

SALINAS PLANNING COMMISSION

Staff Report

City of Salinas
Community Development
Department
65 West Alisal Street
Salinas, CA 93901
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Director:
Megan Hunter

Planning Manager:
Courtney Grossman

Planning Commission:

Matt Nohr, Chairperson
George Anzo
Richard Giffin
Brad Griffin
Matthew Huerta
Jyl Lutes, Vice-Chairperson
John Meeks

Planning Manager Approval



Agenda Item

ID#17-465

DATE: September 20, 2017

TO: Planning Commission

FROM: Courtney Grossman, Planning Manager

BY: Thomas Wiles, Senior Planner

SUBJECT: MISCELLANEOUS 2017-013; A REQUEST FOR A TIME EXTENSION TO VESTING TENTATIVE MAP 2003-002 LOCATED IN THE MONTE BELLA PRECISE PLAN AREA

RECOMMENDATION

Staff recommends that the Planning Commission affirm the findings and adopt the attached Resolution recommending that the City Council approve a 3-year time extension of Vesting Tentative Map 2003-002 (VTM 2003-002).

BACKGROUND

Richland Planned Communities, on behalf of Struck Farms LLC and Canadian Pacific Land LLC, the property owners, is requesting approval of a 3-year time extension to VTM 2003-002. The Vesting Tentative Map authorized the Monte Bella subdivision consisting of 853 single-family residential units, a park, and an elementary school site as specified in the Monte Bella Precise Plan (see attached request dated June 28, 2017). The map was approved on October 14, 2003 and will expire on October 14, 2017, if not extended. Per Municipal Code Section 31-313.1, upon an application by the subdivider to extend a map, the map is automatically extended for 60-days or until the application for the extension is approved or denied, whichever occurs first.

The Monte Bella Precise Plan Area is located in the southeast portion of Salinas and bounded by Williams Road on the north, Freedom Parkway on the east, Sconberg Parkway on the south, and

by Bardin Elementary School and residences on the west. The Precise Plan Area is zoned Residential Low Density (R-L-5.5), Residential Medium Density (R-M-3.6), Public/Semipublic (PS), and Park (P).

On October 1, 2003, the Planning Commission recommended approval of VTM 2003-002. Subsequently, the City Council approved VTM 2003-002 on October 14, 2003 per attached Resolution 18392. The map was approved as a six (6)-phase project and created 853 single-family residential lots, an approximately 21-acre parcel for a community park site, an approximately 9-acre parcel for an elementary school site, a 2-acre parcel for the future expansion for an existing elementary school, and several parcels for future well sites and project related infrastructure. Phases 1 through 4 have been recorded and constructed. Phase 5A for 85 residential lots has recently been recorded and construction is anticipated soon. Phases 5B and 6 of VTM 2003-002 will remain.

Timeline of VTM 2003-002

Date	Event	Map Expiration
10/14/2003	Vesting Tentative Map Approved with 24-month lifespan per Municipal Code 31-503	10/14/2005
7/15/2004	Phase 1 and Phase 2B Final Map approved, extends map by 36 months with off-site expenditures over \$125,000 (adjusted for inflation per Municipal Code 31-314(a) and Gov't Code Sec. 66452.6)	10/14/2008
5/12/2005	Phase 2 Final Map approved, extends map by 36 months with off-site expenditures over \$125,000 (adjusted for inflation per Municipal Code 31-314(a) and Gov't Code Sec. 66452.6)	10/14/2011
3/14/2006	Phase 4 Final Map approved, extends map by 36 months with off-site expenditures over \$125,000 (adjusted for inflation per Municipal Code 31-314(a) and Gov't Code Sec. 66452.6); but extensions cannot exceed 10 years beyond the original approval	10/14/2013
7/15/2011	Enactment of Gov't Code Sec. 66452.23 extends map by 24 months	10/14/2015
7/15/2013	Enactment of Gov't Code Sec. 66452.24 extends map by 24 months	10/14/2017

ANALYSIS

Salinas Municipal Code Section 31-503 permits the extension of vesting tentative maps pursuant to Municipal Code Sections 31-313 (Discretionary Extensions) and 31-314 (Statutory Extensions). Under Section 31-313, an applicant can request up to a 36-month extension of a tentative map for no more than the later of: (1) six years after the tentative map was initially approved; or (2) six years after the tentative map's expiration date as extended in accordance with Municipal Code Section 31-314(a).

Section 31-314(a) permits extensions based on off-site expenditures in accordance with Gov't Code Sec. 66452.6. Assuming that the vesting tentative map was extended to 10/14/2013 by meeting the off-site expenditure threshold, the City can approve a discretionary extension until 10/14/2019, or six years after the tentative map's expiration date as extended in accordance with Municipal Code Section 31-314(a).

Staff notes that the developer chose not to apply for a discretionary extension previously, so the language of Government Code Section 66452.6(e) only requires the City to consider discretionary extensions until 2019, six years after the map's expiration date pursuant to 66452.6(a). However, it is reasonable that the four years of additional map life granted by the legislative extensions could also be factored in. The City could find that the legislative extensions preempt Municipal Code Section 31-313 (which is otherwise consistent with the Subdivision Map Act and permits extensions for up to six years after the Section 66452.6(a) expiration) and consider the developer's request for a longer discretionary extension period. Then future projects would be eligible for six year discretionary extensions after the later of their expiration date under Section 66452.6(a) or any applicable legislative extension.

ENVIRONMENTAL REVIEW

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The proposed Time Extension to Vesting Tentative Map 2003-002 (VTM 2003-002) is categorically exempt from further environmental analysis per CEQA Guidelines Section 15061(b)(3), because an Environmental Impact Report was certified in conjunction with the previously approved Vesting Tentative Map, and the act of granting a time extension would not result in any environmental impacts or physical effects on the environment.

FINDINGS

The Planning Commission may recommend approval to the City Council of a time extension to Vesting Tentative Map 2003-002 (VTM 2003-002) provided the findings set forth in the attached Planning Commission Resolution are established.

TIME CONSIDERATION

The proposed project is a request for a time extension to a Vesting Tentative Map pursuant to Government Code 66452.6(e) and Municipal Code Section 31-313.1. Per Municipal Code Section 31-313.2(a), the City Planner shall review the request and within 30-days of determining the application to be complete, submit it to the Planning Commission for recommendation for approval or denial. Per Municipal Code Section 31-313.2(b), the City Council shall consider the application for extension at a public hearing within 45-days of the Planning Commission recommendation.

ALTERNATIVES AVAILABLE TO THE COMMISSION

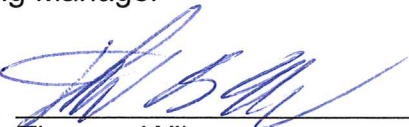
The Planning Commission has the following alternatives:

1. Affirm the findings set forth in the attached Resolution and recommend that the City Council approve the requested 3-year time extension to Vesting Tentative Map 2003-002 (VTM 2003-002) with modifications (e.g. modify length of time); or
2. Find that the proposal is not appropriate and establish findings at the public hearing recommending that the City Council deny the time extension to Vesting Tentative Map 2003-002 (VTM 2003-002).

CONCLUSION

Staff recommends that the requested 3-year time extension to Vesting Tentative Map 2003-002 (VTM 2003-002) is consistent with the Subdivision Map Act, Subdivision Ordinance, Zoning Code, and the General Plan. The extension will provide additional time for the developer to record the final maps for Phases 5B and 6, and ultimately construct the remainder of the single-family dwelling units.

COURTNEY GROSSMAN
Planning Manager

BY: 
Thomas Wiles
Senior Planner

Attachments: Draft Planning Commission Resolution
Time Extension request from Richland Planned Communities dated June 28, 2017
Map of Monte Bella Precise Plan Area
Ordinance No. 18392

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2017-____**

Resolution approving a request for a Time Extension to Vesting Tentative Map 2003-002 (VTM 2003-002) Located in the Monte Bella Precise Plan Area
(M 2017-013)

WHEREAS, on October 14, 2003, the City Council approved Vesting Tentative Map 2003-002 per attached Resolution 18392 for two (2) years. The map was approved as a six (6)-phase project. The map created 853 single-family residential lots, an approximately 21-acre parcel for a community park site, an approximately 9-acre parcel for an elementary school site, a 2-acre parcel for the future expansion for an existing elementary school, and several parcels for the future well sites and project related infrastructure; and

WHEREAS, as a part of VTM 2003-002, the Council on that same date also considered and certified the Mountain Valley Final Environmental Impact Report (FEIR) and an Addendum to the Mountain Valley FEIR; and

WHEREAS, on September 20, 2017, the Salinas Planning Commission, at the request of the Applicant, Richland Planned Communities, on behalf of Struck Farms LLC and Canadian Pacific Land LLC, the property owners, held a duly noticed public hearing for a request for a Time Extension to Vesting Tentative Map 2003-002 (VTM 2003-002) located at the Monte Bella Precise Plan Area; and

WHEREAS, the Planning Commission weighed the evidence presented at said public hearing, including the Staff Report which is on file at the Community Development Department together with the record of environmental review; and

NOW, THEREFORE, BE IT RESOLVED by the Salinas Planning Commission that the Commission finds the time extension to VTM 2003-002 to be Categorically Exempt from the California Environmental Quality Act (CEQA) and recommends that the City Council approve a three (3) year time extension to Vesting Tentative Map 2003-002 from October 14, 2017 to October 14, 2020; and

BE IT FURTHER RESOLVED that the Salinas Planning Commission adopts the following findings as the basis for its determination, and that the foregoing recitations are true and correct, and are included herein by reference as findings:

- 1. *The project has been found to be a Categorical Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines;***

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The proposed Time Extension to Vesting Tentative Map 2003-002 (VTM 2003-002) is categorically exempt from further environmental analysis per CEQA Guidelines Section 15061(b)(3), because an Environmental Impact Report was certified in conjunction with the previously approved Vesting Tentative Map, and the act of granting a time extension would not result in any environmental impacts or physical effects on the environment.

For the Time Extension to Vesting Tentative Map 2003-002 (VTM 2003-002):

- 2. *Per Municipal Code Section 31-313.3, the City Council may approve a request for an extension if it finds that the map is consistent with the General Plan and Zoning Code. In addition, the City may impose only those conditions of approval that were imposed for the initial map approval, unless the developer consents to the imposition of additional conditions;***

The proposed Time Extension to Vesting Tentative Map 2003-002 (VTM 2003-002) is consistent with both the General Plan and Zoning Code because it is only for a time extension of a previously Vesting Tentative Map, which permitted residential, public/semipublic, and park uses on the project site and is not requesting any changes to any previously approved uses. The proposed time extension is also not requesting any proposed changes to the previously approved Vesting Tentative Map.

PASSED AND ADOPTED this 20th day of September 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

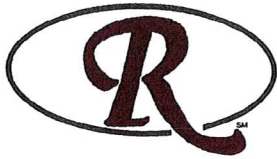
ABSENT:

THIS IS TO CERTIFY that the foregoing is a full, true, and correct copy of a Resolution of the Planning Commission of the City of Salinas, that said Resolution was passed and adopted by the affirmative and majority vote of said Planning Commission at a meeting held on September 20, 2017, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: _____

Courtney Grossman
Secretary



RICHLAND

June 28, 2017

SENT BY ELECTRONIC & U.S. MAIL

Courtney Grossman
Planning Manager
City of Salinas
65 West Alisal Street, Second Floor
Salinas, CA 93901-2639
courtg@ci.salinas.ca.us

RECEIVED
JUL 03 2017
COMMUNITY DEVELOPMENT
DEPARTMENT

Re: Monte Bella Subdivision; Extension of Vesting Tentative Map No. 03-02

Dear Mr. Grossman:

As you know, Strack Farms, LLC and Canadian Pacific Land, LLC, entities owned by Richland, are the owners of the remaining Phases 5B and 6 of the Monte Bella Subdivision. Vesting Tentative Map 03-02 was approved by the City on October 14, 2003 and has been extended over the course of years pursuant to mandatory and legislative extensions. In December 2015, the City Staff determined that the map would expire on July 15, 2017.

The purpose of this letter is twofold: first, to ask that Staff reconsider the expiration date of VTM 03-20 as October 14, 2017; and second, to request a discretionary extension of VTM 03-02 for 36 months from October 14, 2017. The required fee of \$133.00 is enclosed.

1. VTM 03-02 Does Not Expire Until October 14, 2017

Multiple attorneys have looked at the expiration date of VTM 03-02. Back in 2015, Richland reviewed the relevant dates and conservatively determined that the VTM would expire on July 15, 2017. City Staff agreed with this analysis and issued a letter confirming the map's validity until July 15, 2017.

However, during the course of the sale of Phase 5A earlier this year, an attorney from Buchalter Nemer advised her clients in a memorandum shared with Richland that VTM 03-02 is valid until October 14, 2017. A copy of that memorandum, dated February 6, 2017, is attached for your review and consideration.

Richland hired Subdivision Map Act expert William Abbott of Abbott & Kindermann, LLP, to provide his analysis of the true map extension date. Mr. Abbott confirmed that VTM 03-02 is valid until October 14, 2017, and he agrees with the Buchalter Nemer analysis. In short, the correct expiration date of VTM 03-02 is October 14, 2017, not July 15, 2017.

Courtney Grossman
Re: Monte Bella; VTM 03-02
June 28, 2017
Page 2 of 2

2. **Request for Discretionary Extension for Three Years Until October 14, 2020**

While VTM 03-02 is neither eligible for further mandatory extensions outlined in Government Code section 66452.6(a), nor subject to any additional legislative extensions, it is eligible for one or more of the six years of discretionary extensions outlined in Section 66452.6(e), as no discretionary extensions have been requested to date.

Accordingly, **we request a 36-month extension of VTM 03-02 from the true expiration date of October 14, 2017 to October 14, 2020** pursuant to Government Code section 66452.6(e) and Salinas Municipal Code section 31-313.1. The purpose of the extension is to ensure that the remaining Phases 5B and 6 can be built out as was intended by the City Council when the VTM was approved, and to allow for a completed subdivision. As you know, it has taken a significant amount of time for the economy in Salinas to recover from the economic downturn that started in 2008. While Richland recently sold Phase 5A to Benchmark Communities and they have commenced construction, Phases 5B and 6 will not likely come to market prior to the full buildout of Phase 5A, which is anticipated to be at least one year, depending on market forces. Thus, an additional three years of time is likely necessary to complete the buildout of Monte Bella. To the extent market forces allow for a quicker buildout, the remaining final maps will be filed sooner.

We appreciate your consideration of these requests. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Katherine J. Hart
Land Use Counsel

Encl.

cc: Chris Callihan, City Attorney
Aaron Ross-Swain

MEMORANDUM

**ATTORNEY-CLIENT PRIVILEGED
CONFIDENTIAL**

To: Michael Cady **File No.:** U0501-0007
From: Alicia Guerra
Samantha E. Beatty
Date: February 6, 2017
Re: Expiration Date of the Monte Bella Vesting Tentative Map

I. INTRODUCTION:

The purpose of this memorandum is to analyze the expiration date of the Vesting Tentative Map 03-02 (the "VTM") which would create 853 single family residential lots, a 21-acre park site, a 9 acre elementary school site, a 2 acre parcel for expansion of an existing elementary school and several parcels for project-related infrastructure, commonly known as the Monte Bella project (the "Project"). The Project is divided into six development phases. UCP, Inc. is the developer for Phases 5 and 6 of the Project, and has asked us to confirm the expiration date of the VTM pursuant to the mandatory, discretionary and legislative extensions under the Subdivision Map Act (GOV'T CODE § 66410 et seq.) (the "Map Act"). We understand that the City of Salinas has confirmed that the term of the VTM expires on July 15, 2017.

The Map Act governs the life of a tentative map. Pursuant to the Map Act, a tentative map is subject to mandatory and discretionary extensions, as well as certain limitations, as further outlined below. Any mandatory extensions granted under the Map Act are in addition to any discretionary extensions permitted under the Map Act, and the extended term may reflect a combination of mandatory and discretionary extensions. Furthermore, the order in which mandatory extensions or discretionary extensions are granted is immaterial. *California Country Club Homes Association v. City of Los Angeles* (1993) 13 Cal. App. 4th 1425. Since the extension periods relate to both the approval date and expiration date of the tentative map, the following timeline summarizes applicable dates for the Monte Bella VTM.

VESTING TENTATIVE MAP 03-02 TIMELINE

Date	Event
October 14, 2003	Vesting Tentative Map 03-02 was approved
July 15, 2004	Phase 1 Final Map filed
July 15, 2004	Phase 2B Final Map filed
May 12, 2005	Phase 2 Final Map filed
October 14, 2005	Vesting Tentative Map 03-02 original expiration date
March 14, 2006 ¹	Phase 4 Final Map approved by City Council of Salinas Resolution No. 18854 (N.C.S.)
May 16, 2006 ²	Phase 3 Final Map approved by City Council of Salinas Resolution No. 18978 (N.C.S.)
July 15, 2008	Legislature passed SB 1185 granting one year extension subject to certain conditions (codified at Gov't Code §66452.21(a))
July 15, 2009	Legislature passed AB 333 granting two year extension subject to certain conditions (codified at Gov't Code §66452.22(a))
July 15, 2011	Legislature passed AB 208 granting two year extension subject to certain conditions (codified at Gov't Code §66452.23(a))
July 15, 2013	Legislature passed AB 116 granting two year extension subject to certain conditions (codified at Gov't Code §66452.24(a))
July 15, 2015	Legislature passed AB 116 granting two year extension subject to certain conditions (codified at Gov't Code §66452.25(c))
July 15, 2017	Expected Expiration Date

II. ANALYSIS:

On October 14, 2003 the City Council of Salinas approved the Vesting Tentative Map 03-02 (the "VTM") for the Monte Bella Subdivision project. Pursuant to California Government Code Section 66452.6(a) and Section 31-401.7 of the City of Salinas Municipal Code, the original term of the VTM was twenty-four (24) months. Therefore, the original expiration date of the VTM was October 14, 2005. Based on our review of the Map Act, the legislative history, and the timeline of the VTM, we have determined an expiration date of the VTM that may extend to October 14, 2017.

A. Mandatory Extensions under the Map Act

Pursuant to Government Code Sections 66452.6 and 66456.1, phased maps are subject to certain mandatory extensions. So long as the sub-divider expends \$261,173.00³ or more to construct, improve or finance the construction or improvement of public improvements outside the property boundaries of the tentative map (excluding improvements of public rights of way which abut the boundary of the property to be subdivided and which are reasonably related to the development), each filing of a final map for a particular phase of the overall project shall extend the expiration of the approved tentative map by thirty-six (36) months from either (i) the date of

¹ This date reflects the date the final map was approved via resolution by the City Council, which is why it differs from the date provided by Mike Lucero in his email dated February 3, 2017. His email contains the date the final map for Phase 4 was filed, which was March 31, 2006.

² This date reflects the date the final map was approved via resolution by the City Council, which is why it differs from the date provided by Mike Lucero in his email dated February 3, 2017. His email contains the date the final map was filed for Phase 3, which was June 13, 2006.

³ This is the 2016 State Allocation Board amount adjusted for inflation as set forth in the statewide cost index for Class B construction.

the map's expiration, or (ii) the date of the previously filed final map, whichever is later.⁴ The extensions, however, shall not extend the tentative map's life to more than ten (10) years from the approval of the map. GOV'T CODE 66452.6(a)(1).

As mentioned above, the Project consists of multiple phases of development. The VTM expressly requires final maps for each phase of development. (Condition of Approval 2 to the VTM). Because the Project VTM provides for phased final maps, the VTM is subject to the mandatory extensions applicable to phased final maps. Therefore, the expiration date of the VTM is extended by thirty-six (36) months each time the City Council approves a Final Map for a particular phase, with a maximum total extension of ten (10) years from the date of approval of the VTM.

In applying these mandatory extensions to the Project, the first mandatory extension applies on July 15, 2004, when the Phase 1 and Phase 2B maps were filed. Since the Original Expiration Date is later in time than July 15, 2004, the extension runs from the Original Extension Date. Therefore, the approval of the phased map for Phase 1 results in a three year extension to a new expiration date of October 14, 2008. The extension process repeats for each phased final map approved to the ten (10) year extension limitation. Therefore, on July 15, 2004 when the Final Map for Phase 2B was approved, the expiration date of the VTM was further extended by another thirty-six (36) months to October 14, 2011. On May 12, 2005, the Final Map for Phase 2 was approved, extending the expiration date for an additional twenty four (24) months to October 14, 2013. The Phase 2 Final Map does not extend the expiration date for thirty-six (36) months, however, because the mandatory extensions for phased maps cap the overall extension time period at ten years from the approval of the VTM under the Map Act. The approvals of the Phase 3 and Phase 4 Final Maps in 2006 do not result in any further extensions to the expiration date because of the ten year limitation. The VTM was approved on October 14, 2003, so the ten year extension cut off is October 14, 2013.

B. Discretionary Extensions under the Map Act

In addition to the mandatory extensions provided for phased maps in Section 66452.6(a), the Map Act allows for discretionary extensions approved by the local agency. Government Code Section 66453.6(e) provides that so long as an application is filed by the sub-divider prior to the expiration of the tentative map, the local agency has the ability to extend the map's life for an additional period or periods not to exceed six (6) years.

We were unable to confirm whether the VTM has received any discretionary extensions pursuant to Section 66453.6(e). It is important to understand whether any discretionary extensions have been granted to the VTM for purposes of determining whether the expiration date of the VTM has been further extended and for purposes of understanding whether there are any additional discretionary extensions available.

C. California Legislative Extensions

⁴ This memo assumes that the project meets the monetary expenditure threshold of construction of public improvements outside of the property boundaries of the tentative map.

Due to the downturn in the economy, the California legislature extended the life of tentative maps several times from 1993 until 2015. There have been five extensions passed by the legislature during the life of the VTM. In addition to extending the life of tentative maps, each statutory extension further provides which other extensions (potential discretionary extensions, litigation stay extensions, and extensions for moratoria) are to be counted in determining whether the particular tentative map was set to expire by a certain date.

The extensions granted in 2008, 2009, and 2011 extended the life of maps that were in effect as of a certain date and were otherwise set to expire by a certain date. In order for the July 15, 2008 extension to apply, the tentative map must (a) not have expired prior to July 15, 2008, and (b) the map would otherwise expire before January 1, 2011. If both conditions are satisfied, then the map's expiration date is extended for one additional year. GOV'T CODE § 66452.21(a). In order for the July 15, 2009 extension to apply, the tentative map must (a) not have expired prior to July 15, 2009, and (b) the map would otherwise expire before January 1, 2012. If both conditions are satisfied, then the map's expiration date is extended for an additional two years. GOV'T CODE § 66452.22(a). In order for the July 13, 2011 extension to apply, the tentative map must (a) not have expired prior to July 13, 2011, and (b) the map would otherwise expire before January 1, 2014. If both conditions are satisfied, then the map's expiration date is extended for an additional two years. GOV'T CODE § 66452.23(a).

The 2013 extension did not limit its application to maps that are otherwise set to expire within a certain time frame. Instead, the 2013 extension applied to all maps that were approved on or after January 1, 2000, and had not expired on or before July 11, 2013. GOV'T CODE § 66452.24(a). If both conditions are satisfied, then the map's expiration date is extended by an additional two years.

In 2015, the legislature enacted another two year extension, but only for maps approved within counties in which: (1) the annual mean household incomes in the county is less than 80% pf the statewide annual mean household income, (2) the annual non-seasonal unemployment rate is at least 2.75% higher than the statewide annual non-seasonal rate, and (3) the population for whom poverty status is determined is at least 4 percent higher than the median statement poverty rate. GOV'T CODE § 66452.25(c).

The above-mentioned legislative extensions are in addition to mandatory extensions granted under Gov't Code Section 66452.6(a) and discretionary extensions granted pursuant to Gov't Code Section 66453.6(e).

III. CUMULATIVE APPLICATION OF EXTENSIONS TO VTM

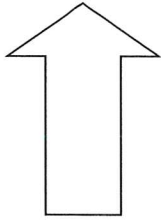
Discretionary and mandatory extensions are granted separate from one another, which results in tacking of such extensions. We have mapped out the cumulative application of the mandatory extensions and the legislative extensions granted to the VTM:

- VTM is approved by the City on **October 14, 2003**
- VTM to expire in 24 months by local ordinance on **October 14, 2005**
- In 2004, the Final Map for Phase 1 is filed, extending the expiration date of the VTM to **October 14, 2008**

- In 2004, the Final Map for Phase 2B is filed, extending the expiration date of the VTM to **October 14, 2011**
- In 2005, the Final Map for Phase 2 is filed, extending the expiration date of the VTM to **October 14, 2013** (representing the 10 year extension limitation)
- In 2006, the Final Map for Phase 4 is filed, however the expiration date is unaffected due to the 10 year extension limitation and remains **October 14, 2013**
- In 2006, the Final Map for Phase 3 is filed, however the expiration date is unaffected due to the 10 year extension limitation and remains **October 14, 2013**
- The 2008 extension does not apply because the VTM was not going to expire prior to January 1, 2011.
- The 2009 extension does not apply because the VTM was not going to expire prior to January 1, 2012.
- The 2011 extension applies, because the VTM would expire prior to January 1, 2014. Therefore, the VTM is automatically extended to **October 14, 2015**.
- The 2013 extension applies, because the VTM was approved after January 1, 2000 and had not yet expired, so the VTM is automatically extended to **October 14, 2017**.
- The 2015 extension does not apply, because Salinas does not meet the necessary conditions outlined in the statute.

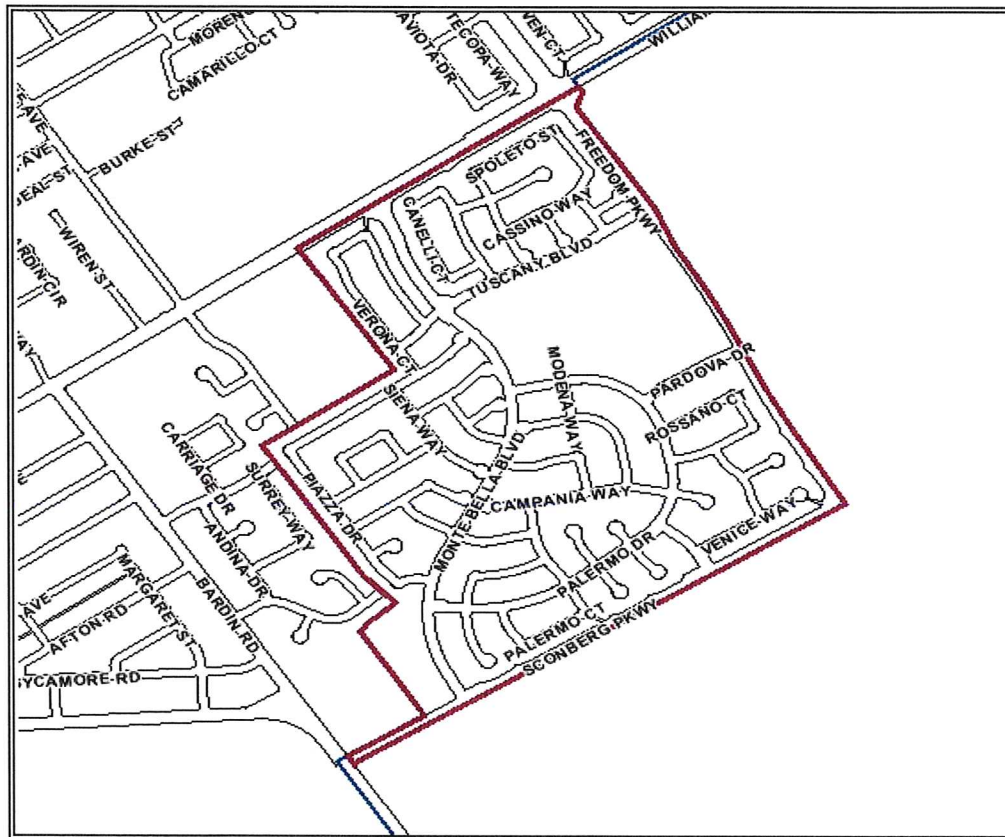
V. CONCLUSION

Based on our review, the VTM appears to have an expiration date of October 14, 2017. There appears to be a difference between a few dates on the phased maps between the date the resolution was passed approving the final map, and the date the map was filed. There also is a difference between the expiration date we've determined and the expiration date determined by the City. According to our review, if UCP were to acquire the Project and is unable to complete Phases 5 and 6 by July 15, 2017, UCP may be able to go back to the City to push for the October expiration date. Alternatively, UCP may default to the City's extension date of July 15, 2017, which appears to rely in part on its authority to allow discretionary extensions.



North

Vicinity Map



Monte Bella Precise Plan Area

**SALINAS CITY COUNCIL
RESOLUTION NO. 18392**

**A RESOLUTION OF THE CITY COUNCIL APPROVING VESTING
TENTATIVE MAP 03-02 FOR CERTAIN LANDS KNOWN GENERALLY
AS THE MOUNTAIN VALLEY PRECISE PLAN AREA (RZ 03-03 AND
VTM 03-02)**

WHEREAS, on October 1, 2003, the Salinas Planning Commission at the request of Sconberg Ranch, a partnership, and Valley Community Homes, Inc held a duly noticed public hearing to consider Rezone 03-03 and Vesting Tentative Map 03-02; a proposal to rezone and subdivide the Mountain Valley Precise Plan area; and

WHEREAS, the Vesting Tentative Map (described as "Monte Bella") proposes to create 853 single family residential lots, an approximately 21-acre parcel for a community park site, an approximately 9-acre parcel for a elementary school site, a 2- acre parcel for the future expansion for an existing elementary school, and several parcels for future well sites and project related infrastructure as shown on Exhibit "A1, A2 and A3" included herein and made a part hereof; and

WHEREAS, the Planning Commission weighed the evidence presented at the public hearing (including the staff report which is on file at the Community Development Department) together with the record of environmental review including the Mountain Valley Final Environmental Impact Report, the 2002 General Plan Final EIR, the Addendum to the Mountain Valley FEIR and the revised Mitigation Monitoring Program prepared for the project; and

WHEREAS, Resolution No. 03-13 stated that the Planning Commission recommends that the City Council approve Rezone 03-03 and Vesting Tentative Map 03-02; and

WHEREAS, the City Council held a duly noticed public hearing on October 14, 2003 and weighed the evidence presented at said public hearing, including the staff report which is on file in the Community Development Department together with the record of environmental review and the record of the Planning Commission public hearing on October 1, 2003; and

WHEREAS, the City Council has independently determined that the Addendum and Final Environmental Impact Report (FEIR) prepared for the Mountain Valley Precise Plan area has adequately addressed all of the environmental impacts associated with the Mountain Valley Precise Plan area and related projects, that specific mitigation measures are required to mitigate impacts associated with the project, that the City previously adopted Findings of Fact and Overriding Statements of Consideration for environmental impacts that

could not be mitigated and that no additional environmental analysis as stated in Section 21166 of the California Environmental quality Act are required for this project; and

WHEREAS, the Mitigation Monitoring and Reporting adopted for the Mountain Valley Precise Plan FEIR (dated October 22, 2002) remains in full force and effect; and these measures apply to the project attached as Exhibit "E"; and

NOW, THEREFORE, BE IT RESOLVED, that the Salinas City Council approves Vesting Tentative Map 03-02 (attached as Exhibit "A1, A2 and A3"); and

BE IT FURTHER RESOLVED, that the following findings are adopted as the basis for the City Council's determination and that the foregoing recitations are true and correct, and are included herein by reference as findings:

Findings For the Tentative Map No. 03-02:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general, specific, or precise plans, and zoning adopted by the City of Salinas.

The proposed subdivision will provide a maximum of 853 single family residential units which is consistent with the number of units and densities permitted in the Precise Plan, and General Plan for the Mountain Valley Precise Plan area. The subdivision will have 102 inclusionary units which is the number required under the City's Inclusionary Ordinance and will provide home ownership opportunities for persons of lower income including first time homebuyers. The provision of this affordable housing is consistent with General Plan housing goals regarding the provision of affordable housing. The subdivision will also create parcels for a school site; an expansion of an existing school, community park site, well site and other infrastructures needs consistent with uses intended for the site under the Precise Plan.

2. The site is suitable for the type of development.

The site is relatively flat (less than 10% slope) and designated for residential development. Residential subdivisions with similar densities are located directly to the north of the site. Primary access to the site will be from Williams Road on the north and the extension of Freedom Parkway on the east and the extension of Alisal Road on the South all of which are major arterial streets.

3. The site is physically suitable for the proposed density of the development.

As noted, the site is relatively flat (less than 10% slope), and the proposed project will be consistent with the densities permitted under the Precise Plan and General Plan for the site.

4. The design of the proposed subdivision improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

A Biotic Study and FEIR prepared for the Mountain Valley Precise Plan area found no sensitive species or habitat present on the subject parcel that would be adversely impact by the proposed subdivision improvements.

5. That the design of the subdivision or the types of improvements are not likely to cause serious public health problems.

The design of this subdivision will be similar to the type of newer single family residential development found in the newer subdivisions located in the northeast area of the City. The types of improvements that will occur within the subdivision are the standard improvements (roads, sewer laterals, utility mains, etc.) necessary to support the proposed homes in the subdivision. There are no special infrastructure requirements that will pose a public health threat. While the Precise Plan allows certain exceptions for setbacks and other standards, none of the proposed exceptions will result in public health problems.

The waste discharge from the proposed subdivision into a community sewer system will not result in violations of existing requirements prescribed by the Regional Water Quality Control Board.

A number of mitigation measures were previously required under the original environmental analysis to ensure no significant impacts to water quality or health and safety. These measures listed in the Mitigation Monitoring Program will also apply to this proposal.

6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public-at-large, for access through or use of, property within the proposed subdivision.

The proposed subdivision will not conflict with any existing easements for access through or use of property within the proposed subdivisions.

7. The land is subject to a contract under the Williamson Act or complies with exceptions listed in Section 6647.4 of the Subdivision Map Act.

The site is not currently covered by the Williams Act contracts.

BE IT FURTHER RESOLVED that the Salinas City Council incorporates the following as conditions of approval for the Vesting Tentative Map:

1) The provisions of the Engineer Report dated September 23, 2003 (Exhibit "B") and the Fire Department Requirements dated June 4, 2003 (Exhibit "D") shall be incorporated as Conditions of Approval for Vesting Tentative 03-02.

2) The following note shall be located on the cover sheet of each Final Map: "The use and development of these parcels created are subject to all conditions, standards, and mitigation measures stipulated by the Mountain Valley Precise Plan adopted on February 3, 1999, as amended, the Affordable Housing Plan dated September 17, 2003 as attached as Exhibit "E", and the Final Environmental Impact Report certified on February 3, 1999 and Addendum certified on October 1, 2002 and Mitigation Monitoring Program dated October 22, 2002 attached as Exhibit "D" prepared for the Mountain Valley Precise Plan."

3) The houses located on the lots designated as non-access lots on the Vesting Tentative Map along Mountain Valley Boulevard and Boulevard A shall be oriented to face and have the primary access to the units from these streets (Mountain Valley Boulevard and Avenue A).

4) The design, location and height of all masonry walls (including sound attenuation walls) in the subdivision are subject to the review and approval of the Planning Manager and Deputy City Engineer prior to issuance of building permits for the walls. All required walls shall be installed by developer prior to occupancy of any units in that phase of the development. The developer is responsible for the installation of the following required walls: all sound walls required along Williams Road, Mountain Valley Boulevard, Freedom Parkway and East Alisal Road; a minimum 6-foot high masonry wall shall be provided along the western perimeter of the Mountain Valley project site (except along the school site where the wall shall follow the western property lines of the residential lots in lieu of the western property line of the school parcel) and a minimum six foot high masonry wall along the property line(s) shall be provided along the property line of any PS zoned parcel where it abuts a single family lot. All walls shall be of consistent design and color.

5) Each phased final map which includes a portion of either Freedom Parkway or East Alisal Road shall incorporate an 112-foot agricultural buffer easement for the benefit of the City within these right-of-ways (consistent with the location of the existing LAFCO agricultural buffer easement) which requires all agricultural production to cease within the easement in conformance with Mountain Valley FEIR Mitigation Measure 4.1.3a.

6) Prior to occupancy of the first unit in each phase, the developer/property owner shall provide a minimum 100-foot setback buffer (within the agricultural land) adjacent to any and all property lines of residential or public lands of that

phase. The setback buffer shall be delineated by stakes or other method as approved by the Planning Manager. Within the buffer area, agricultural production (i.e. grading, planting, cultivation, irrigation, machinery operation, etc.) shall cease and not be permitted to occur at any time. It shall be the responsibility of the property owner and the developer to ensure this buffer area is maintained in accordance with the requirements of this condition.

7) All residential lots shall meet the minimum lot size, lot width and depth requirements for the R-M-4.0 or R-L6.5 zoning district as applicable.

8) A final landscape and irrigation plans with details shall be submitted for the review and approval of the Deputy City Engineer and the Planning Manager for all landscape areas in the Precise Plan areas prior to issuance of any building permit for the project.

9) Material and color samples shall be provided for approval of the Planning Manager prior to issuance of any building permits for the project.

PASSED AND ADOPTED this 14th day of October 2003, by the following vote:

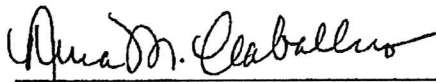
YES: Councilmembers Barnes, Giuriato, Lutes, Ocampo, Sanchez,
Mayor Caballero

NOES: None

ABSTAIN: None

ABSENT Councilmember De La Rosa

APPROVED


Mayor

ATTEST

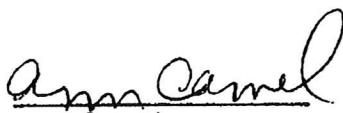

Ann Camel
City Clerk

Exhibit "A1, A2 and A3": Vesting Tentative Map
Exhibit "B": Engineer's Report dated September 23, 2003

VTM 03-02

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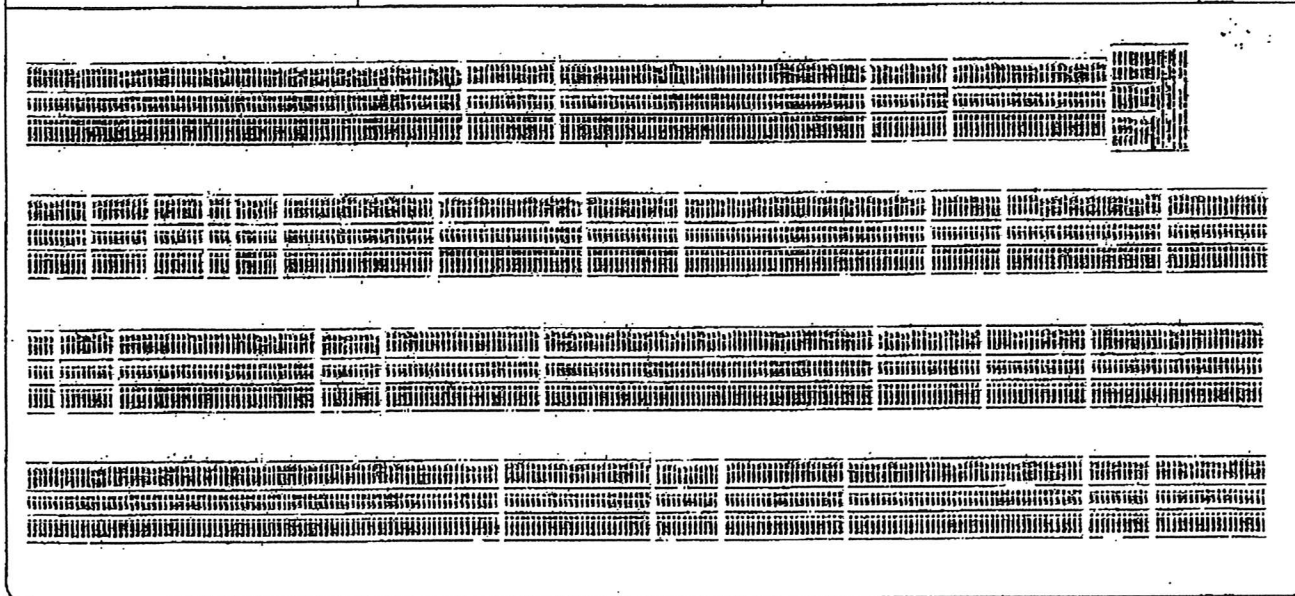
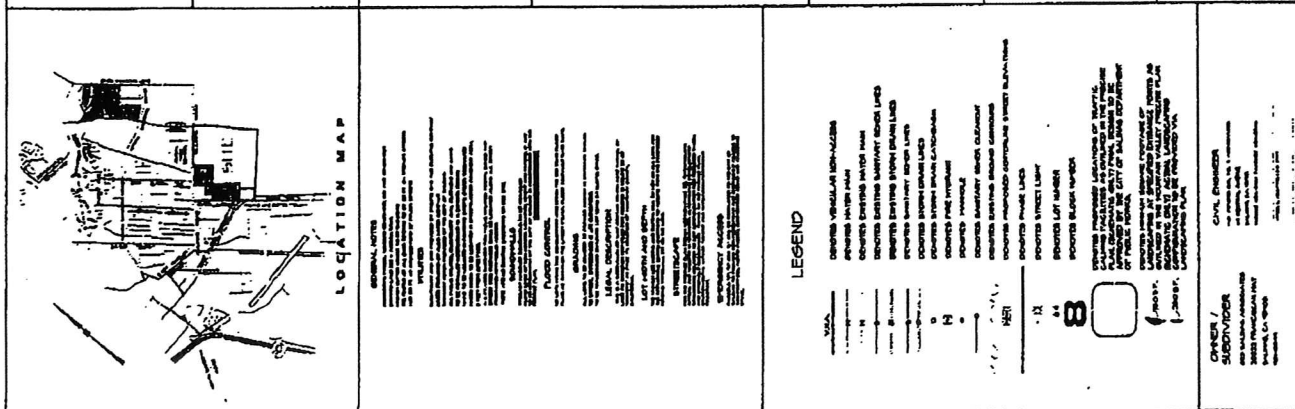
Exhibit "C": Fire Department's Requirements dated June 4, 2003

Exhibit "D": Mitigation Monitoring Program dated October 22, 2002

Exhibit "E": Affordable Housing Plan

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A



SERIAL 1 2 3
 SERIAL 1" = 100' DISTANCE AS N 20 W 3400
 DATE 10-15-88 2009 DISTANCE V.A. AS

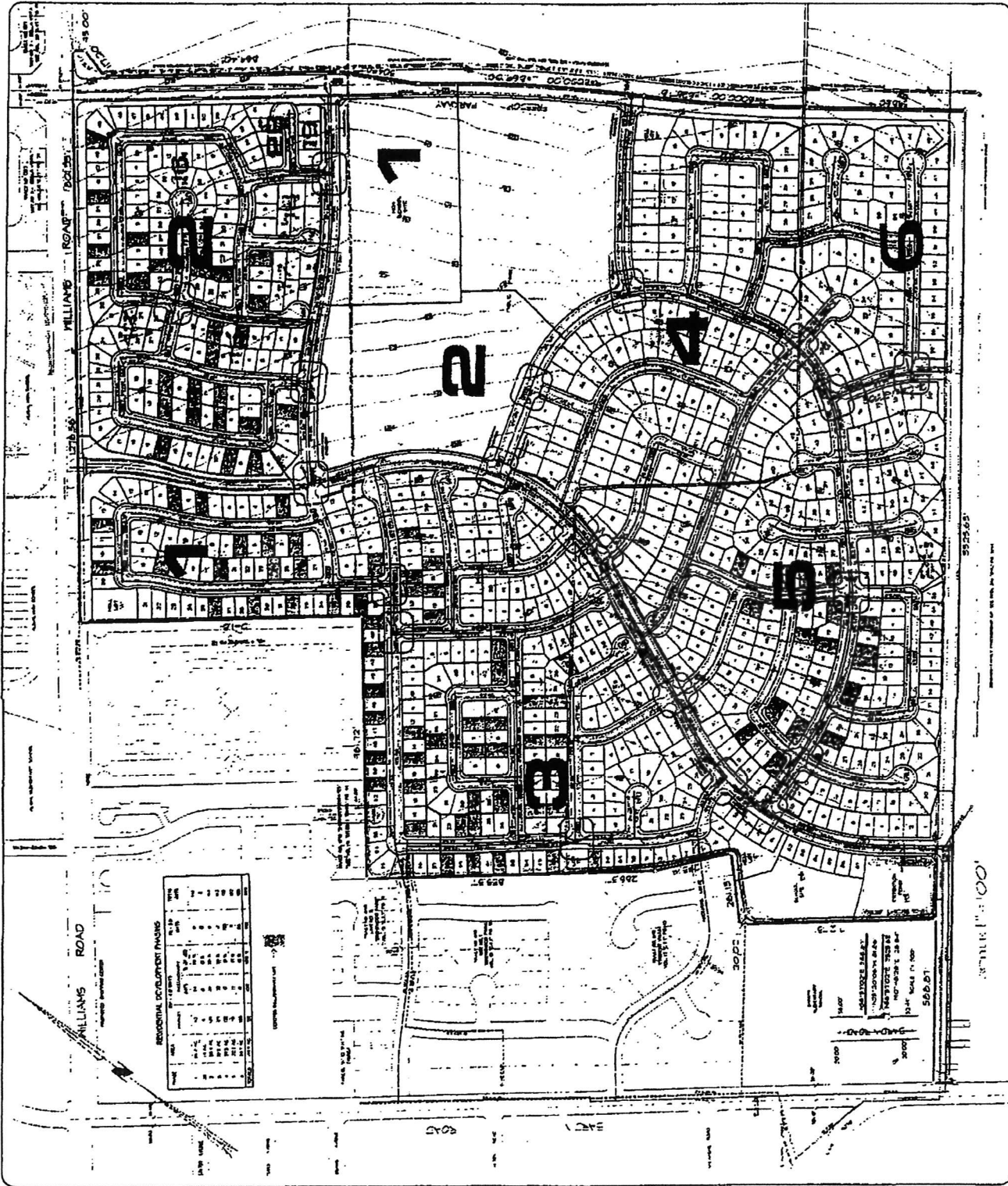
Monte Bella

H. D. PETERS CO.
CHICAGO, ILL. U.S.A.



Exhibit

A₂



2

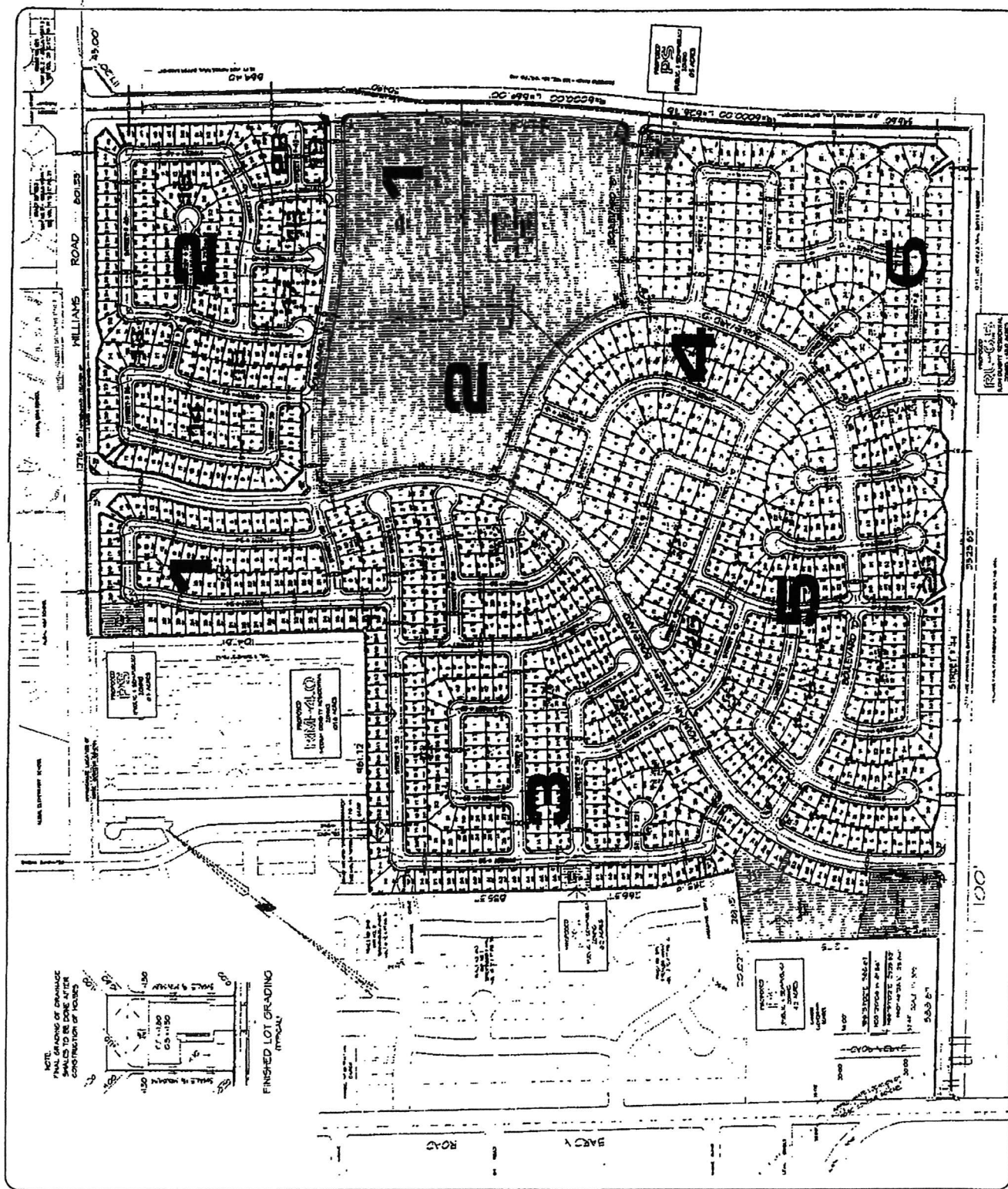
3

Monte Bella

H. D. PETERS & CO.



A3



H. D. PETERS CO.

Monte Bella

Unit

Exhibit



**CITY OF SALINAS
DEVELOPMENT AND ENGINEERING SERVICES DEPARTMENT
DEVELOPMENT AND TRANSPORTATION SECTION
ENGINEER'S REPORT FOR THE
MOUNTAIN VALLEY VESTING TENTATIVE MAP
FIRST DRAFT: JUNE 26, 2003
REVISED: SEPTEMBER 12, 2003
LAST REVISED: SEPTEMBER 23, 2003**

LOCATION

The proposed Mountain Valley Planned Community development is located southeast of Williams Road, generally 500 feet northeast of Bardin Road, northwest of the East Alisal Street Extension, and southwest of the Freedom Parkway Extension; the latter two streets of which are identified as future streets in the Salinas General Plan. The project consists of approximately 199.9 acres of land. A lot line adjustment was recently processed through the County of Monterey to create this property as a single parcel. Annexation hearings have been completed for this development, the Monterey County Local Agency Formation Commission (LAFCO) approved the annexation request, and the property has been formally annexed into the City. The site generally slopes toward the west from elevation 123 at the easterly corner of the site to elevation 96 at the westerly property corner. The proposal is to develop 853 detached single-family residential lots/homes, a new elementary school site, and a public park with detention facility. Development of the site shall conform to the Mountain Valley Environmental Impact Report (EIR), Mitigation Monitoring Program, Precise Plan, and Project Pre-Zoning. The Salinas City Council has approved all of these documents. Presently, the land is used for agriculture/ farming, but has been Pre-Zoned by the Salinas City Council based on the approved Precise Plan. Said Precise Plan allows the development of low- and medium-density single-family residential homes and public/semipublic areas (including new elementary school site, an existing elementary school site expansion, new community park site, well lots, and new storm water detention facility). This development proposal is consistent with the documents approved therefore and the Salinas General Plan. The property owner and developer is 853 Salinas Associates, 20322 Franciscan Way, Salinas, CA 93908.

Development located adjacent to and immediately northwest and southwest of this site include existing residential units (both single family and multi-family units), Alisal High School (to the northwest), Bardin Elementary School (to the southwest), and the Mountain Valley Shopping Center and Cesar Chavez Library (at the Bardin-Williams intersection). Lands lying northeast and southeast of this site are currently used for farming, and will not change with this proposal.

The Mountain Valley development proposal shall conform to the requirements of the Mountain Valley Precise Plan, Environmental Impact Report (EIR), Mitigation Monitoring Program, Vesting Tentative Map Conditions, project Pre-Zoning and all other Council-approved conditions related thereto.

MAPPING REQUIREMENTS, EASEMENTS AND SETBACKS

The Mountain Valley Vesting Tentative Map (hereinafter called VTM) shall be prepared in accordance with all applicable City Code requirements, and the state Subdivision Map Act. A soils report has been provided to the City, and confirms the soil will accommodate the intended development. Seismic issues will be similar to the Williams Ranch Development area, and building designs shall conform to all applicable Building Code requirements.

The developer shall submit a list of street names and "theme" to the Development and Transportation Section for consideration thereof and inclusion on the final maps. The developer has indicated a Tuscan theme will be used, and proposed street names will be provided to the Street Naming Committee for consideration thereof. All street names and designations ("Street", "Way", "Circle", "Boulevard", "Parkway", etc.) shall conform to the City's Street Naming policies and standards. Street names shall be reviewed by the Committee and adjusted as necessary before final map consideration by Council.

A detailed technical review of all official maps for this development will be done to ensure bearings, distances, curve data, and certificates conform to applicable Salinas City Code and Subdivision Map Act requirements. All maps shall include a statement under the Owner's Certificate stating "Development and use of the property included within the subdivision boundaries shall comply to all Conditions and Development Requirements associated with the Mountain Valley Planned Community development (EIR, Precise Plan, Mitigation Monitoring Plan, applicable Development Agreements, Vesting Tentative Map, Project Pre-Zoning, and other related conditions placed on the development by the Salinas City Council)."

Official maps will require the Developer to indemnify the City of Salinas as provided in Government Code Section 66474.9. The developer's engineer shall provide the following information to the Salinas City Engineer for technical review and processing:

1. Title Report/Subdivision Map Guarantee.
2. Traverse Calculation sheets for new lots, units, streets and subdivision boundaries.
3. Monterey County Tax Collector/Assessor Clearance Letters.
4. Pay Monterey County Recording Fees.
5. Pay City of Salinas Public Works Map Checking Fees.

Monuments for all property corners shall be provided in the field and identified on the maps. Monuments shall conform to City Code, Land Surveyor's Act, and Subdivision Map Act requirements.

The applicant shall dedicate continuous public utility easements along all public street frontages (6-foot minimum), and pedestrian access/landscape easements along arterial/collector street frontages as noted in the Precise Plan Exhibits. The easements shown on the VTM Street Sections are generally acceptable as shown.

Other applicable easements to accommodate public infrastructure shall also be provided as required by the City and/or any of the servicing public utility companies. The developer shall ensure all easements remain free and clear of any buildings/structures (including building foundations, roof overhangs, and trash enclosures).

STREETS, VEHICULAR ACCESS AND TRAFFIC IMPACTS

Reference is made to the Mountain Valley Development's Final Environmental Impact Report (EIR) dated August 1998 with December 1998 Revisions to the circulation scheme; Mountain Valley Precise Plan dated June 2000 with Mitigation Monitoring Program approved by Council on February 2, 1999 (amended October 22, 2002); Services and Facilities Plan; City of Salinas Resolution No. 16820 (Certifying the Mountain Valley EIR, and Adopting Findings of Fact and a Statement of Overriding Considerations); and most recent Council action to approve the project Pre-Zoning (with applicable environmental analysis to support said approval). This tentative map shall conform to all comments and conditions required by these documents.

The collector and arterial street network shown on the VTM is consistent with the Project Precise Plan, and local streets shall conform to the street sections noted in the Precise Plan (Figures 23 and 24). Two minor modifications to those standard street sections are recommended, as follows:

1. Boulevard B, C, and D street pavement widths shall be reduced from the 44' curb to curb width shown in the Precise Plan to 40' width denoted on the VTM. Staff supports this minor modification because 44' streets in residential areas tend to encourage higher traffic speeds, and are less "pedestrian-friendly". The retained right of way width will provide more separation between street curbs and sidewalk.
2. Staff also proposes a minor modification to the local collector and local minor street sidewalk location by providing a park strip or mow strip (landscaped area between the curb and sidewalk) to separate pedestrian traffic from vehicular traffic. This provides a growing area for trees closer to the street, and creates a more pedestrian-friendly environment. A 4-foot sidewalk shall be constructed 6" inside of the property line. Right of way and curb-to-curb widths will not be changed. This will be a condition of development if approved by Council.

The applicant shall dedicate all rights of way for public streets within the development, and shall also secure additional/applicable rights of way located "off-site", as required to provide streets conforming to City standards and the Williams Ranch Precise Plan. Said right of way shall include the necessary right of way to re-configure the East Alisal Street Extension-Bardin Road-Alisal Road intersection as shown on Figure 17.

The developer shall pay all costs to obtain "off-site" right of way, as applicable. The developer shall negotiate for said land with the private property owners. The City will utilize its eminent domain powers if negotiations are unsuccessful, but will need to secure extra-territorial jurisdictional powers from Monterey County to utilize said powers.

Right-of-way shall conform to the Precise Plan requirements. Costs shall include, but are not limited to: appraisal costs, land costs, City staff time related to preparing/reviewing/processing official documents and working on eminent domain proceedings, legal costs, and other City-related costs. Developer shall also dedicate easements for public utility and public infrastructure (storm drain, sanitary sewer, etc.) purposes.

The VTM shall clearly denote all existing and proposed easements on the site. All existing easements and rights-of-way shall be referenced with record data establishing them.

The street layout and proposed traffic calming device locations shown on the VTM have been revised per the City's requirements, and are acceptable as shown. A standard 4-legged intersection has been provided at Mountain Valley Boulevard/Boulevard A, and at a 4-legged intersection located approximately 1,200 feet north of the East Alisal Street Extension. These intersections will divide Mountain Valley Boulevard into roughly thirds, and said intersections shall be installed with all-way STOPs and crosswalks. A typical design for 4-WAY and T-Intersections shall be included on the VTM, and shall be designed to accommodate emergency vehicle (fire truck) and solid waste disposal vehicle movements/turning templates. All bulb-out/curb extenders/traffic calming locations are identified on the VTM.

All street frontages where access is not proposed, is not allowed (as detailed in the Precise Plan), or as directed by staff shall be formally dedicated as **NON-ACCESS FRONTAGE** on the VTM and final maps prepared/recorded for this development. Said Non-Access frontage shall include the northeast side of Mountain Valley Boulevard from Williams Road to Lot 7-Block 26, the southwest side of Mountain Valley Boulevard from Williams Road to Lot 1-Block 12, the northwesterly side of Boulevard A, and all frontages along Williams Road, Freedom Parkway, and East Alisal Street.

Masonry non-access walls shall be constructed along water well sites and residential property frontages along Williams Road, the northerly portion of Mountain Valley Boulevard (Williams to Boulevard A), Freedom Parkway, and East Alisal Street. Sound walls along Williams Road, and along all well lots shall have an effective 8-foot height, as measured from the highest adjacent grade. All other walls shall have effective 6-foot heights, measured from the highest adjacent grade. The VTM shall clearly indicate the location and heights of masonry walls proposed around the development.

The applicant shall coordinate the location of proposed MST bus pullouts with Monterey Salinas Transit (MST). The applicant shall construct said pullouts as part of the public street improvements. The design shall conform to MST's Design Guidelines for Transit. Said bus pullouts will be a condition of development.

Access design shall accommodate fire truck and solid waste vehicle turning movements, and streets shall be marked/signed with **NO PARKING-FIRE LANE** designations to retain required access width (as necessary). BFI, the City's solid waste collection/disposal contractor shall review the VTM to ensure they are satisfied with the street geometrics and proposed traffic-calming facilities.

The tentative map shows topography and spot elevations of the proposed development with acceptable centerline information. Generally, street longitudinal slopes shall be 0.40% (min.), and 5.00% (max.) to conform to Fire Department and ADA/Title 24 requirements. The information provided appears to meet said requirements. Further, sufficient safe stopping sight visibility shall be provided at all street intersections.

The water well sites shall be reviewed and approved by the water purveyor for the area (currently Alco Water Service Company). Said locations are consistent with the Precise Plan, and all parties shall confirm that lot areas are acceptable. Where lot site areas can be reduced, "leftover" land shall be added to adjacent single-family homes and/or the Bardin Elementary School Expansion area. If said lots are not utilized, the land shall revert back to the developer.

BICYCLE/PEDESTRIAN ACCESS

Bicycle lanes shall be provided on the streets as identified in the Precise Plan (Figure 25). Similarly, sidewalks shall be provided along all street frontages to encourage pedestrian accessibility, and shall conform to Precise Plan and City Standard requirements. Pedestrian access ramps conforming to City standards shall be provided at all curb returns to ensure accessibility for all residents. ADA push buttons and ADA "WALK/DON'T WALK" international signal heads shall be provided at all signalized intersections (new and upgraded locations). Convenient access to all MST bus stops shall also be provided, and shall conform to the MST's Transit Design Guidelines. As stated above, bus pullout locations shall be coordinated with MST.

The developer shall dedicate applicable public access easements over private land or dedicate right-of-way to establish pedestrian/bicycle corridors; all to be dedicated on the final map. Bicycle/pedestrian paths shall conform to State Design Guidelines, and shall also meet ADA requirements in effect when building permits are issued.

Pedestrian corridors from "inside" the development to the major arterial streets bordering the development are provided, and have been revised/increased to meet City staff's requirements. Said corridors shall generally be 20 feet in width, as has been a typical standard; although staff may accept minor deviations in the 20-foot width. Said corridors shall be landscaped and include a 6-foot (min.) sidewalk in the middle of the corridor, and masonry walls with effective 6-foot heights as measured from the adjacent highest grade.

The Salinas Traffic and Transportation Commission considered the Mountain Valley Tentative Map at their September 11, 2003 meeting, and recommended approval thereof with the two street section modifications noted above (reduced pavement width on Boulevard B, C, and D streets; and detached sidewalk on local streets).

PUBLIC IMPROVEMENTS

Public improvements will be required for this development and shall include, but are not limited to, constructing standard public street improvements within the development as identified in the development documents and per City Resolution No. 12963 (N.C.S.).

All new street improvements shall be constructed in accordance with the City Design Standards and Standard Specifications in existence at the time of construction. The developer shall also reconstruct all damaged infrastructure that exists along the development's street frontage or adjacent thereto. Consistent with City Resolution No. 12963 (N.C.S.), improvements shall include (but are not limited to) constructing new pavement, curb, gutter, sidewalk, driveways, and pedestrian access ramps; installing , landscaping, irrigation systems, and masonry landscape walls; constructing storm drain system, sanitary sewer system, all utility systems with service laterals, street lighting and traffic signal systems; providing ADA/Title 24 facilities adjacent to and within the development; and installing fire hydrants and water system conforming to City Fire Department requirements.

All street improvements along Williams Road shall be constructed to their ultimate width and include the "ultimate facility". Said design shall include, but is not limited to: those items noted above, raised median islands (full width) with landscaping/hardscape and irrigation systems; providing a storm drain system to replace the ditch system along Williams Road; installing detention pond/de-silting facility as required by the EIR (a temporary facility in Phase 1 and the ultimate facility built in Phase 3); providing adequate left turn storage lanes with tapers/transitions conforming to state Standards; installing MST bus pullouts; signing/stripping; and complete bicycle/pedestrian facilities. All improvements shall conform to City standards.

Public street pavement design shall be based upon the "R"-value of the subgrade and the standard traffic index (TI) noted in Section 31-804.5 of the Salinas Subdivision Ordinance. R-value results must be provided to the City Engineer concurrent with submission of the first improvement plan package. A Geotechnical Engineer licensed in the state of California shall certify R-value information provided to the City.

The Precise Plan indicates pedestrian-scaled lighting shall/may be provided within the development. The Development and Transportation Section will entertain said lighting fixtures within the development to enhance lighting levels and appearance of facilities. However, lighting facilities/fixtures shall be maintained through a maintenance district.

The developer shall install street trees and landscaping along all project street frontages, within median islands and entryways, over public/private open space areas, within pedestrian corridors extending from internal streets to arterial streets, and over Parcels A/B/C consistent with the planting theme established under the Mountain Valley Precise Plan. Said design shall include irrigation systems for said landscape/open space areas. Landscaping shall conform to the City Water Conservation Ordinance and Zoning Code requirements. Drip/bubbler irrigation systems are encouraged, and public irrigation must conform to City standards.

The developer shall install and pay for all landscaping associated with this development; both "public" and "private". The City will accept and maintain "public" landscape areas; maintenance for which shall be funded through a Lighting and Landscaping Maintenance District. Developer shall maintain "public" landscape areas until formal acceptance by the City. All other landscaping shall be privately owned and maintained at no cost to the City.

Streetscape themes shall match the plant materials and general layout as identified within the Mountain Valley Precise Plan and as established along other sections of said streets/open space areas. Staff will be meeting with the developer's design team to establish a formal theme. All plant material used shall be drought tolerant; and irrigation systems shall be designed to minimize water use and over spray (drip/bubbler systems are encouraged). Both shall conform to the City's Water Conservation Ordinance and Zoning Code requirements. A landscape/irrigation plan shall be submitted with the subdivision improvement plan package and shall conform to the established landscape "theme". Large specie "street trees" shall be incorporated into the design to allow a natural canopy over public sidewalks and streets.

As part of the well site development, the developer will be required to landscape the visual portions of the well lots as seen from streets and public properties, and include said maintenance into the Lighting and Landscaping Maintenance District.

PUBLIC UTILITIES

Developer shall coordinate street light layout and systems with the City of Salinas and PG&E. Street lights shall be City owned and shall conform to Salinas Design Standards.

A utility plan will be required for this development and shall be submitted to the City for review and approval before building permit issuance. Said plan shall be composite in nature showing the locations of all sanitary sewer laterals, utility mains/structures/services, joint utility trenches, water/fire services and fire hydrants, utility services (including utility boxes), street lights, driveways, street trees, catchbasins, and other structures within public rights of ways and PUEs. All large utility boxes shall be located on side yards and/or hidden within existing PUEs/open space areas. Said

The plan shall be provided to the City Engineer for each final map "phase", for his review and approval as part of the improvement plan package. A landscape/irrigation plan for public and private open space areas noted above will also be required and shall be submitted to the City Engineer and Maintenance Services Director for review and approval. Said plans shall be included with the street improvement plan package for review and approval concurrent with or prior to building plan approvals.

A water system capable of providing adequate fire flow (per Fire Department requirements) and in accordance with all applicable rules and regulations shall be provided within the development, and shown on the VTM. Fire hydrant placement and water line sizing shall be reviewed and approved by the Salinas Fire Department prior to consideration of the VTM by the Planning Commission. Water main pressures shall be sufficient to serve fire sprinkler systems installed within structures. Fire hydrants shall be

CLOW 950 hydrants in the residential area. Water Well sites are identified in the Precise Plan, are shown on the VTM, and shall be dedicated to the water purveyor during the final map process; to revert back to the developer if land not be used for its intended purpose.

STORM DRAINS AND DRAINAGE

A storm drain system shall be constructed in accordance with plans to be approved by the City Engineer, the City's Master Sewer and Storm Drain Plan, and the Mountain Valley Precise Plan. The proposed storm drain system shown generally conforms to the Major Storm Drainage Improvements Exhibit (Figure 30) in said Precise Plan, and is acceptable as shown on the VTM. Minor modifications have been made to provide more discharge through the new trunkline that runs around the existing Countryside Estates development area, lessen impacts on the storm drain system running through said adjacent development area, and make better use of the detention facility located near Bardin Elementary School. The developer shall dedicate the interim and final Storm Water Detention basin locations to the City during the filing of final maps.

Storm drain facilities shall be designed in accordance with Salinas design standards and standard specifications, with 12" minimum storm drain lateral line sizes, and 15" (min.) mainline sizes. The final storm drain design included with phased final maps shall include the type of materials used, pipe inverts and slopes, and related information. Lateral lines and "end-line" mains shall have pipe slopes increased to minimize maintenance efforts.

De-silting measures shall be provided at the Williams-Freedom and Alisal-Mountain Valley intersections to lessen the effect of silt entering into the storm drain system. Applicable erosion control measures shall be included, as appropriate. Emergency overflow areas shall also be included in the design to ensure inlet "failures" do not adversely impact homes or properties (an existing problem). The maintenance and care of de-silting facilities and detention ponds shall be funded through the maintenance district established for this development. Said District shall be established prior to final map recordation.

A detention pond (with landscaping as required by the City) will be required to mitigate impacts between the 100-year post-development and 10-year pre-development scenarios. The final facility will be provided near the Bardin Elementary School Expansion site, while an interim facility will be provided near the Mountain Valley-Countryside intersection. Maintenance of said facilities shall be included in the Maintenance District; to be funded by property owners. A general layout of the detention facility is shown in Figure 27 of the Precise Plan. The City Engineer shall review the final design, and the submittal shall include calculations confirming that the required storage capacity is provided. Minor adjustments to the layout and configuration will be considered to accommodate recreational needs during non-storm times of the year.

Storm Drain Easements required for drainage facilities shall be designated on the final map. All applicable Storm Drain Easements (SDE) within private properties shall be 20-foot wide (minimum). When a Storm Drain Easement is combined with a Sanitary Sewer Easement (SSE), the width shall be 30 feet (minimum).

Provisions/measures to "clean" discharged storm water runoff from this development shall be provided before storm waters are discharged into existing City storm drain systems. This condition is identified to meet NPDES requirements. Measures with lower maintenance effort shall be given priority.

The developer shall construct a storm water interceptor swale on the east and south sides of the development. A storm drain inlet shall be provided at the end of the swale to collect runoff from the adjacent farmlands. Maintenance of the ditch and inlets shall be included in the Development's Maintenance District.

SANITARY SEWERS

A sanitary sewer system shall be constructed in accordance with plans to be approved by the City Engineer, the City's Master Sewer and Storm Drain Plan, and the Mountain Valley Precise Plan. The proposed sanitary sewer system shown generally conforms to the Major Sanitary Sewer Improvements Exhibit (Figure 29) in the Precise Plan, and is acceptable as shown on the VTM.

Similar to the storm drain system, sanitary sewer mainlines shall be publicly owned and maintained, and shall be designed in accordance with City of Salinas Design Standards and Standard Specifications. Calculations, details and design information relating to the sanitary sewer system shall be submitted to the City Engineer for review and approval.

Sanitary sewer mains shall be designed to discharge the expected peak flow when pipe is running full. The pipe grade shall be sufficient to provide a minimum 2 feet per second flow velocity based on the anticipated peak rate of flow. Discharge into the manhole shall be in the direction of flow within the mainline. The sanitary sewer design shall limit 6" mainlines to serve no more than 10 homes, due to past problems with these lines serving a higher number of residents. All "ends" of mainline systems shall have a 1% minimum slope to minimize maintenance efforts.

All applicable Sanitary Sewer Easements (SSE) within private properties and/or private streets shall be 20-feet wide (minimum). When a Storm Drain Easement is combined with a Sanitary Sewer Easement (SSE), the width shall be 30 feet (minimum). The design of both Storm Drain and Sanitary Sewer systems shall be under the direction of a licensed professional civil engineer registered in the state of California.

The development shall include the installation of low-flow toilets and water-reducing fixtures to minimize discharges into the City's sanitary sewer system. Sanitary sewer monitoring requirements contained in the Project EIR and Mitigation Monitoring Program will be required, and shall be paid by the developer prior to the filing of the first final map.

LOTS AND LOT GRADING

Grading plans shall be submitted to the City Engineer for review and approval prior to building permit issuance. Said plans shall include tie-in grading to existing improvements and developments, as necessary. More specifically, grading plans for each phase shall show the building envelope on each lot, the proposed and existing contours, proposed

building envelop finished pad and finished floor elevations, and other structures as required. Grading shall conform to the City "Erosion and Grading Control Ordinance" and Standard Plan No. 47, "Slope Grading".

The final grading plan shall minimize grade differentials to the greatest degree possible, and minimize use of retaining walls. Retaining walls greater than 2 feet in height shall be constructed of concrete or masonry material. The City Engineer and Building Official shall approve of the methods and materials proposed in this regard. A geotechnical/soils report will be required for the design of said retaining walls.

Erosion control shall be provided on all slopes, and shall conform to Resolution No. 10836 (N.C.S.). NPDES, SWPPP, and NOI permits will be required and shall be obtained from the State Water Quality Control Board prior to any construction activity, per EPA regulations. Compliance with NPDES requirements in place at the time of development will also be mandatory. The SWPPP shall include erosion control measures, Best Management Practices (BMPs) and Best Available Technologies (BATs) proposed for the site. Further, clean water discharge requirements in effect at the time of construction shall be included in the project design (City, State and/or Federal requirements).

The ditch to be constructed along the northeasterly boundary of the project site (adjacent to Freedom Parkway Extension) shall be of sufficient capacity to serve as a secondary detention area and de-silting facility. Said design shall be sufficient to ensure all surface runoff from tributary land is contained within the ditch.

Building pad and finished floor elevations shall be designed to construct buildings above the ultimate site topography, and provide positive drainage around buildings to minimize local flooding potential during heavy storms. Positive flow away from buildings shall be provided. Lots adjacent to Freedom Parkway and East Alisal Street shall include berms between the lots and street curbs, and/or the lots shall be slightly elevated to address overland flow issues that have been problematic in the past.

Wall and good-neighbor fence heights shall be measured from the highest adjacent ground elevation, and shall be based on the single-family lot's pad height where the property is the highest adjacent grade that controls the wall height.

Maintenance of the street/open space side of walls shall be included in a maintenance assessment district. Masonry wall style and color shall match City Standard Plan No. 43. Plant material (hedges and climbing vines) shall be incorporated into the design to cover the wall and minimize graffiti potential thereon.

MISCELLANEOUS

The developer shall indemnify the City as provided in Section 66474.9 of the Government Code, as amended, and pay all applicable development impact fees in affect when building permits are issued. The TFO program in effect when the VTM is approved by Council will apply. The developer shall also pay the special mitigation contributions as detailed in the Project documents (primarily included in the Mitigation Monitoring Program).

The development shall include mitigation measures to minimize surface runoff generated thereby (i.e. maximize landscape area and minimize hard surfaces), and shall encourage percolation of storm waters into the natural ground.

For the elementary school sites and public areas (i.e. parks and detention pond areas), security lighting and wave-type bicycle racks mounted on hard surfacing in a safe location near building entrances shall be included in the project design. All utilities serving the development shall be installed/constructed underground.

The VTM shall be reviewed by the Salinas Fire Department to ensure adequate fire breaks and safety features are included in the project; including City-standard fire hydrants, building sprinkling systems, and looped water systems.

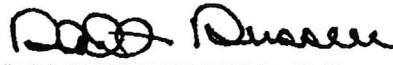
LANDSCAPE MAINTENANCE RESPONSIBILITIES

With the formation of a maintenance district for this planned community and future communities, the maintenance district, consistent with City policy and state law, shall be responsible for the following items:

1. Maintain and repair Detention Ponds (temporary and permanent), drainage ditches, and appurtenant facilities;
2. Maintain and repair all parks and park accessories;
3. Maintain and repair all Street Lights, excluding electric costs, within the community;
4. Maintain, repair, and/or replace all public landscaping and non-access walls within the community, and
5. District shall be required to maintain a Capital Replacement Fund for maintenance and replacement of its infrastructure (street resurfacing), including street signs and appurtenances.

These maintenance responsibilities shall be coordinated through a Lighting and Landscaping Maintenance District; funded by the property owners. Said Maintenance District shall be established before filing/recording of the first final map.

CITY OF SALINAS


ROBERT RUSSELL, P.E.
Deputy City Engineer
RCE 42871
License Expires 3.31.2004





Salinas Fire Department

*Fire Prevention Bureau, 65 West Alisal Street, Salinas, CA 93901
(831) 758-7261*

Exhibit

(831) 758-7265/Fax

June 4, 2003

TO: COMMUNITY DEVELOPMENT

FROM: NORCLIFF W. WILEY, DEPUTY FIRE CHIEF
FIRE MARSHAL

PROJECT: MOUNTAIN VALLEY NEW SUBDIVISION—PRECISE PLAN
AND TENTATIVE MAP

ADDRESS: EAST OF 700-800 BLOCK OF WILLIAMS ROAD

Salinas Fire Department comments are present in the early stage of proposed site development as a means to bring to the attention of the applicant/developer fire regulations that may have an affect on the development prior to detailed plans being completed.

Detailed building and fire code requirements are usually not made until plans of the building construction are submitted for a building permit.

The following items shall be incorporated into the original plans. Every plan shall include the minimum information required by California Building Code Section 302. All requirements shall be addressed either by plan sheet comment or by plan detail. A separate specification document may not be considered to meet the Section 302 requirement for Fire Department review items.

Abbreviation used in this comment sheet include:

UBC-Uniform Building Code	CBC-California Building Code
UFC-Uniform Fire Code	CFC-California Fire Code
UMC-Uniform Mechanical Code	UPC-Uniform Plumbing Code
NEC-National Electrical Code	NFPA-National Fire Protection Association

This Project was reviewed for the requirements of a R-3 and E Occupancies.

Any other future use shall be considered a change in use, not approved by the Fire Department and subject to the current Fire Code requirements for a new facility.

I. FIRE FLOW

The minimum fire flow is 1,000 gallons per minute for the residential development and 2,000 gallons per minute for the educational facility (Public Utilities Commission, General Order #103). This required fire flow may increase based on square footage, as provided in UFC Appendix III-A. Verification of available fire flow must be provided for the jurisdictional water utility and Fire Department records.

II. WATER MAINS AND FIRE HYDRANTS

Tentative plans indicate that EIGHTY-ONE (1) public street fire hydrants will be required. *Locations to be finalized when more specific/detailed plans are submitted.*

Site plans shall indicate the locations of PROPOSED and existing on-street fire hydrants for review of adequate distribution.

The fire hydrant(s) will be Clow 950 with one 4-1/2" and one 2-1/2" outlet.

All new and/or existing hydrants within the perimeter of the project shall be freshly painted. The color shall be an approved Safety Yellow for public and private right-of-way. All hydrant caps/threads shall be clean and greased prior to final inspection.

All hydrants in the public right-of-way shall have a "Blue Dot" highway reflector installed on the adjacent street or driveway to clearly identify the fire hydrant location per City Standard (Public Works).

The Water Main shall be continue down the (South) Freedom Parkway public street and continue (West) on the proposed/new East Alisal Street providing fire hydrants as required. It is recommended that "stub-outs" be installed at every 500 feet interval.

III. AUTOMATIC SPRINKLER SYSTEM

City Code requires an approved automatic fire sprinkler system for all R-3 buildings.

The Fire Department requires a minimum 1" meter for residential sprinkler systems. Provide the total number of fixture units for evaluation of water supply piping size.

The sprinkler system shall be installed according to:

- NFPA Pamphlet #13D for one- and two-family dwellings and manufactured homes

- Other NFPA standards that contain fire sprinkler system design criteria for fire control or suppression of specific hazards. These are listed in NFPA #13, Chapter 10.

All sprinkler system plans and tests must be approved by the Fire Department. Sprinkler systems shall be designed to use not more than 90% of available water supply in fully developed areas.

All fire sprinkler apparatus (such as risers and underground fire service main) shall be incorporated into the overall site plan and building design. Such apparatus shall be located within building interiors, garages stairwells, utility areas and/or other areas out of public view. Suitable signs shall indicate these areas.

All control valves shall be a listed indicating type or a listed non-indicating valve.

A check valve shall be installed in each connection, except where cushion tanks are used with automatic fire pumps, no check valve is required in the cushion tank connection. Check valve shall be listed.

IV. FIRE DETECTION SYSTEM

Approved detectors shall be provided for products of combustion, other than heat, conforming to CBC requirements. When actuated, the detector shall provide an alarm.

Components of the fire detector system shall be listed and approved by the California State Fire Marshal's Office.

Install smoke and/or fire detector(s) per CBC and applicable NFPA standard. Coordinate the design and placement of detectors with all air-moving openings to provide a minimum of three (3) foot clearance.

Every dwelling unit within an apartment house shall be provided with approved detectors for products of combustion, other than heat, conforming to the CBC. When actuated, the detector shall provide an alarm.

V. BUILDING CONSTRUCTION

New construction shall meet the requirements of the CBC.

It is highly recommended that all projects requiring fire protection systems be reviewed by a Fire Protection Engineer.

Plans for engineered systems (when included in the building plan set) will allow all persons to view the entire project, reduce plan review corrections, and avoid shop drawing conflict.

Buildings that undergo construction, alteration or demolition shall be in accordance with CBC and CFC (Article 87) and may be required to post Fire Watch personnel.

VI. BUILDING IDENTIFICATION

All structures must be clearly identified by a sign with numbers a minimum of 6" high on a contrasting background color. This detail is recommended to be shown on a building elevation detail, sign detail and/or site plan.

VII. STORAGE OF CLASS I, II OR III-A LIQUIDS

Storage of Class I, II or III-A liquids used for maintenance of buildings in quantities of 10 gallons or more must be stored in approved containers and storage cabinets meeting requirements set forth in CFC, Section 7902.5.9.

Storage of Class I, II or III-A liquids in assembly building, hotels, apartment housed, one and two family dwellings and lodging houses is limited.

Liquefied petroleum gas installations are prohibited.

VIII. FIRE DEPARTMENT ACCESS (GENERAL REQUIREMENTS)

Every building hereinafter constructed shall be accessible to Fire Department apparatus by way of access roadways with all-weather driving surface. The roadway shall be not less than 24 feet of unobstructed width for two-way traffic, not less than 20 feet unobstructed width for one-way traffic, and having a minimum of 13'-6" vertical clearance. The roadway shall have a minimum turn radius of 15 feet capable of supporting the minimum 35,000 lb. imposed loads of fire apparatus.

Fire apparatus roadway access shall be provided to within 150 feet of any portion of the first story of an exterior building wall. An approved route around the exterior of the building measures this.

Provisions for turn-around must be designed into any dead-end or stub-end driveway which exceeds 150 feet from the face of the curb. Acceptable means of turn-around will be "cul-de-sac", "key" or "T" configuration.

Access roads shall be installed and in-service prior to beginning combustible construction.

- Grade not to exceed 10%.

Fire lane signs are required to be installed along access roadways in locations where vehicle parking would encroach on the required clear width of roadway. A specific fire lane sign is required at the entrance to projects that have designated parking spaces. Sign specification available.

If combustible building materials are used (including framing) all required access roadways shall be completed to a minimum width of 20 feet, capable of supporting 35,000 lbs. with an all-weather surface to within 150 feet of all stockpiles and all sides of building with combustible construction. Said access roadways to be posted "NO STOPPING/FIRE LANE" and shall not be used for the storage of materials.

If electronic security gates are desired at any entrances to the project, they shall be provided with a Fire Department approved key entry system. Begin key entry application processing when the building permit is issued.

Any gate, chain, barricade or other device that impedes the normal flow of traffic on any public street, road, or driveway that is a fire apparatus access road is an obstruction. This is a violation of CFC, Section 902.2.4.1. If any approved manual or electric gate becomes unserviceable, it shall be secured in the open position until repairs are completed and it has been re-inspected.

- No gate shall be installed without a permit issued by the Fire Department. The completed gates shall remain open and not obstruct the Fire Department access until inspected and approved by the Fire Prevention Bureau.
- When open, gates shall provide a clear width of not less than 20 feet for one-way traffic and 24 feet for two-way traffic. The gate shall not obstruct any required exit doors, landings or safe dispersal area.
- All gates, when activated by electronic key switch shall move from the fully closed to the fully open in not more than 15 seconds. The key switch shall maintain the gate in the open position with the key removed.
- The key switch shall be mounted not more than 3 feet from the roadway and less than 15 feet from the gate. Acceptable mounting shall be an exterior gooseneck stand, on a wall, gate or post.
- The electric gate operating equipment shall have a fail-safe provision to provide the Fire Department with a manual secondary means of opening the gate. If a tool is needed to put the equipment into the manual-opening mode, the tool shall be provided at the motor enclosure and secured to deter theft.

- Normally closed (inactive) gates shall have a " STOPPING FIRE LANE" sign permanently affixed to each gate section in both directions.
- A rapid entry padlock may only be affixed to permanent gate members and shall be shielded to prevent vandalism. The padlock shall not be affixed to a chain system.

Contractor is to begin application processing for approved emergency key box(s) when the building permit is issued.

IX. LOCAL AMENDMENTS

Questions regarding Fire Department permits, fees, and local amendments to the 2001 California Fire Code shall be directed to the Fire Prevention Bureau, located at the Salinas Permit Center.

X. ADDITIONAL COMMENTS

The street name for the "proposed/new" street -East Alisal Street--should be changed, as this proposed street design is not a continuation of an "existing" street.

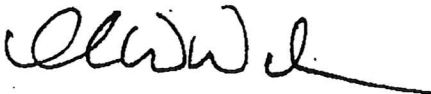
All site inspections require a minimum 24-hour advance request to the Salinas Permit Center. The inspection request is routed to the Fire Prevention Bureau where it is assigned and scheduled. Plan ahead.

Final clearance and acceptance of this project is subject to the plan review permit process.

All engineered plan submittals shall be wet stamped or signed by the applicant or applicant's representative.

Plan review turn-around time is approximately four weeks. The Salinas Permit Center will notify applicant of corrections required by this Department.

Additional comments will be made when more detailed plans are submitted.



NORCLIFF W. WILEY, DEPUTY FIRE CHIEF
FIRE MARSHAL

MITIGATION MONITORING PROGRAM - MOUNTAIN VALLEY PROJECT

Approved by City Council February 2, 1999 (Amended October 22, 2002)

(Note that this is only a summary of mitigation measures identified in the environmental impact report. Please refer to that document for a more complete description of mitigation measures.)

MITIGATION MEASURES		IMPLEMENTATION RESPONSIBILITY	IMPLEMENTATION SCHEDULE	MONITORING RESPONSIBILITY	VERIFIED BY / DATE
NUMBER	MEASURE				

SIGNIFICANT UNAVOIDABLE IMPACTS

4.2 Transportation

4.2.1a The project sponsor shall be required to fund a proportionate share of intersection improvements, based on the project's contribution to the impact, at the intersection of U.S. 101 NB Ramps / Sanborn Road. The sponsor will also pay into the City's Traffic Fee Ordinance Fund. The proportionate share (costs) for traffic improvements will be based on the current cost of a traffic signal (or other City required traffic improvement) at the time of final map approval.

Project Applicant
Prior to the issuance of first certificate of occupancy or first final building permit in Mountain Valley project.
Community Development and Public Works Departments

4.2.1b The project sponsor shall be required to fund a proportionate share of intersection improvements, based on the project's contribution to the impact, at the intersection of Williams Road / East Laurel Drive. The sponsor will also pay into the City's Traffic Fee Ordinance Fund. The proportionate share (costs) for traffic improvements will be based on the current cost of a traffic signal (or other City required traffic improvement) at the time of final map approval.

Project Applicant
Prior to the issuance of first certificate of occupancy or first final building permit in Mountain Valley project.
Community Development and Public Works Departments

Exhibit



MOUNTAIN VALLEY PROJECT - MITIGATION MONITORING PROGRAM

MITIGATION MEASURES		IMPLEMENTATION RESPONSIBILITY	IMPLEMENTATION SCHEDULE	MONITORING RESPONSIBILITY	VERIFIED BY / DATE
NUMBER	MEASURE				
4.2.1c	The project sponsor shall be required to fund a proportionate share of intersection improvements, based on the project's contribution to the impact, at the intersection of Williams Road / Garner Avenue. The sponsor will also pay into the City's Traffic Fee Ordinance Fund. <u>The proportionate share (costs) for traffic improvements will be based on the current cost of a traffic signal (or other City required traffic improvement) at the time of final map approval.</u>	Project Applicant	Prior to the issuance of first certificate of occupancy or first final building permit in Mountain Valley project.	Community Development and Public Works Departments	
4.5	Air Quality				
4.5.1a	Implement a dust control program during construction including watering active sites; prohibiting grading during high winds; paving interior roads; limiting speeds on unpaved surfaces; replacing ground cover in disturbed areas; reducing dust from exposed stock piles and inactive construction areas; sweeping streets and spilled dirt; covering haul trucks; installing truck wheel washers; posting the MBUAPCD telephone complaint number; designating person(s) to oversee dust control; and operating construction equipment to minimize emissions.	Project Applicant and/or Grading and Construction Contractor(s)	Grading contractor's specifications shall include dust control program. Implementation of program throughout grading and construction of roads, dwellings and the park.	Public Works Department to review and approve contractor's specifications. Community Development Department and Monterey Bay Unified Air Pollution Control District to monitor on basis of complaints.	

MOUNTAIN VALLEY PROJECT - MITIGATION MONITORING PROGRAM

MITIGATION MEASURES		IMPLEMENTATION RESPONSIBILITY	IMPLEMENTATION SCHEDULE	MONITORING RESPONSIBILITY	VERIFIED BY / DATE
NUMBER	MEASURE				

SIGNIFICANT BUT MITIGABLE IMPACTS

4.1 Land Use

4.1.3a Remove Freedom Parkway and East Alisal Street rights-of-way (approx. 110 feet each) from agricultural production prior to initiation of grading or construction activities.

Project Applicant

Prior to issuance of first grading or building permit.

Community Development Department

4.1.3b Provide an agricultural use disclosure notice to prospective home site purchasers prior to closing of home purchase. Each notice shall be recorded, and a notice shall be recorded for the entire project site.

Project Applicant and/or subsequent home developer(s)

Prior to the issuance of first certificate of occupancy or first final building permit in Mountain Valley project. (Form and content of notice shall be subject to City approval prior to approval of first final subdivision map.)

Community Development Department

4.2 Transportation

4.2.2 Install a traffic signal at the intersection of Williams Road and Mountain Valley Boulevard.

Project Applicant

Prior to the issuance of first certificate of occupancy or first final building permit in Mountain Valley project.

Public Works Department

4.2.6 Construct a bus turnout on the project's Williams Road frontage to meet the requirements of Monterey-Salinas Transit.

Project Applicant

Prior to the issuance of first certificate of occupancy or first final building permit in Mountain Valley project.

Public Works Department, upon approval by Monterey-Salinas Transit.

MOUNTAIN VALLEY PROJECT - MITIGATION MONITORING PROGRAM

MITIGATION MEASURES		IMPLEMENTATION RESPONSIBILITY	IMPLEMENTATION SCHEDULE	MONITORING RESPONSIBILITY	VERIFIED BY / DATE
NUMBER	MEASURE				
4.2.7	<p>The developer shall contribute a fair share of the costs for a median on Williams Road. This fair share cost shall be based on pro-rata costs for traffic improvements on this road based on the current costs of a median in Salinas at the time of recordation of the first map in the subdivision. The Developer's pro-rate share is currently estimated to be \$60,605 based on 2002/2003 dollars, which may vary depending on the date of recordation of the first final map. The developer shall also construct median islands on its Williams Road frontage as standard street improvements.</p>	Project Applicant	Prior to the issuance of first certificate of occupancy or first final building permit in Mountain Valley project.	Community Development and Public Works Departments	

MOUNTAIN VALLEY PROJECT - MITIGATION MONITORING PROGRAM

MITIGATION MEASURES		IMPLEMENTATION RESPONSIBILITY	IMPLEMENTATION SCHEDULE	MONITORING RESPONSIBILITY	VERIFIED BY / DATE
NUMBER	MEASURE				

4.3 Public Services

4.3.5 The developer shall participate in the establishment of a Landscape and Lighting Maintenance District for other appropriate financing method as approved by the City) for funding maintenance costs of 9.4 acres of the community park located in the Mountain Valley project.

Project Applicant Prior to recordation of the first final map in the Mountain Valley project. Public Works/Parks and Recreation Departments

4.3.7 Sanitary sewer monitoring program for East Alisal Street sanitary sewer mainline serving Mountain Valley to be approved by City and funded by developer. If monitoring program indicates that sewer flows exceed capacity of pipe, issuance of building permits will cease until adequate capacity provided by developer under terms contained in the Mountain Valley EIR. Depending on the status of off-site sanitary sewer improvements and off-site capacity at the time the project is ready to proceed, the developer may have to fund of-site costs in excess of the project's proportionate share in order for building permits to be issued for the Mountain Valley project. In this case, excess costs will be reimbursed by the City and/or other developers, as funding is available. If the City Engineer determines sufficient capacity exists when the project is ready to proceed (which is currently the case), the City will allow homes to be constructed in this development with no immediate mitigation measure required. However, the City Engineer will require the developer to fund a sanitary sewer-monitoring program for the East Alisal Street sanitary sewer mainline serving the development.

MOUNTAIN VALLEY PROJECT - MITIGATION MONITORING PROGRAM

MITIGATION MEASURES		IMPLEMENTATION RESPONSIBILITY	IMPLEMENTATION SCHEDULE	MONITORING RESPONSIBILITY	VERIFIED BY / DATE
NUMBER	MEASURE				

(Continued)

4.3.7 Said program shall be funded by the developer, with monitoring operations being under the supervision of the Public Works Director. If the monitoring program indicates sewer flow exceeds the capacity of the pipe during wet weather flow, issuance of building permits will cease until adequate capacity is provided by the developer or City under terms contain in the Mountain Valley EIR.

Prior to the issuance of 45th the first building permit for any unit in the Mountain Valley project.

Project Applicant

Public Works Department

4.3.8a Install temporary storm water siltation/detention basin, with design subject to City approval and discharge at a rate that will preclude any increase in the existing rate of runoff in 10-year storm.

Prior to the issuance of the first grading or building permits

Project Applicant

Public Works Department

4.3.8b Install permanent storm water siltation/detention basin (capacity of 3.5 acre-feet), with discharge at a rate that will preclude any increase in the existing rate of runoff from the site, accounting for runoff from northern portions of the project site not captured.

Prior to issuance of building permits for any unit in Phase 3 or above.

Project Applicant

Public Works Department

4.4 Hydrology, Drainage and Water Quality

4.4.2 See Mitigation Measures 4.3.8a and 4.3.8b

MOUNTAIN VALLEY PROJECT - MITIGATION MONITORING PROGRAM

MITIGATION MEASURES		IMPLEMENTATION RESPONSIBILITY	IMPLEMENTATION SCHEDULE	MONITORING RESPONSIBILITY	VERIFIED BY / DATE
NUMBER	MEASURE				
4.4.3a	Obtain and comply with a NPDES General Construction Stormwater Permit issued by the Regional Water Quality Control Board (RWQCB), Central Coast Region. (Required by law)	Project Applicant and/or Grading Contractor(s)	Contractors' specifications including compliance to be submitted to Public Works Department prior to issuance of grading permit.	Public Works Department to review specifications.	
			Compliance throughout grading and construction of roads, dwellings and the park.		
4.4.3b	Comply with all NPDES requirements in effect at the time of project construction. (Required by law)	Project Applicant and/or Grading and Construction Contractor(s)	Contractors' specifications including compliance to be submitted to Public Works Department prior to issuance of grading permit.	Public Works Department to review specifications.	
			Compliance throughout grading and construction of roads, dwellings and the park.		
4.4.3c	The project sponsor shall ensure that the contractor installs storm drain sediment traps in the project vicinity as part of the installation of storm drainage facilities. (Required by law)	Project Applicant	Prior to City approval of storm drainage design.	Public Works Department	
4.4.4a	New wells installed to serve the proposed project shall be constructed to withdraw water from levels below existing nitrate contamination.	Alco Water Service; Project Applicant	Well specifications to be submitted prior to issuance of grading permits.	Public Works Department, upon advice of Alco Water Service	
4.4.4b	New wells sites provided by the sponsor shall meet the minimum lot size requirements set by Alco Water Service.	Project Applicant	Prior to Tentative Map approval.	Public Works Department, upon advice of Alco Water Service	

MOUNTAIN VALLEY PROJECT - MITIGATION MONITORING PROGRAM

MITIGATION MEASURES		IMPLEMENTATION RESPONSIBILITY	IMPLEMENTATION SCHEDULE	MONITORING RESPONSIBILITY	VERIFIED BY / DATE
NUMBER	MEASURE				
4.4.4c	Prior to the start of construction, the project sponsor shall provide a monitoring well on the project site to the satisfaction of the Monterey County Water Resources Agency and Monterey County Department of Health.	Project Applicant	Prior to the issuance of grading or building permits.	Public Works Department, upon advice of Monterey County Water Resources Agency and Monterey County Department of Health	
4.4.5	Abandon unused agricultural well(s) in accordance with state and county standards, or convert the unused well(s) into monitoring wells, at the discretion of the County Water Resources Agency.	Project Applicant	Prior to the issuance of first certificate of occupancy or first final building permit in Mountain Valley project.	Public Works Department, upon advice of Monterey County Water Resources Agency	
4.5	<u>Air Quality</u>				
4.5.2c	<u>The project shall ensure that all homes designed to accommodate wood burning include EPA-certified wood stoves and/or fireplace inserts. The sponsor shall provide and information package on solar space heating, hot water systems, and pool heating to prospective homeowners. The sponsor shall require that homebuilders install low-N0x space heaters and water heaters, which would reduce N0x emissions from that source by 25 to 60 percent. (Along with ROG, N0x is an ozone precursor). The sponsor shall require that home designs exploit solar energy, to the extent feasible, including solar panel and passive solar features. The sponsor shall require homebuilders to provide exterior electrical outlets to enable residents to use electrical garden equipment (lawnmowers, etc.) instead of gasoline-powered equipment, potentially reducing emissions from such equipment. The sponsor shall require homebuilders, to the extent feasible to install the most energy-efficient appliances available on the market.</u>	<u>Project Applicant</u>	<u>Prior to issuance of first building permit in the Mountain Valley project.</u>	<u>Community Development/ Development and Permit Services Departments</u>	

MOUNTAIN VALLEY PROJECT - MITIGATION MONITORING PROGRAM

MITIGATION MEASURES		IMPLEMENTATION RESPONSIBILITY	IMPLEMENTATION SCHEDULE	MONITORING RESPONSIBILITY	VERIFIED BY / DATE
NUMBER	MEASURE				
4.7	Noise				
4.7.1a	Minimize noise from construction equipment by muffling and shielding intakes and exhaust on construction equipment and by shrouding or shielding impact tools.	Project Applicant and/or Grading and Construction Contractor(s)	Throughout grading and construction of roads, dwellings and the park.	Community Development Department to monitor on basis of plan check and complaints.	
4.7.1b	Coordinate with administrators of the three nearby schools to develop a construction schedule that would minimize the potential for interference with school functions and activities.	Project Applicant	Prior to the start of construction.	Applicant to submit report to Community Development Department documenting coordination.	
4.7.3	<u>An avigation easement shall be recorded for each lot or parcel located in the Precise Plan. The language of the avigation easement shall be subject to the review and approval of the Community Development Director and the Airport Manager prior to recordation.</u>	<u>Project Applicant</u>	<u>Prior to the recordation of each final subdivision map or parcel map in the precise plan area.</u>	<u>Community Development Department and Airport Manager</u>	
4.8	Flora and Fauna				
4.8.1	Conduct preconstruction surveys for burrowing owls in accordance with CDFG survey protocol.	Project Applicant to retain a qualified biologist	No more than 30 days prior to the issuance of grading or building permits	Biologist to submit report to Community Development Department documenting absence of burrowing owls or, if owls are present, identifying applicable protective measures for construction period.	

MOUNTAIN VALLEY PROJECT - MITIGATION MONITORING PROGRAM

MITIGATION MEASURES		IMPLEMENTATION RESPONSIBILITY	IMPLEMENTATION SCHEDULE	MONITORING RESPONSIBILITY	VERIFIED BY / DATE
NUMBER	MEASURE				
4.9	Historic and Archaeological				
4.9.1	In the event that unknown prehistoric cultural resources are discovered during subsurface construction, land alteration work in the general vicinity of the find is halted and a qualified archaeologist is consulted immediately.	Project Applicant and/or Grading and Construction Contractor(s)	During all ground-disturbing activities	Applicant to submit written report to Community Development Department documenting presence or absence of resources identified during construction.	

Exhibit



AFFORDABLE HOUSING PLAN

Date: September 17, 2003
Name of Project: Monte Bella

A. PROJECT

The development to be located on Williams Road, Salinas, consists of ±853 single family homes to be developed and constructed. The property is currently identified as a portion of Assessor's Parcel Number 153-011-035-00. The units are to be developed pursuant to the Mountain Valley Precise Plan and City of Salinas Tentative Map No. VTM 03-02.

This plan was prepared in conformance with the City's Inclusionary Housing Ordinance No. 2178 and Inclusionary Housing Program Guidelines Resolution No. 14618.

B. NUMBER

Twelve percent (12%) of the residences (a total of 102 dwelling units) will be made affordable to low-income households earning 80% or less than the median family income for Salinas (as determined by the City). These 102 units shall be designated as Inclusionary Units.

C. HOUSING TYPE

The 102 Inclusionary Units will be comprised of the following:

UNIT SIZE	NUMBER OF UNITS
Three Bedrooms	31
Four Bedrooms	71
TOTAL UNITS	102

The exterior appearance (e.g., design, style, trim, finishes) of the designated Inclusionary Units will be the same as the 751 non-restricted (market-rate) units.

D. LOCATION

Within four (4) of the six neighborhoods in the planning area, the Inclusionary Units will be interspersed among the 4,000 square-foot lots. The specific lots designated as eligible for possible "Inclusionary Units" are listed and shown on VTM 03-02. Subject to the prior written approval of the Planning Manager for the City Housing and Community Development Division, some flexibility in the dispersal of the Inclusionary Units shall be allowed to allow for more efficient construction of self-help homes, should such be included within the Inclusionary Units. The legal description of each Inclusionary Unit will be provided to City upon recordation of final map in order to facilitate the recordation of the required restrictive covenants.

E. COMPLETION SCHEDULE

The Inclusionary Units will be constructed, completed, and available for occupancy in accordance with the following phasing plan

PHASE	MARKET RATE UNITS	INCLUSIONARY UNITS		
		NUMBER UNITS	% OF 102	CUMULATIVE % OF TOTAL
1	125	30	29%	19%
2	124	30	29%	19%
3	150	25	25%	18%
4	110	0	0%	14%
5	137	17	17%	14%
6	105	0	0%	12%
TOTAL	751	102	100%	

No more than 30% of the final inspections for each phase's market rate units shall be approved prior to completion of the inclusionary units required for that phase.

City may enforce this requirement by whatever means necessary, including withholding Certificates of Occupancy for market-rate units. Subject to the prior written approval of the Planning Manager for the City Housing and Community Development Division, and provided that title to the inclusionary lots has passed to the buyer and construction of the Inclusionary Units commenced, some flexibility in the completion of the Inclusionary Units shall be allowed in the case of self-help homes, should such be included within the Inclusionary Units.

F. MAINTENANCE OF AFFORDABILITY

Inclusionary Units shall remain affordable for a period of thirty (30) years. Continued affordability consistent with these provisions will be assured through the execution and recordation of resale deed restrictions prepared by City and executed by Owner.

G. PROVISION OF AFFORDABLE INCLUSIONARY UNITS

In order to be eligible to purchase an Inclusionary Unit, qualified applicants must be first-time homebuyers. In addition, the household must agree to occupy the premises as their principal residence during the entire period of ownership. Any rental of Inclusionary Units shall be in accordance with the Inclusionary Housing Ordinance and Guidelines adopted by the Salinas City Council.

The following households are **ineligible** to purchase, rent, lease, or occupy an Inclusionary Unit at this project: any household that includes one or more individuals having any financial interest in the project, including the owner or the developer of the project, or any partner, investor or employee of the developer. Agricultural employees of the Sconberg and Bengard families shall be eligible to purchase, rent, lease, or occupy an Inclusionary Unit at this project:

Persons who are otherwise ineligible to purchase, rent, lease or occupy an Inclusionary

Unit in this project shall nevertheless be allowed to function as co-borrowers on behalf of an eligible buyer when a co-borrower is required by a lender.

H. SALE OF UNITS

Notices of availability and all advertising and marketing will include good faith efforts to provide information to attract purchasers from the housing market without regard to gender, race, ethnicity, creed, age, familial status, or disability. The Equal Housing Opportunity slogan or logo will appear in all printed or published materials and be prominently displayed at the point of sale location. Advertising in print media shall include publications with the greatest distribution throughout the community, including the Californian and El Sol. Advertisements in the print media will be "display" type ads and will each be a minimum of six square inches in size. The published advertisements will be placed in the Californian real estate features section on Saturdays and in El Sol, a weekly paper that is distributed on Thursdays. Advertisements and marketing materials shall include language advising prospective purchasers that Inclusionary Units are subject to resale restrictions that set maximum resale prices and other conditions limiting how units may be sold.

Additionally, outreach will be undertaken to contact and provide timely notice of the availability for sale of inclusionary units to local community based organizations concerned with housing issues. These organizations will include, at a minimum, the Housing Authority of Monterey County; CHISPA; Housing Advocacy Council of Monterey County; the Center for Community Advocacy; The Monterey County Housing Alliance and the Central Coast Center for Independent Living.

Applicant Selection

In recognition of the great need for affordable housing and to insure a fair selection process, prospective buyers will be selected through a random selection drawing (lottery).

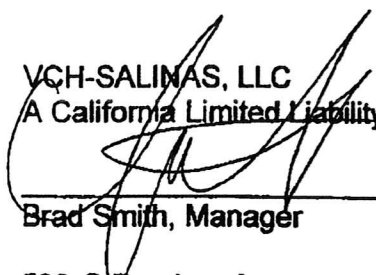
Applicants will be required to be pre-qualified for their mortgage financing in advance of the application deadline and lottery. Application materials to be submitted will demonstrate the following: income eligibility; assets; Salinas residency for at least one year (or employment within the City limits by an adult member of the household for at least one year); certification that the household qualifies as a first time homebuyer. The application will include copies of the household's current income tax returns, check stubs indicating year to date income for each household member 18 years of age and older and a copy of the lender's loan application (Fannie Mae form 1003). Applications will be screened by the owner (or an agent thereof) to verify compliance with the above requirements. Completed, timely applications will be submitted to the City for confirmation of applicant eligibility.

I. AMENDMENT OF PLAN

Proposed amendments to this Plan shall be reviewed and considered by the City Council. Changes to the Plan that are deemed "minor modifications" by the Planning Manager for the City Housing and Community Development Division may be considered and approved by that same official.

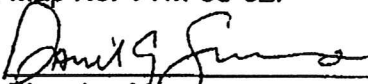
VCH-SALINAS, LLC
A California Limited Liability Company

By:


Brad Smith, Manager

Address: 590-G Brunken Avenue
Salinas, CA 93901

Approved by the Salinas City Council on OCTOBER 14, 2003 as a
condition of approval of Vesting Tentative Subdivision Map No. VTM-03-02.


Planning Manager