



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 24-067

April 23, 2024

Introduced: 4/5/2024

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Public hearing to consider accepting the 2023 Annual Report pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (REF240004)

Proposed CEQA Action: Find receiving the Report not to be a Project per California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5).

Planning File No: REF240004

Project Location: Countywide

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to accept the 2023 Annual Report pursuant to the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (**Attachment A**).

SUMMARY:

Annual Report - Pursuant to Section III.E of the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program ("Program"), staff has prepared the 2023 Annual Report (**Attachment B**) that provides a status of compliance with conditions and mitigations for all projects approved in the 2023 calendar year which relied on an Environmental Impact Report or a Mitigated Negative Declaration, and status of condition compliance for selected older projects approved prior to 2023.

The Environmental Health Bureau, Monterey County Regional Fire District, the Department of Public Works, Facilities and Parks (Parks), as well as several sections within the Housing & Community Development (HCD) Department contributed to the condition compliance and mitigation monitoring tracking and reporting in the 2023 Annual Report. To prepare the documentation for this Annual Report, a representative of each department/agency/division reviewed the Condition Compliance Forms (CCFs) and added their initials to each line item of a "Responsible Department's Condition Compliance Certification Report" ("Certification Report") for each project included in the Annual Report. The line items include the name and describe the status of each Condition of Approval listed in the Responsible Department's report. The department/agency/division head then signed a certification form that certified the information is correct for the January 2024 reporting period. All the projects in the 2023 Annual Report complied with their Condition of Approval/Mitigation Monitoring and/or Reporting Plans at the time of Responsible Department reporting.

DISCUSSION:

On October 9, 2001, the Board of Supervisors adopted a Mitigation Monitoring and Reporting Program (Reso. No. 01-391) delineating procedures for staff to monitor and track mitigation

measures required by the County for land use projects to comply with the California Environmental Quality Act (CEQA). The Program was amended in 2012, 2014, 2017, 2019, and 2022. The current Board of Supervisors Resolution No. 22-311 with attachments, is available on the HCD website's Condition Compliance page.

The Annual Report

The 2023 Annual Report (**Attachment B**) is required to be prepared and presented to the Board of Supervisors at a noticed public hearing pursuant to Section III.E of the Program. The Program requires that the Annual Report include land use projects approved in the prior calendar year that relied on an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND), as well as certain older, approved subdivision projects ("older projects"). The program further requires that the Conditions of Approval Program Supervisor (CAPS) identify compliance issues on the calendar year projects (as reported in the Attachment B, there were no compliance issues). Older projects reported on include those subdivisions with post-Final Map conditions selected by the CAPS for reporting. The criteria for selection of older projects are either (a) the project applicant previously received a land use entitlement for a significant project reliant on an EIR, and in the prior calendar year the permittee was actively working on condition compliance; or (b) subdivisions that the public has raised concerns about during the prior calendar year that have on-going or unmet conditions after the filing of the final map. (Program, Section II. B.2.)

The 2023 Annual Report contains 24 projects:

- 23 projects approved by the County in 2023 that relied on an EIR or MND; and
- One older subdivision project which the permittee amended during 2023.

The 2023 Annual Report presents the condition compliance status of these projects in detail. The older project identified by the CAPS and County Counsel for this Annual Report is September Ranch. September Ranch was amended in 2023 (File No. PLN110173-AMD1) and is reported on by the Responsible Departments in this Annual Report. All but 19 conditions of approval were rolled forward to the amended permit; nine were amended. The few that were not rolled over are reported herein on Certification Reports on the older file for the project, PLN110173. There are two reasons that some conditions of approval were not brought forward. Several conditions of approval were not brought ahead in the amendment because they were met for the life of the entitlement. Others were not brought forward because their application is no longer standard and they merely represented reminders for the permit holder to adhere to current codes, such as "Grading Permit Required." These conditions are shown on the PLN110173-AMD1 Certification Reports as "Reserved." (The Board of Supervisors Resolution on PLN110173-AMD1, Resolution No. 23-123, also discussed the change in the MMRP in detail.) No interested parties requested any other older subdivision projects be included in the 2023 Annual Report.

The Annual Report also provides evidence of Program training completed by staff within the Responsible Departments.

ENVIRONMENTAL REVIEW:

This report is not a project because under CEQA Guidelines section 15378(b)(5) it is an administrative activity that will not result in direct or indirect physical changes to the

environment.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel participation was the Deputy Counsel's assistance in older project selection and review of Certification Reports as one of the Responsible Departments. The County Environmental Health Bureau-Land Use participated in ongoing condition compliance and prepared their departmental annual report as one of the Responsible Departments. Public Works, Facilities and Parks participation was the Chief of Parks' review of condition compliance done by previous Parks staff, review of Certification Reports, and signatory for the departmental annual report as one of the Responsible Departments. Monterey County Regional Fire District participated in ongoing condition compliance and prepared their departmental annual report as one of the Responsible Departments.

FINANCING:

Funding for staff time associated with this annual report is included in the FY2023-24 Adopted Budget for HCD Appropriation Unit HCD002, Unit 8543.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Monitoring condition compliance in accordance with all applicable policies and regulations provides the County with accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Mary Israel, Supervising Planner

Reviewed and approved by: Craig Spencer, HCD Director CS

The following attachments are on file with the Clerk of the Board:

Attachment A - Draft Resolution to accept the 2023 Annual Report

Attachment B - Condition of Approval and Mitigation Monitoring and Reporting Program

2023 Annual Report, including:

- 2023 Project Summary Chart
- 2023 Responsible Departments' Reports
- Program Training Sign-In Sheets/Zoom Meeting Participant List

cc: Front Counter Copy; Craig Spencer, Director of HCD; Susan K. Blicht, Acting County Counsel; Robert I. Brayer, Deputy County Counsel; Melanie Beretti, Chief of Planning; Mike Weaver, Interested Party; Richard Rosenthal, Interested Party; Laborers International Union of North America (Lozeau Drury LLP); The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa, Executive Director); Project File REF240004