

# Attachment B1

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# ATTACHMENT B1

## DRAFT CEQA RESOLUTION

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

In the matter of the application of:

**RIVER VIEW AT LAS PALMAS LLC (PLN150372)**

**RESOLUTION NO. 21 -**

Resolution by the Monterey County Board of Supervisors:

1. Certifying the Final Subsequent Environmental Impact Report based on the findings and evidence;
2. Adopting the CEQA approval findings and Statement of Overriding Considerations; and
3. Adopting the Mitigation Monitoring and Reporting Plan.

River View at Las Palmas Assisted Living Senior Facility, Toro Area Plan, (Assessor's Parcel Number: 139-211-035-000)

**The RIVER VIEW AT LAS PALMAS LLC application (PLN150372) came on for a public hearing before the Monterey County Board of Supervisors on July 20 and August 31, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors finds and decides as follows:**

#### FINDINGS

#### **FINDINGS FOR CERTIFICATION OF SEIR AND ADOPTION OF CEQA APPROVAL FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS**

1. **FINDING:** **CEQA (SEIR)** – The Final Subsequent Environmental Impact Report (SEIR) on the River View at Las Palmas Assisted Living Senior Facility Project has been completed in compliance with the California Environmental Quality Act (CEQA); the final SEIR was presented to the County of Monterey Board of Supervisors, and the Board of Supervisors reviewed and considered the information contained in the SEIR prior to approval of the project; and the final SEIR reflects the County of Monterey’s independent judgment and analysis.  
**EVIDENCE:** a) The project (hereafter “Project”) which is the subject of the SEIR consists of a proposed facility designed to provide a continuum of care and supervision to residents, chosen voluntarily by persons at

least sixty years of age and younger persons with compatible needs. Although the project has been referred to as an “assisted living senior facility,” the entire facility would be licensed by the State of California as a “Residential Care Facility for the Elderly” as defined by California Health and Safety Code section 1569.2, and would include assisted living as well as a main unit(s) offering higher levels of care.

The facility would be comprised of three levels of residence to accommodate the continuum of care based on individual needs: Casitas, Assisted Living Facility, and Memory Care Facility.

The 13 Casitas structures would provide 26 separate living units, designed specifically for seniors who may require varying levels of assistance in their basic living needs. The Casitas structures, providing 26 separate units with a total of 42 beds, would all be single-story, approximately 18 feet in height, range in size from 1,513 to 3,757 square feet, and would cover a total of about 41,300 square feet.

The Assisted Living Facility would include 40 living units ranging from 360 to 587 square feet each, and a total of 52 beds. The Assisted Living Facility will be contained in a single building that would be two stories and 28 feet in height, and would cover about 27,000 square feet.

The Memory Care Facility would be housed within a three-level structure approximately 30 feet in height, covering about 21,600 square feet. It would include 39 living units ranging from 313 to 453 square feet, and a total of 48 beds.

Roads, driveways, and parking areas would cover an additional area of about 99,500 square feet. Total site coverage would be approximately 190,000 square feet (27.6 percent of the site). Development of the project would require approximately 60,000 cubic yards of cut, most of which will be compacted and used on site, and 34,500 cubic yards of fill. Approximately 80 non-native eucalyptus trees currently located on the project site would be removed and replaced with landscaping designed to both enhance residents’ living environment and screen views of the project from neighboring properties and State Route 68.

- b) CEQA requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment. The SEIR for the River View at Las Palmas Assisted Living Senior Facility Project application (HCD-Planning File No. PLN150372) was prepared in accordance with CEQA. The Draft Subsequent EIR (Draft SEIR) for

the Project was circulated for public review from March 12 through April 25, 2018 (SCH # 2017031025). The Subsequent EIR is subsequent to the Las Palmas Ranch Specific Plan and Final EIR, adopted September 20, 1983 (see Appendix A to the Draft SEIR).

- c) Issues that were analyzed in the SEIR include Aesthetics, Agricultural and Forest Resources, Air Quality, Biological Resources, Greenhouse Gas Emissions, Cultural Resources, Geology and Soils, Hazardous Materials, Surface Hydrology, Mineral Resources, Noise, Public Services, Recreation, Solid Waste, Transportation, Energy, Wastewater, and Water Supply. The SEIR identified potential significant impacts that are either less than significant or can be mitigated to less than significant levels on Aesthetics, Air Quality, Biological Resources, and Transportation (See also Finding Nos. 2 and 6). The EIR also identified unavoidable significant impacts on Transportation that cannot be mitigated to less than significant levels (see also Finding Nos. 3, 5, 6, and 7). As described in these findings and in the Final SEIR, the mitigation measures avoid or substantially lessen the significant environmental effects to less than significant levels, or, for impacts identified as significant and unavoidable, all feasible mitigation measures have been incorporated, but even with such mitigation, the impacts remain significant.
- d) Public review of the Draft SEIR generated comments from the public and public agencies. The County of Monterey received 118 letters on the Draft SEIR, including public agency comments from the Monterey Bay Air Resources District and the Monterey County Water Resources Agency. The County received nine comment letters from various organizations and businesses. The remaining comment letters were from members of the public. Comment letters generally addressed the following topics: Safety and Security; Fire Safety; Land Use Incompatibility, Property Value, and Quality of Life; Transportation/Traffic; Slope Stability and Stormwater Drainage; Visual Impacts; Wildlife Impacts; Noise; and Private Land Rights.

The County responded to these comments and made revisions to the Draft SEIR. The County of Monterey prepared a Final SEIR dated September 2019, including responses to all comments received on the Draft SEIR during the public review period, as well as amendments to the Draft SEIR made in response to these comments.

Responses to comments and revisions to the Draft SEIR constitute the Final SEIR. The Final SEIR was released to the public on September 27, 2019. Together, the Draft SEIR, the revisions to the Draft SEIR, the comments of persons and organizations commenting on the Draft SEIR, a list of all such persons and organizations, and the September 27, 2019 Final SEIR containing responses to the comments constitute the Final SEIR on the project.

- e) Pursuant to section 15082 of the CEQA Guidelines, the County filed the SEIR Notice of Preparation (NoP) on March 7, 2017. At the time the County filed the NoP, the County had not received a request for consultation from a Native American tribe. Therefore, no consultation was conducted with a Native American tribe relative to Tribal Cultural Resources. Additionally, the project site is in an area of low archaeological sensitivity.
- f) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval to the extent feasible. A Condition Compliance and Mitigation Monitoring and Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance with mitigation measures during project implementation, and is hereby incorporated herein by reference. The applicant must enter an “Agreement to Implement a Mitigation Monitoring and Reporting Plan” as a condition of project approval (Condition No. 5).
- g) On September 26, 2019, pursuant to CEQA Guidelines section 15088(b), the County notified those public agencies that submitted comments on the Draft SEIR that a Final SEIR was available for review and provided the proposed responses to the public agency comments.
- h) The Mitigation Monitoring and Reporting Plan (MMRP) has been prepared and is adopted as part of this resolution (See Finding No. 6 and supporting evidence), and is incorporated herein by reference.
- i) State Fish and Wildlife Fee. See Finding No. 8 and supporting evidence.
- j) Evidence that has been received and considered includes the application, technical studies/reports, staff report that reflects the County’s independent judgment, and information and testimony presented during public meetings and hearings (as applicable). These documents are on file in HCD-Planning (File No. PLN150372) and are hereby incorporated herein by reference.
- k) Monterey County HCD-Planning, located at 1441 Schilling Place South, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the Final SEIR is based.

**2. FINDING: POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE SEIR THAT ARE REDUCED TO A LEVEL OF “LESS THAN SIGNIFICANT” BY THE MITIGATION MEASURES IDENTIFIED IN THE SEIR AND MADE CONDITIONS OF APPROVAL OF THE PROJECT –**  
 The project would result in significant and potentially significant impacts that will be mitigated to a less than significant level due to incorporation of mitigation measures from the SEIR into the

conditions of project approval. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment as identified in the Final SEIR.

- EVIDENCE:**
- a) The SEIR identified potentially significant impacts that require mitigation to Aesthetics, Air Quality, Biological Resources, Transportation, and Energy which could result from all components of the Project. These impacts will be mitigated to a less than significant level with incorporation of mitigation measures from the SEIR into the conditions of project approval. The Board of Supervisors considered project approval subject to conditions of approval that incorporate the proposed mitigation measures.
  - b) *Aesthetics*. The proposed project would change the visual character of the project site, and would introduce new sources of light and glare. Potentially significant impacts on aesthetics (visual character) have been mitigated to less than significant levels through mitigation measures and conditions of approval that incorporate design features, landscaping requirements, and light & glare reduction measures in design plans. The Mitigation Measures (MMs) from the Draft SEIR and Final SEIR are AES-1 (Landscape Screening Plan), AES-2 (Final Plan for Exterior Colors & Materials), AES-3 (Final Improvement Plan), and AES-4 (Exterior Lighting Plan). Condition of Approval No. 7 (Height Verification) would also supplement these mitigation measures and further mitigate potential visual impacts. See Section 5.0 of the Draft SEIR and Chapter 2 (Topical Response F) of the Final SEIR.
  - c) *Air Quality*. Potentially significant air quality impacts have been mitigated to a less than significant level through mitigation measures that require the implementation of dust control measures and monitoring, and reduction of exhaust emissions. The MMs from the Draft SEIR and Final SEIR are AQ-1 (Dust Control Measures), AQ-2 (Dust Control Site Monitor), and AQ-3 (Reduction of Construction Exhaust Emissions). See Section 6.0 of the Draft SEIR and Chapter 4 (Revisions to the Draft SEIR) of the Final SEIR.

In the Final SEIR, the County revised MM AQ-3 to add the following: Whenever feasible, construction equipment shall use alternative fuels such as compressed natural gas, propane, electricity or biodiesel. This revised measure is equivalent or more effective in mitigating or avoiding potential significant effects, will not cause a new significant effect on the environment or substantial increase in the severity of the environmental impacts of the project, and merely amplifies and/or clarifies the analysis in the draft EIR. Accordingly, this revision does not require recirculation of the EIR. See also Finding No. 7 and supporting evidence.

- d) *Biological Resources*. Potentially significant impacts on biological resources have been mitigated to a less than significant level through

mitigation measures that require development and implementation of pre-constructions surveys for a variety of wildlife. The MMs from the Draft SEIR and Final SEIR are BIO-1 (Pre-Construction Survey - Badger), BIO-2 (Pre-Construction Survey – Burrowing Owl), BIO-3 (Pre-Construction Survey – Dusky-Footed Woodrat), BIO-4 (Focused Survey – Bats), BIO-5 (Pre-Construction Survey – Nesting Birds), and BIO-6 (Pre-Construction Survey – CTS). See Section 7.0 of the Draft SEIR, and Chapter 2 (Topical Response G) and Chapter 4 (Revisions to the Draft SEIR) of the Final SEIR.

In the Final SEIR, the County added text to Section 7.0 of the Draft SEIR to clarify the potential for California tiger salamander (CTS) and California red-legged frog to occur on site and be affected by the proposed project. The County also added MM BIO-6: Prior to the start of construction, a qualified CTS biologist shall conduct a preconstruction survey for CTS. The survey shall include a transect survey over the entire project disturbance footprint (including access and staging areas), and scoping of burrows for CTS occupancy. If CTS are documented on the surface or in burrows, no work can be conducted until the individuals leave the site of their own accord. If no CTS are found, the biologist shall collapse all small mammal burrows onsite within the disturbance footprint. After all burrows have been collapsed, a silt fence shall immediately be installed around the edges of the work area to the existing road. This fencing shall be buried to at least three inches. No equipment or disturbance shall be allowed outside of the silt fence, and fencing shall remain in place until the project is complete. If a California tiger salamander is observed at any time during burrow excavation or construction, all work shall cease, and the applicant shall contact the USFWS for guidance before commencing project activities.

The above mitigation measure text is consistent with the other measures to protect biological resources (i.e., pre-activity surveys and subsequent avoidance and protections), and would assure that the project would avoid impacts to CTS. Therefore, the added textual information and MM BIO-6 do not significantly change the conclusions of the Draft SEIR or represent substantial new information. This mitigation measure is equivalent or more effective in mitigating or avoiding potential significant effects, will not cause a new significant effect on the environment or substantial increase in the severity of the environmental impacts of the project, and merely amplifies and/or clarifies the analysis in the draft SEIR. Accordingly, this added MM does not require recirculation of the SEIR. See also Finding No. 7 and supporting evidence.

- e) *Transportation.* Potentially significant impacts on transportation and circulation have been mitigated to a less than significant level to the extent feasible through mitigation measures that require payment of



traffic impact fees, implementation of measures to reduce peak hour and overall trips, and installation of emergency access improvements. The MMs from the Draft SEIR and Final SEIR are CTRA-1 (Traffic Impact Fees), TRA-1 (Reduce Peak Hour Trip Generation), TRA-2 (Reduce Overall Trip Generation), and TRA-3 (Emergency Access Improvements). See Section 9.0 of the Draft SEIR, and Chapter 2 (Topical Response D) and Chapter 4 (Revisions to the Draft SEIR) of the Final SEIR.

In the Final SEIR, the County added text to Section 9.0 of the Draft SEIR to clarify the proposed project's emergency access requirements and cumulative impacts, revised MM TRA-2, and added MM TRA-3. The revision to MM TRA-2 added the following text to the end of the measure: If feasible, the shuttle fleet shall be electrically-powered, and electric vehicle (EV) infrastructure should be added to the project for both shuttle and visitor use. MM TRA-3 states: Prior to occupancy of the proposed senior assisted living community, the applicant shall install eight-foot turnouts on the entering and exiting lanes of the proposed extension of Woodridge Court between Country Park Road and the first internal parking lot aisle on the project site. Also, prior to occupancy, the applicant shall install grass grid pavers on the section of lawn area between Woodridge Court and Country Park Road to provide an all-weather surface for secondary access. Subsequent County staff discussions with fire district staff identified that secondary access for ingress or egress would not be required for the proposed development; therefore, MM TRA-3 has been modified to indicate that the grass grid pavers would only be installed if determined by the local fire district to be required.

The above revised and added mitigation measures are equivalent or more effective in mitigating or avoiding potential significant effects, will not cause a new significant effect on the environment or substantial increase in the severity of the environmental impacts of the project, and merely amplifies and/or clarifies the analysis in the Draft SEIR. Accordingly, this revision does not require recirculation of the Draft SEIR. See also Finding No. 7 and supporting evidence.

Additional potentially significant impacts to traffic that are significant and unavoidable that would not be mitigated to a less than significant level are discussed in Finding No. 3 and supporting evidence.

- f) *Energy.* Potentially significant impacts on energy resources have been mitigated to a less than significant level through a mitigation measure that requires demonstration of how the project will be consistent with applicable energy conservation policies. The MM

from the Draft SEIR and Final SEIR is MM ENG-1 (Energy Policy Conservation Consistency). See Section 12.0 of the Draft SEIR.

- g) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 2018, and Final SEIR dated September 2019.

**3. FINDING: SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS – (POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE SEIR THAT ARE SIGNIFICANT AND UNAVOIDABLE) –** The project will result in significant and unavoidable impacts that will not be mitigated to a less than significant level even with the incorporation of mitigation measures from the SEIR into the conditions of project approval, as further described in the evidence below. Specific economic, legal, social, technological, and other considerations make infeasible additional mitigation.

- EVIDENCE:**
- a) Section 15.0 of the Draft SEIR identified potentially significant and unavoidable impacts to Transportation which could result from the project, and would not be mitigated to a less than significant level even with incorporation of mitigation measures from the SEIR into the conditions of project approval.
  - b) The Draft SEIR identified potentially significant project and cumulative impacts to Highway (State Route (SR)) 68. The traffic analysis for the proposed project shows the proposed project would add about one AM peak hour trip and four PM peak hour trips to the two-lane section of SR 68 immediately west of the Toro Park interchange. Project traffic will then dissipate along the SR 68 corridor at the many crossroads, resulting in less than one AM peak hour trip and about two PM peak hour trips west of Laureles Grade. Project traffic would be at or below one peak hour trip west of SR 218. Project-related traffic would not have any effect on SR 68 traffic operations. However, SR 68 currently operates at Level of Service (LOS) F, and Monterey County and Caltrans consider the addition of a single peak hour trip to be a significant impact when adding to a LOS F situation. Therefore, based on this threshold, the project would have a significant impact on the two-lane section of SR 68 between Toro Park and SR 218.

As identified in Finding No. 2, Evidence e, mitigation measures CTRA-1 (Traffic Impact Fees), TRA-1 (Reduce Peak Hour Trip Generation), and TRA-2 (Reduce Overall Trip Generation) would reduce peak hour and overall trips, and serve as some feasible mitigation for impacts to SR 68. However, there are no mitigation measures available to reduce impacts to a less-than significant level, based on the Monterey County and Caltrans threshold. The project would not be directly implementing any physical improvements to offset these impacts to SR 68 and will, therefore, have an unmitigated

significant impact on SR 68. At this time, it is unknown whether any Caltrans or Transportation Agency of Monterey County (TAMC) improvements to the corridor (e.g., widening and/or roundabouts along the route) would improve the level of service on SR 68.

- c) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, and Final SEIR dated September 2019.

**4. FINDING:**

**ALTERNATIVES TO THE PROPOSED PROJECT** - The SEIR evaluated a reasonable range of potentially feasible alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The SEIR considered the alternatives described below and as more fully described in the Draft SEIR. Specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the SEIR for the reasons described below.

- EVIDENCE:**
- a) Per CEQA Guidelines section 15126.6, an EIR shall describe a range of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

Section 17.0 of the Draft SEIR, as amplified and clarified by the Final SEIR, described and analyzed a reasonable range of alternatives, including a no project alternative, and evaluated their comparative merits. The discussion of each alternative presented sufficient information to allow meaningful evaluation, analysis, and comparison with the proposed project. Per CEQA Guidelines section 15126.6(e), the alternatives discussion also identified an environmentally superior alternative. Table 17-1 of the Draft SEIR summarizes the potential impacts of the various project alternatives. See also Finding No. 4, Evidences b through l below.

- b) Per CEQA Guidelines section 15126.6(f)(2), an alternative project location need only be analyzed if the significant effects of the proposed project would be avoided or substantially lessened by putting the project in another location (see also Finding No. 4, Evidence i below). None of the alternatives avoid or substantially lessen the significant and unavoidable impacts of the project. In addition, per Public Resources Code section 21001, agencies should not adopt projects as proposed if there are feasible alternatives which would substantially lessen significant environmental effects of a project to a less than significant level. No such feasible alternatives were identified.

- c) Sections 9.0 and 15.0 of the Draft SEIR, and Chapter 2 (Topical Response D) of the Final SEIR identify the Significant and Unavoidable Impacts of the project related to Transportation.
- d) Section 17.0 of the Draft SEIR identifies that the project alternatives analyzed in the EIR do not avoid significant effects. As described in the SEIR, significant and unavoidable impacts are related to Transportation, but there are also other potentially significant impacts identified in the SEIR which could be reduced or affected based upon the alternative. The alternatives were designed to address all potentially significant impacts identified for the project.
- e) Alternative 1 – No Project/No Development. The “no project/no development” alternative assumes no development would occur on the project site. The project site would continue to be vacant land, partially used for grazing. Under this alternative, there would be no potential adverse impacts to aesthetics, air quality, biological resources, energy, or transportation.

The No Project/No Development alternative would not necessarily reduce significant project impacts because this alternative would leave open the foreseeable future development of the project site for market-rate housing or some other proposal. The No Project/No Development Alternative would also not meet the primary project objective of providing a full range of care options for seniors who need assistance with daily activities in a geographic location that needs such services, nor any other project objectives. The applicant proposes to develop a state-of-the-art facility to provide care to seniors and to persons with diminishing mental capacity due to Alzheimer’s, dementia, or similar causes. Therefore, the No Project/No Development alternative is infeasible.

- f) Alternative 2 – No Project/Minimum Use. The “no project/minimum use” alternative assumes the proposed project would not be constructed or operated on the project site. Instead, this alternative considers the construction of the minimum allowable use on the subject property, which would be one single-family dwelling and any accessory structures considered incidental to residential use, such as barns and storage buildings.

The No Project/Minimum Use alternative would not necessarily reduce significant project impacts because this alternative would leave open the foreseeable future development of the project site as described in the alternative. The project site is designated and zoned Medium Density Residential (MDR), which allows a range of residential uses and housing types, recreational, public, and quasi-public, and other uses. Minimum use of the site could include development of a single-family dwelling, habitable or non-habitable accessory structures, and associated infrastructure, thereby still

resulting in potential impacts to aesthetics, air quality, biological resources, energy, as well as significant unavoidable impacts to transportation. Although the potential impacts could be reduced, they would not be eliminated under this alternative.

The No Project/Minimum Use alternative would also not meet the primary project objective of providing a full range of care options for seniors who need assistance with daily activities in a geographic location that needs such services. Therefore, the No Project/Minimum Use alternative is infeasible.

- g) Alternative 3 – No Project/Existing Zoning. The “no project/existing zoning” alternative assumes the proposed project would not be constructed or operated on the project site. However, considering that the project site is designated and zoned for medium density residential development, it is reasonable to assume that up to 40 dwelling units could be approved and constructed on the project site. Additionally, other use categories could also be considered under this alternative.

The No Project/Existing Zoning alternative would not necessarily reduce significant project impacts because this alternative, as in the case of the No Project/No Development alternative, would leave open the foreseeable future development of the project site as described in the alternative, thereby still resulting in potential impacts of an equivalent or reduced amount to aesthetics, air quality, biological resources, energy, as well as significant unavoidable impacts to transportation. Although the potential impacts may be reduced, they would not be eliminated under this alternative.

The No Project/Existing Zoning alternative would also not meet the primary project objective of providing a full range of care options for seniors who need assistance with daily activities in a geographic location that needs such services. Therefore, the No Project/Existing Zoning alternative is infeasible.

- h) Alternative 4 – Reduced Project. The “reduced project” alternative includes a reduced development footprint. For conceptual purposes, Alternative 4 eliminates the “Casitas” from the proposed project. This would result in the reduction of 26 living units with 42 beds, representing approximately 30 percent of the total beds of the proposed project, and would result in a proportionate reduction in environmental impacts. Therefore, under this reduced project scenario, development on the project site would include the assisted living facility and memory care living facility, and other associated site improvements.

Although the Reduced Project alternative would reduce significant project impacts, it would still result in potential impacts requiring mitigation to aesthetics, air quality, biological resources, energy, as well as significant unavoidable impacts to transportation.

The Reduced Project alternative would only partially meet the primary project objective of providing a full range of care options for seniors who need assistance with daily activities in a geographic location that needs such services. This alternative would reduce the range of services and the number of available living units, while not significantly reducing the environmental impacts. Therefore, the No Project/Existing Zoning alternative is infeasible.

- i) Alternatives Considered but Rejected. An alternative site was considered, but rejected from further consideration. The site is an appropriate location for the proposed project based upon the land use designation, zoning classification, and the space available to allow the creation of a tranquil, park-like setting while also being located in a neighborhood setting. The proposed location also offers nearby amenities including hospitals and doctors on Romie Lane in south Salinas, shopping, and regional roadway access. Having an alternative access to the project site was also considered as an alternative, but rejected from further consideration. Alternative access either directly from River Road or as a new internal subdivision roadway would not decrease impacts of the proposed project and may result in increased impacts as compared to the proposed project, such as increased traffic, visual, biological, and impacts to recreational areas associated with entry from River Road.
- j) Environmentally Superior Alternative. The no project/no development alternative would result in no potential adverse environmental impacts, but would not meet any of the proposed project objectives. Also, it would not necessarily reduce significant project impacts because this alternative would leave open the foreseeable future development of the project site for market-rate housing or some other proposal.

The no project/minimum use alternative would result in less environmental impacts than the proposed project, but would not meet any of the proposed project's objectives. This alternative would also not necessarily reduce significant project impacts because it would leave open the foreseeable future development of the project, thereby still resulting in potential impacts to aesthetics, air quality, biological resources, energy, as well as significant unavoidable impacts to transportation. Although the potential impacts could be reduced, they would not be eliminated under this alternative.

The no project/existing zoning alternative could result in a similar level of impacts as the proposed project, and would not meet the objectives of the proposed project.

The reduced project alternative would result in an overall reduction in the intensity of potential impacts based on the overall reduction in development on the project site. Although this alternative would reduce significant project impacts, it would still result in potential impacts requiring mitigation. Also, the reduced project alternative would only partially meet the objectives of the proposed project and could result in an economically infeasible project.

The environmentally superior alternative, and the only alternative that would both reduce potential project impacts and at least partially meet the objectives of the proposed project, would be Alternative 4, the Reduced Project alternative.

- k) The SEIR identified that the project would have significant and unavoidable effects to Transportation. While the SEIR analyzed a reasonable range of alternatives that reduce or lessen the unavoidable impacts of the project, the SEIR concluded there were no feasible alternatives that would reduce all significant and unavoidable impacts to a less than significant level. Because the alternatives do not reduce the significant unavoidable impacts to a less than significant level, and because the County finds that the alternatives are infeasible for the reasons stated above, the County does not choose to adopt the Alternatives analyzed in the SEIR.
- l) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, and Final SEIR dated September 2019.

**5. FINDING: CEQA (Statement of Overriding Considerations)** – On the basis of the whole record before the Monterey County Board of Supervisors, the Board has balanced, as applicable, the economic, legal, social, technological, or other benefits of the Project against its unavoidable, significant impacts and adopts a Statement of Overriding Considerations on the basis that the economic, legal, social, technological, or other benefits of the Project outweigh its unavoidable adverse environmental effects.

- EVIDENCE:**
- a) As reflected in the Draft SEIR and Final SEIR, the proposed project would have potentially significant and unavoidable impacts related to traffic conditions on State Route 68.
  - b) The proposed project will result in development that will provide benefits described herein to the surrounding community and the County as a whole.
  - c) The project would provide the following benefits to the public:

- The project would provide a significant social benefit to the Salinas-Monterey area and the County as a whole. Per the California Department of Finance, from 2020 through 2030, the senior population (ages 65-90+) in the state is projected to grow from 5,000,000 to 8,000,000 persons (a 60% increase). There are currently 49 Residential Care Facility for the Elderly (RCFE)-licensed facilities in the County providing approximately 1,750 beds. The project would add 142 beds for an aging population, particularly for those who need assistance to meet their daily needs, representing an 8 percent increase in the number of RCFE beds for the County.
- The project will also provide accommodations and housing for the elderly, an identified need within the greater community of Monterey County. The County's 2015 - 2023 Housing Element (adopted January 26, 2016; Board Resolution No. 16-011) states *"The number and percentage of elderly in the population is expected to increase in coming years. Further, significant increases are expected in the "older" elderly population of 85 years and up."*
- Although not required pursuant to Monterey County Code, the applicant has proposed an affordability component for the project. This affordability or Below Market Rate (BMR) component would consist of a 15 percent rent reduction for a total of 15 beds for qualifying residents of the facility, and would equate to 10.6 percent of the total number of beds in the facility (15 of the 142 total beds; 13 of 52 beds or 25 percent of beds in the Assisted Care Facility, and 2 of 42 or 4.2 percent of beds in the Memory Care Facility). This also equates to an approximate annual contribution by the facility owner/operator of \$121,500.00.
- The project would also create significant economic benefits to the county and the economy through the creation of jobs for construction (temporary), the expanded facility operations (permanent), and the creation of new property tax revenue through higher property valuation. Based on construction estimates of \$24,000,000 the resulting sales tax revenue on construction materials would amount to approximately \$653,000, and the annual property tax would be approximately \$220,000. Based on a facility staff of 93, the annual payroll is anticipated to be approximately \$4,000,000. Operation of the facility would also employ outside providers for office, recreational and food supplies, linen and other services. The majority of operating supplies, including food, would be purchased locally.

**6. FINDING:**

**MITIGATION MONITORING PROGRAM** - Per Public Resources Code section 21081.6 and the proposed Condition of Approval and Mitigation Monitoring and Reporting Plan, the County would, as part of the recommended action, adopt a reporting or



monitoring plan for the changes made to the project or conditions of project approval in order to mitigate or avoid significant effects on the environment.

- EVIDENCE:**
- a) The mitigation measures identified in the Final SEIR are incorporated as conditions of approval, and are attached to Resolution No. 21- for the project.
  - b) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval to the extent feasible. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Program” as a condition of project approval (Condition No. 5).
  - c) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, and Final SEIR dated September 2019.
  - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD- Planning for the proposed development found in Project File PLN150372.

- 7. FINDING: RECIRCULATION NOT REQUIRED** – No new significant information has been added to the SEIR since circulation of the Draft SEIR that would require recirculation of the SEIR. Per section 15088.5 of the CEQA Guidelines, the County of Monterey is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification. “Significant new information” requiring recirculation may include, for example, a disclosure showing:
- 1) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented;
  - 2) A substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of less than significant;
  - 3) A feasible project alternative or mitigation measure, considerably different from others previously analyzed, that clearly would lessen the significant environmental impacts of the project, but that the project’s proponents decline to adopt; or
  - 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- No such significant new information has been added.

- EVIDENCE:**
- a) Per section 15088.5(b) of the CEQA Guidelines, recirculation of the draft EIR is not required where the new information merely clarifies, amplifies, or makes minor modifications to an adequate EIR. The information provided, and revisions to the Draft SEIR since the public notice of availability of the Draft SEIR, meets those criteria.
  - b) All the text revisions to the Draft SEIR provide clarification and additional detail. The changes do not result in a new significant impact or substantial increase in the severity of an environmental impact, and therefore recirculation is not required. Additionally, after considering all comments received on the Draft SEIR, the County has determined that the changes do not result in a need to recirculate the Draft SEIR.
  - c) In the Final SEIR, the County revised MM AQ-3 and MM TRA-2, and added MM BIO-6 and MM TRA-3. The added textual information, and the revised and added mitigation measures do not significantly change the conclusions of the Draft SEIR or represent substantial new information. The revised and added measures are equivalent or more effective in mitigating or avoiding potential significant effects, will not cause a new significant effect on the environment or substantial increase in the severity of the environmental impacts of the project, and merely amplifies and/or clarifies the analysis in the Draft SEIR. While the Final SEIR provides extensive clarification and amplification of the information and analysis in the Draft SEIR, the Final SEIR supports the conclusions of the Draft SEIR regarding level of significance of potential impacts. Accordingly, these changes do not require recirculation of the EIR. See preceding Finding No. 2 and supporting evidence.
  - d) See also Finding Nos. 1, 3, 4, 5, and 6, and supporting evidence.
  - e) On January 14, 2020, an attorney representing the Las Palmas Ranch Master Association submitted to the County a peer-prepared noise report from Salter Associates, Inc. (*River View at Las Palmas Assisted Living Senior Facility Peer Review of Draft EIR/Final EIR*, dated January 13, 2020). This noise report made several comments regarding the adequacy of the noise analysis in the Draft SEIR and Final SEIR; however, the report does not provide substantial evidence (i.e., data or analysis) as defined by CEQA Guidelines section 15384 to refute the conclusions of the Draft or Final SEIR. Nor does the report state that the data in the Final SEIR is incorrect, the analysis is inadequate, or the conclusions of the Final SEIR are incorrect or would be different. Therefore, this report does not provide substantial evidence that would warrant recirculation. The peer-prepared report and the County's response are included in the August 31, 2021, staff report to the Board of Supervisors as a portion of Attachment G and Attachment J.

- f) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, and Final SEIR dated September 2019.
- g) To assure that adequate wastewater treatment facilities will be available to accommodate the Project, the applicant and Cal Water will prepare a plan for any necessary upgrades to the Las Palmas Waste Water Treatment facilities to serve the Project. The plan will be subject to review and approval by the County and the Regional Water Quality Control Board (Condition No. 37). Additionally, the applicant shall develop and maintain a minimum of 3.18 acres, on-site or off-site, for the dispersal of reclaimed wastewater attributable to the project.

- 8. FINDING: FISH AND WILDLIFE FEE** – For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends.
- EVIDENCE:**
- a) The California Department of Fish and Wildlife (CDFW) reviewed the Draft SEIR. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the CDFW determines that the project will have no effect on fish and wildlife resources. The site supports biological and forest resources. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. Therefore, the project will be required to pay the State fee in effect at the time of the recordation of the Notice of Determination (NOD) to the Monterey County Clerk/Recorder for processing said fee and posting the NOD (Condition No. 4).
  - b) The River View at Las Palmas Assisted Living Senior Facility Project Draft SEIR dated January 29, 2018, and Final SEIR dated September 2019.
  - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN150372.

**DECISION**

**NOW, THEREFORE BE IT RESOLVED**, based on the above findings and evidence and the administrative record, that the Board of Supervisors does hereby:

1. Certify the Final Subsequent Environmental Impact Report for the River View at Las Palmas Assisted Living Senior Facility; and
2. Adopt the CEQA Findings for Project approval; and
3. Adopt the Statement of Overriding Considerations.

**PASSED AND ADOPTED** upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this 31<sup>st</sup> day of August, 2021, by the following vote to-wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book \_\_\_\_\_ for the meeting on August 31, 2021.

Date:  
File Number:

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy