



Monterey County

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Board Report

Legistar File Number: RES 14-112

December 02, 2014

Introduced: 11/21/2014

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Public hearing to consider:

- a. Adoption of a resolution to certify the Final Environmental Impact Report and adopt associated Findings of Fact and a Statement of Overriding Considerations for the Ferrini Ranch Subdivision Project;
- b. Adoption of a resolution to approve a Combined Development Permit for the Ferrini Ranch Subdivision Project, including a Vesting Tentative Map for the subdivision of approximately 870 acres into 185 lots including 168 market rate single family residential lots and 17 lots for moderate income Inclusionary Housing units; three Open Space parcels totaling approximately 700 acres (Parcels A, B, & C), and a parcel for the future development of a visitor center (Parcel D); Use Permit for removal of up to 921 protected Oak trees; and Use Permit for development on slopes exceeding 30 percent; and to adopt a Mitigation Monitoring and Reporting Plan; and
- c. Adoption of a resolution to deny the request to change the General Plan Land Use Designation of Parcel D from LDR 2.5 to Agricultural Industrial and to deny the request to apply the Agricultural Industrial zoning classification to Parcel D of the Ferrini Ranch Subdivision.

(Combined Development Permit and Vesting Tentative Map - PLN040758/Bollenbacher & Kelton (Ferrini Ranch), Fronting on and southerly of State Highway 68, encompassing two areas separated by Toro Regional Park. The eastern portion is bound by River Road and the western portion is bound by San Benancio Road., Toro Area Plan)

PROJECT INFORMATION:

Planning File Number: PLN040758

Owner: Bollenbacher & Kelton (Ferrini Ranch)

Project Location: Fronting on and southerly of State Highway 68, encompassing two areas separated by Toro Regional Park. The eastern portion is bound by River Road and the western portion is bound by San Benancio Road.

APN: 161-011-019-000, 161-011-030-000, 161-011-039-000, 161-011-057-000, 161-011-058-000, 161-011-059-000, 161-011-078-000, 161-031-016-000, and 161-031-017-000

Agent: Lombardo & Associates

Plan Area: Toro Area Plan

Flagged and Staked: No

CEQA Action: Environmental Impact Report

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt a resolution (Attachment B) to certify the Final Environmental Impact Report and adopt associated Findings of Fact and a Statement of Overriding Considerations for the Ferrini Ranch Subdivision Project;
- b. Adoption of a resolution (Attachment C) to approve a Combined Development Permit for the Ferrini Ranch Subdivision Project, including a Vesting Tentative Map for the subdivision of approximately 870 acres into 185 lots including 168 market rate single family residential lots and 17 lots for moderate income Inclusionary Housing units; three Open Space parcels totaling approximately 700 acres (Parcels A, B, & C), and a parcel for the future development of a visitor center (Parcel D); Use Permit for removal of up to 921 protected Oak trees; and Use Permit for development on slopes exceeding 30 percent; and Adopting a Mitigation Monitoring and Reporting Plan; and
- c. Adopt a resolution (Attachment D) to deny the request to change the General Plan Land Use Designation of Parcel D from LDR 2.5 to Agricultural Industrial and to deny the request to apply the Agricultural Industrial zoning classification to Parcel D of the Ferrini Ranch Subdivision.

SUMMARY:

On November 12, 2014, the Planning Commission recommended that the Board of Supervisors certify the EIR and approve the Ferrini Ranch Subdivision project consisting of:

- 185 Lots (168 lot for market-rate units and 17 lots for moderate income household units).
- 25 unit inclusionary requirement satisfied through payment of in-lieu fees
- Parcel D (11.8 acres) created for possible future visitor center for Ag Winery Corridor,
- Open space of approximately 700 acres retained in perpetuity,
- Access to the western development area will be a new signalized intersection on State Route-68 (at New Torrero) with widening of Highway 68.

This is the Environmentally Superior Alternative identified in the EIR. The original project included more lots (212) and a larger Parcel D to be used for a winery. In addition the original project obtained access through Toro Park. The environmentally superior alternative before the Board of Supervisors reduces environmental impacts related to biology, traffic, noise, and aesthetics.

The applicant, Bollenbacher and Kelton, Inc., originally applied for a subdivision of 870 acres into 212 lots, including 146 market rate single family residential lots, 23 clustered market rate residential lots and 43 lots for Inclusionary Housing units; three Open Space parcels of approximately 600 acres (Parcels A, B, & C), and one agricultural-industrial parcel (Parcel D) for the future development of a gateway/visitor center for the River Road Wine Corridor; Use Permit for removal of up to 921 protected Oak trees; Use Permit for development on slopes exceeding 30 percent; General Plan Amendment request to amend the land use designation of one parcel (Parcel D) from Low Density Residential to Agricultural Industrial; and a request to zone Parcel D Agricultural Industrial with Visual Sensitivity(AI-VS). The application was deemed complete on April 25, 2005 and therefore is subject to the 1982 General Plan and Toro Area Plan as adopted on 09/28/1983 and last amended on 01/06/1998.

In its hearings, the Planning Commission focused a great deal of attention on the impact of the project's water use on the Salinas Valley Groundwater Basin (SVGB). At the Planning Commission hearing on October 29, 2014, Rob Johnson of the Monterey County Water Resources Agency described the strategy for addressing Seawater Intrusion within the SVGB. The basic strategy involves: 1) developing a new water source, 2) moving that new water to the coast to replace the water being pumped, and 3) stopping pumping along the coast. The strategy has been implemented by a suite of projects including the Nacimiento and San Antonio reservoirs, the Salinas Valley Water Project (SVWP), and Monterey County Water Recycling Projects. This "Project Suite" is the foundation of the projects to stop Seawater Intrusion, though more are necessary and are currently being worked on.

The Planning Commission discussion also focused on the impact of the project on traffic on Highway 68. The proposed project would install a new intersection and new signal west of the existing Torero Drive, close existing Torero Drive, and widen Highway 68 to four lanes approximately 1.3 miles to the west. These improvements would have the benefit of mitigating the project traffic between River Road and Coral de Tierra, and discourage cut through traffic which is an existing problem in the Toro Estates Neighborhood.

Another key issue is the visual impact to Highway 68. The Planning Commission discussion centered on three policy questions related to the Critical Viewshed, areas of Visual Sensitivity, and ridgeline development. The Planning Commission ultimately recommended revision of the Vesting Tentative Map to address these issues. The proposed Vesting Tentative Map (dated November 19, 2014) being presented to the Board of Supervisors has removed all lots from within the Critical Viewshed and required 100 foot setback from scenic roads/highways and critical viewshed [1982 Toro Area Plan Policy 40.2.4(T)], and has relocated lots that could have resulted in ridgeline development. The Commission also recommended adding conditions to the project requiring implementation of CC&Rs to address design standards to protect the areas on the site designated in the Toro Area Plan as areas of Visual Sensitivity.

The Planning Commission recommended the Board of Supervisors deny the requested General Plan Amendment and zoning, as these changes are not necessary for the 185-unit project.

An EIR has been prepared for the project. The EIR identified significant unavoidable impacts of the project to traffic and greenhouse gas emissions. Consistent with the Planning Commission recommendation, staff has prepared draft resolutions to certify the EIR and adopt CEQA findings and a statement of overriding considerations, approve the Combined Development Permit for the 185-lot alternative, and deny the applicant's request General Plan amendment and zoning. (Attachments B, C, and D.)

DISCUSSION:

Detailed discussion is provided in **Attachment A**.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau

RMA-Public Works
RMA-Environmental Services
Water Resources Agency
Monterey County Regional Fire Protection District
Parks Department
RMA-Building Department
Economic Development Department
California Department of Transportation, District 5
Regional Water Quality Control Board, District 3
California Department of Fish and Wildlife,
Monterey Bay Unified Air Pollution Control District
Toro Land Use Advisory Committee

The Planning Commission held public hearings on the project on October 8, October 29, and November 12, 2014. On November 12, by a 5-4 vote (1 member absent), the Planning Commission recommended certification of the EIR, approval of the Combined Development Permit and Vesting Tentative Map Alternative 5, and denial of the applicant's request for a General Plan amendment and zoning. The November 12, 2014 Planning Commission Resolutions are attached to this report (Attachment E).

FINANCING:

Funding for staff time associated with this project is included in the FY14-15 Adopted Budget for RMA-Planning.

Prepared by: John H. Ford, RMA- Services Manager ext. 5158
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Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
Carl Holm, Acting Director Resource Management Agency ext. 5103

This report was reviewed by Mike Novo.

cc: Front Counter Copy; John H. Ford, RMA Services Manager; David J. R. Mack, Project Planner, Mark Kelton, Applicant/Owner; Anthony Lombardo & Associates, Agency; Office of Brian Finnegan, Agent; EHB; RMA-Public Works; MCWRA; Monterey Bay Unified Air Pollution Control District (Amy Clymo); Monterey County Regional Fire Protection District; Caltrans District 5 (John Olejnik); County Counsel; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Rachel Saunders (Big Sur Land Trust); Mike Weaver; Dee Baker; Tom Gowing; Laurel Hogan; Pat Huber; Guerremo Marquez; Judy Martinez; Eric Phelps; Project File PLN040758.

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

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| Attachment A | Discussion |
| Attachment B | Draft Board Resolution - Certification of EIR ,Findings, and Statement of Overriding Considerations |
| Attachment C | Draft Board Resolution - Combined Development Permit, including: <ul style="list-style-type: none">• Conditions of Approval and Mitigation Monitoring and Reporting |

Program

- Vesting Tentative Map Alternative 5
- Attachment D Draft Board Resolution -Denial of General Plan Land Use Designation Amendment and Rezone.
- Attachment E Planning Commission Resolution Nos. 14-043, 14-044, and 14-045
- Attachment F Environmental Documents
- Attachment F-1 Draft EIR (on CD and on RMA-Planning website)
 - Attachment F-2 Recirculated DEIR (on CD and on RMA-Planning website)
 - Attachment F-3 Final EIR (on CD and RMA-Planning website)
- Attachment G Toro Advisory Committee Minutes.

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