented in the final geologic report prepared by Nielsen and Associates, and the geotechnical investigation prepared by Haro Kasunich and Associates, and any subsequent engineering reports that may be prepared, into the improvement plans for the project. Of particular concern at the project site is the need to identify loose soils and replace them with engineered fill, and the need to identify dewatering requirements and long-term maintenance of the dewatering system. (PBI)</td>
<td>6A. The project proponent shall incorporate the specific earthwork, engineering, and construction recommendations presented in the final geologic report prepared by Nielsen and Associates the geotechnical report by Haro Kasunich and Associates into the project plans subject to review and approval by PBI. Grading and improvement plans shall be prepared by a qualified engineer.</td>
<td>Project Proponent PBI</td>
<td>Prior to approval of a grading permit</td>
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<td>7A. The project proponent shall consult with a qualified biologist to develop and implement a Special Status Amphibian Salvage and Protection Plan, addressing Santa Cruz long-toed salamander, California red-legged frog, California tiger salamander, and foothill yellow-legged frog, to prevent death or injury to individual amphibia during grading or construction operations. Said Plan shall be completed in consultation with the California Department of Fish and Game and/or United States Fish and Wildlife Service, subject to the review and approval of PBI.</td>
<td>Qualified Biologist per Project Proponent CDFG and/or USFWS PBI</td>
<td>Qualifying Biologist per Project Proponent PBI</td>
<td>Weekly, bi-weekly, or monthly during construction, as deemed appropriate by PBI</td>
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<td>6C. The project applicant shall consult with a qualified biologist to develop and implement a Special Status Amphibian Salvage and Protection Plan, addressing Santa Cruz long-toed salamander, California red-legged frog, California tiger salamander, and foothill yellow-legged frog, to prevent death or injury to individual amphibia during grading or construction operations. Said Plan shall be completed in consultation with the California Department of Fish and Game and/or United States Fish and Wildlife Service, subject to the review and approval of PBI.</td>
<td>Qualified Biologist per Project Proponent CDFG and/or USFWS PBI</td>
<td>Qualifying Biologist per Project Proponent PBI</td>
<td>Prior to issuance of a grading permit</td>
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<td>6D. The biologist shall provide (weekly, bi-weekly, monthly) reports regarding implementation of the Special Status Amphibian Salvage Plan including photographs of the site conditions to the Director of PBI for review and approval.</td>
<td>Qualified Biologist per Project Proponent PBI</td>
<td>Monthly, bi-weekly, or monthly during construction, as deemed appropriate by PBI</td>
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<td>7B. The contractor shall keep a log of each grading or construction activity performed, including date and photographs, as necessary, noting earthwork and construction techniques employed.</td>
<td>Responsible Contractor PBI</td>
<td>Daily during grading and construction activities</td>
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<td>7C. The project proponent who shall submit to PBI a report prepared by a qualified engineer reviewing the implementation of geotechnical recommendations during the previous month. PBI shall review the reports for conformance with the recommendations outlined in the geotechnical report. Failure to submit a report showing that the proposed project is in conformance with the methods outlined in the geotechnical report shall cause all work to be stopped until conformance is confirmed and the report is received by the PBI.</td>
<td>Geotechnical Engineer per Project Proponent PBI</td>
<td>Monthly during grading and construction activities</td>
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<td>7D. The project proponent shall submit to PBI a certified report from a qualified engineer documenting that each measure has been satisfactorily implemented at the subject lot.</td>
<td>Geotechnical Engineer per Project Proponent PBI</td>
<td>Prior to issuance of each occupancy permit</td>
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<td>7E. The community association shall submit a dewatering system maintenance report to the County Building Official. The report shall be prepared by a qualified engineer, and summarize the condition and operability of the system as well as present a short-term (1-year) and long-term (10-year) maintenance and financing program. The County Building Official shall take actions allowed by law against the community association if the report is not prepared or if deficiencies in the report are not promptly remedied.</td>
<td>Community Association Building Official</td>
<td>Annually</td>
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<td>MM #8</td>
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<td>8A. The project proponent shall have an erosion control plan prepared by a qualified professional, including but not limited to the erosion control methods outlined in the mitigation measure. The erosion control plan shall be submitted to PBI for review and approval based on conformance with the methods outlined in the mitigation measure.</td>
<td>Qualified soils engineer, or landscape architect per project proponent PBI</td>
<td>Prior to issuance of a grading permit</td>
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<td>8B. The project proponent shall submit a letter report and/or photographs from a qualified soils engineer to PBI documenting the ongoing maintenance and the condition of the erosion control fencing and other</td>
<td>Qualified Soils Engineer per Project Proponent PBI</td>
<td>Weekly between October 15 and April 15</td>
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**MM #8 (Geology and Soils)** In order to reduce erosion on the project site and risk of sedimentation downstream, the applicant shall prepare an erosion control plan and Storm Water Pollution Prevention Plan for site preparation, construction, and post-construction periods. The erosion control plan shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Prevention System and Monterey County Ordinance 16.12. The erosion control plan may include, but not necessarily be limited to, the following components:

a. Limit grading to between April 16 and October 14 in conformance with Monterey County Code Section 16.12.090;
b. Limit disturbance of soils and vegetation removal to the minimum area necessary for access and construction;
c. Stake or flag grading limits in the field. The stakes or fencing shall
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<td>remain in place until all construction activities are complete. Grading shall be limited within the conservation easement consistent with the restriction for that easement;</td>
<td>erosion control measures. PBI shall review the reports for conformance with the methods outlined in the mitigation measure. Failure to submit a report showing that the proposed project is in conformance with the methods outlined in the mitigation measure shall cause all work to be stopped until conformance is confirmed and the report is received by PBI. The project proponent shall be responsible for correcting any violations immediately. Frequency of the reporting may be decreased at the discretion of PBI.</td>
<td>Qualified Soils Engineer per Project Proponent</td>
<td>Week 4</td>
<td>Prior to sign-off on the grading permit</td>
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<td>d. Install an erosion control fence (i.e., sedimentation control fence) around the conservation easement area and along the southern boundary of the project site;</td>
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<td>e. Cover disturbed slopes with straw mulch or jute netting after seeding or planting;</td>
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<td>f. Stockpile topsoil from grading activities to be used at the project site for re-vegetation purposes;</td>
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<td>g. Cover or otherwise protect stockpiled soils during periods of rainfall;</td>
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<td>h. Prevent storm water flow directly down unprotected slopes, devoid of vegetation, by utilizing straw bales or diversion fencing;</td>
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<td>i. Ensure grading operations are observed and evaluated by a qualified soils engineer;</td>
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<td>j. Re-vegetate disturbed areas, especially slopes and areas where tree removal has occurred, with a mix of seeds best suited for the climate and soil conditions, and native to the north Monterey County region, or with plant materials listed in the County brochure Erosion Control Planting, or other appropriate native California plants as identified by a qualified biologist or landscape architect; and</td>
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<td>Week 11</td>
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<td>k. Any disturbed areas within the conservation easement (i.e.: from placement or removal of the fencing) shall be re-vegetated with native grassland vegetation or other appropriate native vegetation as soon as feasibly possible after completion of construction activities. (PBI)</td>
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<td>Week 12</td>
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<td>8C. The project proponent shall demonstrate to PBI that the applicable provisions of the approved landscape, re-vegetation, and erosion control plans have been implemented. The report shall briefly explain why measures not employed are not necessary or applicable.</td>
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<td>8D. The project proponent shall submit to PBI a certified report from a qualified soils engineer regarding how each post-construction erosion control measure has been implemented at the subject lot.</td>
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<td>Qualified Soils Engineer per Project Proponent</td>
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<td>Qualified Soils Engineer per Project Proponent</td>
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<td>Prior to issuance of each occupancy permit</td>
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| MM #9 | (Hydrology and Water Quality) 9. In order to reduce water use at the project site and interim groundwater overdraft effects, prior to issuance of the last 25 percent of building permits for the project, the project proponent shall have a qualified engineer prepare a water use audit of houses already constructed within the project. The study shall determine the annual amount of water used by the first 50 percent of houses for which occupancy permits were issued, based on a 12 month period following issuance of occupancy permits, and adjusted for months when the houses were not actually occupied. The report shall compare actual water use to the projections in the hydrology report for the project (11.51 acre-feet for 26 houses). If actual water use exceeds the proportional amount projected in the hydrology report, an attainment plan shall be prepared to demonstrate how total project water usage will be maintained within projected quantities. The water use attainment plan may utilize the following measures or other effective measures:  
   a. provision of water-saving clothes washing machines and dishwashers in existing or remaining project houses;  
   b. limitations on fixture unit counts in remaining houses;  
   c. funding of low water use fixture retrofits in non-project houses within the north Monterey County hydrogeologic area;  
   d. further limitations on landscaping;  
   e. installation of interior and exterior water meters to allow shut-off of irrigation water supply; and  
No additional building permits shall be issued unless the project proponent first demonstrates that water use for that house along with others built or permitted to date will remain within the water use projected in the hydrology report.  
(WRA) | Prior to the issuance of each permit that would represent more than 75 percent of project units (the 20th permit if 26 units are approved), the project proponent shall have the water audit, (and if necessary, the attainment plan) prepared by a qualified engineer and submit the audit and report to the Monterey County Planning and Building Inspection Department for review and approval. No additional building permits shall be issued unless the project proponent demonstrates that water use for that house plus all others built or permitted in the project to date will remain within the water use projected in the hydrology report. If attainment measures are required, proof of implementation of those measures shall be submitted with construction plans. | Project Proponent PBI | Prior to approval of each building permit that would represent more than 75 percent of project units (the 20th permit if 26 units are approved) |        |
<p>| MM #10 | (Transportation) In order to mitigate for impacts to congested roads and intersections, prior to filing the Final Subdivision Map the project proponent shall pay a pro-rata share of improvements necessary to maintain acceptable levels of service at the intersections and roadway | 10A. The project proponent shall attach a declaration to the final map relating to the establishment of a traffic impact fee to be paid at building permit issuance. | Project Proponent | Concurrent with the recording of the final map |        |</p>
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| 10B. The project proponent shall pay pro rata share traffic development impact fee and/or TAMC regional traffic impact fee to PBI, based on the proposed project’s share of General Plan build-out traffic and current cost estimates of PW. | Project Proponent PBI | Prior to the issuance of a building permit for each house | segments affected by project traffic as listed below. These pro-rata share costs shall be based on the project’s contribution as a share of General Plan build-out traffic volumes using the methodology used for Exhibit 3 of the Rancho Roberto Traffic Study, (Higgins Associates, June 14, 2000). In the event the Board of Supervisors adopts a regional traffic impact fee prior to project approval, the ad hoc fee for projects included in the regional impact fee program shall be counted towards and transferred to the regional traffic fee account. Fees to cover pro-rata shares of the following improvements shall be required:  
  a. U.S. Highway 101 and San Juan Road - Upgrade the intersection to an interchange (or the Prunedale U.S. Highway 101 Safety Improvement Program at the discretion of Caltrans);  
  b. State Highway 1 and Salinas Road - Upgrade the intersection to an interchange as identified in the Route 1 Corridor Study – Castroville to Santa Cruz County (MCTC and AMBAG, 1985);  
  c. Salinas Road (or Werner Road) and Elkhorn Road - Install a two-phase traffic signal as identified in the North County Circulation Study (Monterey County Public Works Department, October 1998);  
  d. Elkhorn Road and Werner Road – Signalize intersection and lane improvements;  
  e. Hall Road and Elkhorn Road - Signalize intersection.  
  f. Hall Road and Willow Road - Provide an acceleration lane on the west leg for northbound left-turns from Willow Road;  
  g. Hall Road and Las Lomas Drive – Widen southbound approach to provide one exclusive left-turn lane and one exclusive right-turn lane as identified in the North County Circulation Study. Signalize intersection, as identified as a long-term improvement in the North County Circulation Study;  
  h. Hall Road and Sill Road - Widen the southbound approach to provide two turn lanes as identified the North County Circulation Study. Signalize intersection, as identified as a long-term improvement in the North County Circulation Study;  
  i. Hall Road and San Miguel Canyon Road - Addition of a traffic signal as identified in the North County Circulation Study;  
  j. San Miguel Canyon Road and Echo Valley Road - Addition of an acceleration lane for westbound left-turns;  
  k. San Miguel Canyon Road and Castroville Boulevard - Addition of an... | | | |
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<td>MM #11 (Transportation)</td>
<td>In order to provide adequate emergency ingress and egress, the final map shall show a minimum 36-foot wide road from Fruitland Avenue to the beginning of the easterly cul-de-sac, and a minimum 20-foot wide roadway with parking prohibited, connecting the end of each cul-de-sac. If a loop street design is used, the loop portion shall have a minimum 30-foot wide roadway. (PW)</td>
<td>The project proponent shall prepare the final map to indicate the necessary emergency access provisions. PW shall review the final map for conformance with the emergency access provisions and forward its determination regarding conformance with the required emergency access to the Planning Commission.</td>
<td>Qualified Engineer per Project Proponent PW</td>
<td>Prior to approval of the final map</td>
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<td>MM #12 (Air Quality)</td>
<td>In order to reduce construction-related dust emissions, the project proponent shall ensure that the project plans contain a dust control plan subject to review and approval by the Monterey County Planning and Building Inspection Department. The dust control plan shall be submitted prior to issuance of a grading permit, and shall include all or some of the following measures, as necessary to adequately control dust. If the area of grading exceeds 2.2 acres per day during earthmoving efforts (grading and excavation) or 8.1 acres per day with minimal earthmoving (finish grading) the following measure shall be employed, unless direct emissions of PM10 do not exceed MBUAPCD’s threshold of significance based on MBUAPCD approved dispersion modeling; (PBI) a. Water all active portions of the construction site at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure; b. Prohibit all grading activities during periods of high wind (over 15 miles per hour); c. Apply chemical soil stabilizers on inactive construction areas</td>
<td>12A. The project proponent shall submit a dust control plan for review and approval of PBI. 12B. The contractor shall appoint a qualified site monitor to ensure that the dust control plan is implemented. Implementation shall be verified by PBI inspectors during grading operations. 12C. The contractor shall keep a certified log of grading activity including date and photographs, as necessary. Monthly reports shall be submitted to PBI. Failure to submit a report, or failure to comply with the requirements of the mitigation measure, shall cause all work to be stopped until the report is received and approved by PBI.</td>
<td>Project Proponent PBI</td>
<td>Prior to issuance of a grading permit</td>
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<td>Responsible Contractor PBI</td>
<td>Prior to commencement of grading activities</td>
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<td>Responsible Contractor PBI</td>
<td>Monthly during grading activities</td>
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<td>(disturbed lands within construction projects that are unused for at least four consecutive days);</td>
<td>d. Apply non-toxic binders (e.g. latex acrylic co-polymer) to exposed areas after cut and fill operations and hydroseed area;</td>
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<td>Month 6</td>
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<td>e. Haul trucks shall maintain at least 2’0” of freeboard;</td>
<td>f. Cover all trucks hauling dirt, sand, or loose materials;</td>
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<td>g. Plant tree windbreaks on the windward perimeter of construction project if adjacent to open land;</td>
<td>h. Plant vegetative ground cover in disturbed areas as soon as possible;</td>
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<td>i. Cover inactive storage piles;</td>
<td>j. Install wheel washers at the entrance to construction sites for all exiting trucks;</td>
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<td>k. Pave all roads on construction sites;</td>
<td>l. Sweep streets if visible soil material is carried out from the construction site; and</td>
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<td>m. Post a publicly visible sign that specifies the telephone number of the person to contract regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance).</td>
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