

# Attachment C

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# **DRAFT USE PERMIT AND VESTING TENTATIVE MAP LOT SUBDIVISION 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. 24 - XX**

Resolution by the Board of Supervisors approving a  
Combined Development Permit consisting of:

1. a Vesting Tentative Map to create 27 residential lots, including four low income units, two moderate income units, and an open space parcel;
2. a Use Permit to allow development on slopes in excess of 25% for subdivision improvements; and
3. Adopt a Mitigation Monitoring and Reporting Plan.

[PLN150372, River View at Las Palmas LLC, Salinas, 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 June 4, 2024 and August 13, 2024. 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**

1. **FINDING:** **CONSISTENCY** – The proposed project and/or use, as conditioned, is consistent with the policies of the Monterey County 2010 General Plan, Toro Area Plan, Las Palmas Ranch Specific Plan (LPRSP), Monterey County Subdivision Ordinance (Title 19), Monterey County Zoning Ordinance (Title 21), and other County health, safety, and welfare ordinances related to land use development.  
**EVIDENCE:** a) Project Description. The project involves a Combined Development Permit consisting of a Vesting Tentative Map for the subdivision of a 15.64 lot into 27 residential lots consisting of 29 units, with four units designated for low income households and 2 units designated for moderate income households, an open space parcel, and a Use Permit to allow development on slopes exceeding 25 percent (Project).  
b) Modified Project Scope. In 2015, the County of Monterey received an application proposing a facility that would be licensed by the State of California as a Residential Care Facility for continuum of care to consist of 13 residential Casitas, an Assisted Living Facility

with 40 units, and a Memory Care Facility with 39 units. The Project would have removed approximately 80 eucalyptus trees and replaced them with landscaping designed to both enhance residents' living environment and screen views of the Project from neighboring properties and State Route 68 (SR 68). On February 12, 2020, the Planning Commission adopted Resolution Nos. 20-004, 20-005, and 20-006 recommending the Board of Supervisors certify the Final Subsequent Environmental Impact Report (FSEIR), amend the LPRSP, and approve the Project. On October 12, 2021, the Board continued the matter to a date uncertain with direction to conduct further analysis and to consider housing options. On September 2, 2022, the applicant modified the Project scope to a 26 lot residential subdivision in response to the Board's direction to provide a project that better aligned with the existing residential subdivisions within Las Palmas. As discussed in Finding 4 and supporting evidence, the subdivision has been further revised to include 27 residential lots, four of which will be designated for development of six affordable housing units.

- c) During review of this application, the Project has been reviewed for consistency with the text, policies, and regulations in the:
- 2010 Monterey County General Plan (General Plan);
  - Toro Area Plan (TAP);
  - Las Palmas Ranch Specific Plan (LPRSP);
  - Monterey County Subdivision Ordinance (Title 19); and
  - Monterey County Zoning Ordinance (Title 21).

No conflicts were found to exist. The County received communications during its review of the Project indicating inconsistencies with the text, policies, and regulations in these documents; however, these comments were relative to the original scope for the senior living facility and not the Project as described in Evidence "a" above. The County finds that the Project as proposed is consistent with the text, policies, and regulations in the applicable documents above.

- d) General Plan Consistency. The Project has been reviewed for consistency with applicable policies of the 2010 General Plan. Based on the following, the Project is found to be consistent. The County specifically finds that:
- In accordance with General Plan Policies LU-1.7, LU-8.2, OS-1.5, and OS-1.8, the residential lots have been clustered in the flattest area of the site that is most suitable for development. Appropriate infrastructure to support the development exists, utilities will be extended to serve the residential lots, and a new roadway will be provided.
  - General Plan Policy LU-1.9 prioritizes infill of vacant non-agricultural lands in existing developed areas and requires proposed development to be compatible with surrounding land uses and development. As demonstrated in subsequent Evidence "f", the subject property is part of the Las Palmas

residential development and is designated for Medium Density Residential use.

- In accordance with General Plan Policy LU-1.13, the Project has been conditioned to require Applicant to submit an exterior lighting plan to ensure 1) streetlights are unobtrusive; 2) constructed or located so that only the intended area is illuminated 3) long range visibility of the lighting source is reduced; and 4) off-site glare is fully controlled.
- General Plan Policy LU-1.20 requires that residential development be limited to area build-out as specified in the land use/density designations mapped in the area plans and adopted as part of this General Plan. As demonstrated in subsequent Evidence “e”, the Project is within the allowed density as specified in the Toro Land Use Plan map.
- In accordance with General Plan Policy LU-2.5, the Project provides adequate circulation and rights-of-way. See subsequent Evidence “f” and Finding No. 8, Evidence “I”.
- In accordance with General Plan Policies LU-2.7, LU-8.5 and OS-5.11, open space is provided on the fringes of the residential lots. See subsequent Evidence “f”; Finding No. 5, Evidence “c”; and Finding 8, Evidence “n”.
- General Plan Policy LU-2.13 requires the County assure consistent application of an Affordable Housing Ordinance that requires 25% of new housing units be affordable to very low, low, moderate, and workforce income households. As demonstrated in Finding No. 4 and its supporting evidence, the Project meets the County’s inclusionary housing requirement by providing four onsite low income units, two onsite moderate units and through payment of fees in lieu of the remaining fractional requirement. As specified in Finding No. 4, Evidence “e”, the Project includes an amendment the LPRSP to achieve consistency with Policy LU-2.13, the LPRSP, and Monterey County Code Chapter 18.40 - Inclusionary Housing Ordinance of the County of Monterey. Chapter 18.40 requires that 20% of the units in a housing project be provided at levels affordable to very low, low, and moderate income households. This Chapter of the County Code has not been updated to reflect the General Plan Policy LU-2.13. Policy LU-2.13 is consistent with Chapter 18.40 except that 5% of the units in the project must be provided to “Workforce I” housing in addition to the 20% for very low, low, and moderate income households. Where conflicts between the General Plan and implementing regulations (County Code) apply, the General Plan policies govern.
- In accordance with General Plan Policy LU-2.33, the proposed building coverage will be less than 35 percent of the site. The subdivided parcels would encompass approximately 160,000 square feet of the Project site. The

total area of the Project encompasses approximately 23.2 percent of the Project site.

- Pursuant to General Plan Policy LU-2.33a, land designated for Medium Density Residential use is categorized as Urban Residential Land. It is appropriate for a range of residential uses and housing types, recreation, public and quasi-public uses, and other uses that are incidental and subordinate to the residential use and character of the area.
  - In accordance with General Plan Policies C-1.1, C-1.2, C-1.8, C-1.9, and C-1.11, the Project has been conditioned to require the applicant to pay County-wide and regional traffic fees which will be used to fund circulation improvement Project.
  - In accordance with General Plan Policies C-5.4 and OS-1.12, the Project has been designed, mitigated, and conditioned to reduce impacts of scenic views from SR 68 by limiting height, regulating lighting sources, and requiring landscape screening.
  - As demonstrated in Finding No. 9 and supporting evidence, the Project is consistent with General Plan Policy OS-3.5.
  - In accordance with General Plan Policy OS-5.6, native oak trees will be used to fulfill the Project's landscape requirements.
  - As demonstrated in Finding No. 2, Evidence "b" and "c", conclusions contained in the geologic report prepared for the Project supports Project consistency with General Plan Policies S-11, S-1.3, S-1.6, S-1.7, and S-1.8.
  - As demonstrated in subsequent Evidence "f" and Finding No. 3, Evidence "d", the project as proposed and conditioned is consistent with 2010 General Plan drainage policies S-3.1, S-3.2, S-3.3, and S-3.9.
  - As demonstrated in subsequent Evidence "f" and Finding No. 10 and supporting evidence, the Project as proposed and conditioned is consistent with 2010 General Plan fire hazard policies S-4.8, S-4.9, S-4.13, S-4.14, and S-4.27.
- e) Toro Area Plan Consistency. The Project has been reviewed for consistency with applicable policies of the Toro Area Plan (TAP). Based on the following, the Project is found to be consistent. The County specifically finds that:
- The Project site's land use designation is identified in the Toro Land Use Plan (Figure LU#10 of the 2010 General Plan) as Medium Density Residential, 2.61 units per acre maximum. The Project includes the subdivision of a 15.64-acre parcel to create 27 residential parcels (29 units) and 1 open space parcel, resulting in a density of 1.9 units per acre, consistent with the allowed land use and density of the TAP.
  - TAP Policy T-1.5 requires subdivisions be designed so that new lots have building sites located outside of the critical viewshed. As demonstrated in subsequent Evidence "f", Finding No. 5 and supporting evidence, the Project is

consistent with this policy as well as Policies T-3.1, T-3.2, T-3.4, T-3.5 and T-3.6.

- In accordance with TAP Policy T-2.5 the Project has been conditioned to require contribution of the applicant's fair-share payment to expedite funding and construction of Highway 68 improvements.

f) LPRSP Consistency. The Project has been reviewed for consistency with applicable policies of the Las Palmas Ranch Specific Plan. Based on the following, the Project is found to be consistent. The County specifically finds that:

- LPRSP Figure E designates the subject property as "Medium Density Residential". LPRSP Chapter II, Section C, Policy 11 states that a Development Incentive Zone of ten acres shall be provided within the areas designated in the specific plan for medium density residential development. The Project includes the subdivision of a 15.64-acre parcel to create 27 residential parcels (29 units) and 1 open space parcel, resulting in a density of 1.8 units per acre. The Project is consistent with the land use designation, the allowed density of the specific plan and all other housing and residential land use policies in LPRSP, Chapter II, Section C, except for Policy 5. Creation of 29 new residential units exceeds the total residential units allowed in the plan area. This inconsistency is addressed in an amendment to LPRSP (see subsequent Evidence "g") processed concurrently with this Vesting Tentative Map and Use Permit.
- The Project is consistent with the applicable circulation policies in LPRSP, Chapter II, Section E. Consistent with Policy 1, the Quimby Act condition (Condition No. 23) requires access to onsite parks or recreational areas. There are no commercial or institutional uses proposed with the Project. In compliance with Policy 3, each unit will have a driveway and space for off-street parking. Thirteen additional off-street parking spaces are proposed throughout the subdivision. Consistent with Policies 4 and 5, the proposed roadway is suitable for emergency vehicle access and there are no areas of the roadway that exceed a 15% grade. Consistent with Policy 6, the roadway will be privately owned and maintained by a Homeowners Association. Consistent with Policy 7, the internal circulation system will continue to operate at a Level of Service "C" or better. The River View traffic study evaluated 8 trips per day per unit and estimated the internal circulation system for Las Palmas will continue to operate at a Level of Service "A". The proposed roadway has been designed per Policies 8, 9 and 10 of the LPRSP, and to be consistent with the existing Las Palmas subdivision. The site is not perpendicular to a viewing area, nor would it require excessive cut and fill.

Ground disturbance has been minimized to the maximum extent to retain rural character and reduce potential visual impacts. Policy 11 is not applicable as street signs are not currently proposed. Consistent with Policies 14 and 15, the Project proposes intra-subdivision traffic as opposed to an additional connection directly to River Road. Consistent with Policies 16 and 17, the Project has been conditioned (Condition No. 39) to require the applicant to pay applicable traffic impact fees as mitigation for the Project's impacts to Highway 68. The amount of such fees shall be calculated using the current cost index, consistent with Policy 18.

- As demonstrated in Finding No. 5 and supporting evidence, the Project is consistent with the applicable conservation and open space policies in LPRSP, Chapter II, Section F. Consistent with Policies 1, 2, and 3, the development has been designed and clustered to minimize visual impacts to visually sensitive areas. The residential unit boundary is limited to the flattest portion of the existing lot and will be surrounded by an open space parcel. The residential lots will not be spread out across the parcel. The homes will be subject to a 20 foot height limitation (Condition No. 14) in addition to the development standards for MDR zoning to control mass and size, they will also be partially shielded from Highway 68 and River Rd by native vegetation including oak trees (Condition No. 26). Consistent with Policies 4, 5, and 6, approximately two thirds of the existing parcel will be placed into a conservation and scenic easement and designated as Open Space. Policies 7 and 8 are addressed under the circulation policies above. Consistent with Policies 9 and 10, vegetative screening and natural landscaping will be utilized over 50 feet away from River Road. The Project has been conditioned (Condition No. 14) to apply Design District Overlay to the final Zoning of the subdivided parcels to ensure consistency with Policy 11. All building materials and finishes shall be reviewed prior to the approval of the future single-family dwellings. Consistent with Policy 12, an erosion control plan was submitted and analyzed in the FSEIR. The Quimby Act condition (Condition No. 23) will ensure consistency with Policy 13.
- The Project is consistent with the applicable energy conservation policies in LPRSP, Chapter II, Section G. Although construction of residences is not part of the subdivision, compliance with Building Code regulations related to energy will be required and enforced as part of the construction permit process.
- The Project is consistent with the applicable design and sensitivity policies in LPRSP, Chapter II, Section I. Policies 1, 3, 4, 7 and 8 are addressed above under the applicable conservation and open space policies. Policies 6 and 9 are



- addressed above under circulation policies. Policy 5 is addressed through the County's Exterior Lighting Criteria, which is applicable to every project within the inland County planning areas. Consistent with Policy 2, the Project is conditioned requiring formation of a Homeowners Association or joining the Las Palmas Ranch Master Association No. 1. Consistent with Policy 11 of the LPRSP, there is no development proposed on slopes over 30%.
- The Project is consistent with the applicable erosion, drainage, and flood control policies in LPRSP, Chapter II, Section J. Consistent with Policy 1, a Conceptual Stormwater Control Plan (Gateway Engineering 2017) was developed for the Project as part of the preliminary design to address stormwater management for the Project site in conformance with County and State regulatory requirements. Consistent with Policy 3 and 4, the proposed Project design includes storm drainage facilities (collection, conveyance, and disposal) as detailed in the stormwater control plan (Gateway Engineering 2017) to meet the generation of stormwater runoff. The Project has been conditioned to submit a Storm Water Control Plan (Condition No. 16) prior to the issuance of grading or building permits. Staff will review the plan for compliance with Policies 2, 5, 6 and 7. Consistent with Policy 8, a Geologic Hazards Report and Soil Engineering Feasibility Investigation was prepared for the Project (Landset Geotechnical Report) and addresses slope stability of the Project area.
  - The Project is consistent with the applicable public facilities and services policies in LPRSP, Chapter II, Section K. Consistent with Water Policy 1, the River View subdivision will be served by a public utility water company. The applicants obtained a can and will serve letter from California Water Service. Consistent with Water Policy 2, the applicant demonstrated the ability for a public utility water company to provide the subdivision with potable water (see Finding No. 3, Evidence "b"). The Environmental Health Bureau has conditioned the Project to be consistent with Water Policy 3 regarding domestic and fire flow water supply, Condition No. 41 and 42. Consistent with Wastewater Policies 1, 2, 3, 4 and 8 the River View subdivision will utilize the existing Las Palmas Wastewater Treatment Plant, operated by California American Water Company (CalAM). The applicants provided a can and will serve letter from CalAM. The Environmental Health Bureau has conditioned the Project to be consistent with Wastewater Policies 5, 6 and 10 (Condition Nos. 44 and 45). Consistent with the Fire Protection policy, the Project has been reviewed and approved by the Monterey County Regional Fire Protection District.

- g) LPRSP Residential Build Out Maximum. LPRSP Chapter II, Section C - Housing & Residential Land Use, Policy 5 limits the maximum number of residential units within the specific plan area to 1,031 in accordance with Figure D and Figure E of the LPRSP. The Project includes an amendment to the LPRSP (see Board of Supervisors Resolution XX) which modifies the policy language to increase the residential units to 1,060. The modification results in Project consistency with the LPRSP. The proposed amendment to the LPRSP is consistent with the 2010 General Plan and does not create any conflict with existing zoning of the site. Approval of the Vesting Tentative Map and Use Permit is conditioned on the Specific Plan amendment being adopted and going into effect. The proposed amendment is hereby incorporated herein by reference.
- h) Allowed Use – Zoning. The subject property is a 15.64-acre, vacant parcel within Las Palmas Subdivision #1, south of River Road and west of Country Park Road, within the LPRSP Area, approximately 1.25 miles west of Spreckels and 0.5 miles east of State Route 68 (SR 68) (Assessor's Parcel Number 139-211-035-000). No address has been assigned to the parcel. The zoning classification of the property is Medium Density Residential, 2.61 units per acre, with a Design Control overlay (MDR/2.61-D). Pursuant to Monterey County Code (MCC) section 21.12.050, the MDR zoning district allows for a range of land uses to be approved with a Use Permit, including single-family housing, and other uses of a similar nature, density, and intensity. The Project is a residential subdivision with open space parcels. It meets the allowed density for the site. Therefore, the Project is consistent with the applicable zoning designation.
- i) Lot Legality. The subject property, identified as Parcel Q, is shown on a final map entitled "Amended Map of Las Palmas Ranch Corey House Area/Unit 1" filed June 15, 1989 in the Office of the Recorder of Monterey County, California, in Volume 16 of Cities and Towns, Page 70. Therefore, the County recognizes the subject parcel as a legal lot of record.
- j) Review of Development Standards. The project does not include vertical development. The future construction of single-family dwellings within the subdivision would be required to meet the development standards for Medium Density Residential zoning district. As proposed, the standards will include a 20 foot height limit maximum. The design of the subdivision is consistent with applicable policies of the 2010 General Plan, Toro Area Plan, and the LPRSP as well as the regulations contained in Title 19 and Title 21. See Finding Nos. 5, 8, 9, 10, 11 and supporting evidence. Subdivision improvements including roads and utilities have been reviewed. These improvements have been found consistent with the relevant policies including provision of adequate public services and facilities, private road standards, and emergency access.
- k) Design, Aesthetic Impacts, and Visual Resources. Pursuant to Chapter 21.44, Title 21 (Zoning Ordinance) of the Monterey County

Code (MCC), the proposed Project site and surrounding area are designated as a Design Control Combining District (D District), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The Project does not include the construction of structures and therefore a Design Approval is not required. The Project does include the removal of approximately 70 eucalyptus trees, some of the trees that would remain are within the critical viewshed as defined in the Toro Area Plan. Although they are not a protected tree species within the area, the trees aid in shielding the potential development from the viewshed of SR 68, River Road, and Las Palmas #1. As demonstrated in Finding No. 5 and supporting evidence, the Project as designed and conditioned, minimizes impacts to visual resources in accordance with applicable visual policies of the General Plan, TAP, LPRSP.

- l) Tree Removal. As proposed, the Project includes removal of approximately 70 non-native eucalyptus trees. These trees would be replaced with native oak trees and landscaping designed to both enhance residents' living environment and screen views of the Project from neighboring properties and SR 68. Pursuant to MCC section 21.64.260, eucalyptus trees are not identified as a protected species and a permit is not required for removal of the identified trees. However, pursuant to General Plan Policy OS-5.25, the applicant shall complete a pre-construction nesting survey by a qualified biologist to ensure nests of statutorily protected migratory birds and raptors are not disturbed during the breeding season (identified as mitigation measure MM BIO-5 in the FSEIR). The applicant shall also complete a pre-construction survey by a qualified biologist for the protection of bats (identified as mitigation measure MM BIO-4 in the FSEIR). With these conditions, the proposed tree removal will not involve a risk of adverse environmental impacts, and implementation of the mitigation measures would ensure consistency with General Plan Policy OS-5.25. These mitigation measures have been incorporated into the Project as conditions of approval. See also Finding No. 6 and supporting evidence.
- m) Development on Slope Exceeding 25 Percent. As demonstrated in Finding No. 9 and supporting evidence, there is no feasible alternative that would avoid development on slopes exceeding 25 percent.
- n) Development Evaluation System. As demonstrated in Finding No. 12 and supporting evidence, the Project is consistent with the 2010 Monterey County General Plan Policy LU-1.19.
- o) Long-Term Sustainable Water Supply. As demonstrated in Finding No. 11 and supporting evidence, there is a long-term sustainable water supply to serve the Project.
- p) Access. Access to the Project would be provided from the signalized intersection of River Road and Las Palmas Road to River Run Road, then Woodridge Court, which currently terminates at the Project site boundary. River Road is a public road maintained by the County of

Monterey. Las Palmas Road, River Run Road, and Woodridge Court are private roads maintained by the Las Palmas Homeowner's Association (LPHOA). The applicant has the necessary access rights to the site via a non-exclusive easement for ingress, egress, road, and utilities. The property owner of the site currently pays a monthly road maintenance fee to the LPHOA. An agreement between the applicant/owner and the LPHOA will require payment of a proportionate share for the use of the roads based on construction impacts. According to the costs consistent with the traffic reports prepared for the Project. Separate access would not be necessary to avoid impacts on traffic circulation within the adjacent residential subdivision because they would not reduce the level of service on subdivision roads providing access to the Project site to unacceptable levels. Also, separate access would not be necessary to ensure adequate emergency access (see Finding No. 10 and supporting evidence).

- q) Proof of Access. Pursuant to MCC Chapter 16.80, Regulations Relating to Applications Involving Use of Private Roads, the Project involves intensification of use of a private road. The owner/applicant is a party to a private road and would access the Project site from River Road (a County Road) via the following private roads: Las Palmas Road, River Run Road, and Woodridge Court. Based on evidence in a Grant Deed (Document No. 2013046807; recorded July 24, 2013) submitted by applicant, the attached property's legal description includes an easement on the subject parcel over these private roads for ingress, egress, road, and utilities. MCC section 16.80.030.J defines an easement as a form of "private road agreement" between parties concerning the right to use private property as access to another parcel of private property. Since a legally executed document exists for the private road agreement, the County considers such documentation adequate evidence to demonstrate access. Hence, pursuant to MCC section 16.80.030.M, the applicant has demonstrated proof of access to the property via a private road agreement. Pursuant to MCC section 16.80.040.B, the Project is classified as a Tier 3 project subject to a private road agreement, but not a private road maintenance agreement. Per MCC section 16.80.030.K, a private road maintenance agreement is an agreement between parties to a private road concerning the costs and responsibilities of those parties for upkeep and repair of the private road; however, no such agreement exists. The applicant currently pays a monthly road maintenance fee to the LPHOA; however, the parties to the easement or private road agreement concur that this is an informal arrangement. Both parties have agreed to negotiate the fair share contributions for the maintenance of the roads.
- r) Affordable Housing. As demonstrated in Finding No. 4 and supporting evidence, the Project complies with the County's Inclusionary Housing Ordinance.
- s) Land Use Advisory Committee Review. The Project was referred to the Toro Land Use Advisory Committee (LUAC) for review on

October 23, 2023. Several members of the public were present, two of which were concerned with placing a subdivision within existing undeveloped land, disturbing “virgin land” which would have the potential to liberate the Valley Fever virus, and the introduction of additional traffic. The remaining members of the public were either in favor of the Project, while remaining opposed to the previously proposed senior care facility, or had questions regarding road access, if homes would be rentals, or if the CCRs of the HOA would apply to the Project. One LUAC member brought up the prohibition of development on slopes in excess of 25% and another member opined that the Project was a great improvement to the previous plan for the assisted living facility. The LUAC supported the Project with recommended conditions by a vote of 6 ayes, 0 noes and 2 members absent. The recommended conditions were to: add a 20-foot height limit, replace the removed trees with 1 gallon oaks at a 3:1 ratio, dedicate a scenic easement on all remaining land, obey the LPRSP regarding erosion, slope stability, onsite parking, construction noise control and traffic; add a B-6 overlay; and implement the conditions from the April 27, 2022 letter from Christine Kemp. In response to public comment, the subject property is zoned for Medium Density Residential development and the Project is an allowed use; the FSEIR did not identify the potential for the Valley Fever virus to be onsite; and as demonstrated in Evidence “u” below and Finding 2, Evidence “d”, the Project would not cause a significant traffic impact to the subdivision. In response to the LUAC’s recommendations, the Project has been conditioned to require a rezone to add a 20-foot height limit and B-6 overly, conveyance of a conservation scenic easement over areas outside of the approved development and as demonstrated in Evidence “f” above, the Project is consistent with the LPRSP. Also see Evidence “t” below regarding the April 2022 Kemp letter.

- t) Public Comment. Staff received a letter from Christine Kemp, dated April 27, 2022, on behalf of the Las Palmas Ranch Master Association No. 1 (see Exhibit J of the August 13, 2024 Board of Supervisors staff report). The letter states that the association finds that the Project is a preferred alternative to the senior living facility provided that the subdivision have no more than 28 residential lots, there be an 18-foot height limit, a B-6 overly zone be added to prohibit further subdivision and that the areas outside of the development be placed under a scenic easement. The Project meets all these requests except for the 18-foot height limit. There is no evidence in the record that the proposed, and conditioned, 20-foot height limit would cause a significant visual impact or be inconsistent with the General Plan, TAP or LPRSP.
- u) California Environmental Quality Act (CEQA). By separate resolution (see Board Resolution No. [XX]), the Board of Supervisors has certified the River View Final Subsequent Environmental Impact Report (FSEIR) as augmented in September 2023. All applicable mitigation measures have been incorporated as

Conditions of Approval. In accordance with Public Resources Code section 21081.6, this Resolution includes the adoption of a Mitigation Monitoring and Reporting Plan. Also see Finding 6 and supporting evidence.

- v) Process. Title 21, section 21.76.030.B states that the Planning Commission shall act as the recommending body to the Board of Supervisors when said Board is the appropriate authority. Because the Project includes an amendment to the LPRSP the Board of Supervisors is the appropriate authority to decide on the Project as a whole. Consistent with this regulation, the Project was brought before the Planning Commission on March 13, 2024, and their recommendation to the Board of Supervisors is found in Resolution No. 24-005. The Planning Commission recommended certification of the EIR, approval of the LPRSP amendment, and approval of the Vesting Tentative Map/Combined Development Permit for the 27 lot subdivision described herein by a vote of eight to one.
- w) County staff, including the environmental review consultant, conducted numerous site inspections between May 2015 and May 2023 to verify that the Project on the subject parcel conforms to the plans listed above.
- x) The application, plans, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development found in HCD-Planning File No. PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**2. FINDING:**

**SITE SUITABILITY** – The site is physically suitable for the proposed use.

**EVIDENCE:**

- a) The Project has been reviewed for site suitability by the following departments and agencies: HCD, Monterey County Parks, the Environmental Health Bureau, (EHB), the Monterey County Sheriff's Office, the Monterey County Regional Fire Protection District (Monterey County Regional FPD), and the California Department of Forestry and Fire Protection (CalFire). None of these Departments or Agencies have commented that the site is unsuitable for the proposed development. Recommended conditions have been incorporated.
- b) Technical reports prepared by consultants concluded that the site is physically suitable for the use proposed. The following reports have been prepared for this Project, and were also used in the preparation of the EIR:
  - "Geologic Hazards Report and Soil Engineering Feasibility Investigation" (LIB150359) prepared by LandSet Engineers, Inc., Salinas, California, March 7, 2014

- “Biological Assessment” (LIB150360) prepared by Regan Biological and Horticultural Consulting LLC, Carmel Valley, California, December 15, 2011
- “Biological Assessment Update” (LIB150360) prepared by Regan Biological and Horticultural Consulting LLC, Carmel Valley, California, October 25, 2013
- “Trip Generation Study” (LIB150361) prepared by Hatch Mott MacDonald, Gilroy, California, March 12, 2014
- “Trip Generation Study” (LIB160001) prepared by Hatch Mott MacDonald, Gilroy, California, December 14, 2015
- “Riverview At Las Palmas Residential Subdivision Transportation Impact Analysis” (LIB230291) prepared by Keith Higgins, Gilroy, California, January 19, 2022
- “Biological Assessment for Riverview at Las Palmas Subdivision” (LIB230290) prepared by Pat Regan, Salinas, California, December 3, 2021

County staff independently reviewed these reports and concurs with their conclusions.

- c) The Geologic Hazard Report and Soil Engineering Feasibility Investigation (Landset, 2017) states that the Project site is a knoll that rises above River Road with a flat plateau where the residential lot are sited. Future building foundations would be located in geologically suitable portions of the Project site in accordance with findings of said report. As illustrated in the attached Vesting Tentative Map, the Project is located within the geologically stable building envelope shown on Sheet 1 of the report.
- d) Traffic. The proposed Project would result in less-than-significant impacts to area intersections and roadways segments of River Road. The Traffic Impact Analysis (Higgins, December 2022) estimates traffic impacts associated with up to 30 residences would generate approximately 264 daily trips, with 20 AM peak hour trips and 26 PM peak hour trips, which would be at a similar rate to existing residences near the Project site. Mitigation measures identified in the FSEIR requiring the payment of traffic impact fees have been incorporated within the Project as conditions of approval.
- e) County staff, including the environmental review consultant, conducted numerous site inspections between May 2015 and May 2023 to verify that the site is suitable for the proposed use.
- f) The application, plans, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**3. FINDING: HEALTH AND SAFETY** – The establishment, maintenance, or operation of the Project will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals,

comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Necessary public facilities are either available or will be provided.

- EVIDENCE:**
- a) The Project was reviewed by HCD, Monterey County Parks, the Environmental Health Bureau (EHB), the Monterey County Sheriff's Office, the Monterey County Regional Fire Protection District (Monterey County Regional FPD), and the California Department of Forestry and Fire Protection (CalFire). Conditions have been recommended, where appropriate, to ensure that the Project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Potable Water. Potable water supply is provided to the LPRSP area by the California Water Service Company (Cal Water). The Project site is located within Cal Water's Indian Springs/Salinas Hills/Buena Vista service area, and the water provided to this area comes from the Salinas Valley Groundwater Basin. Cal Water has provided a "can and will serve" letter for the proposed Project, explaining their ability and willingness to provide potable water for the previously proposed Project. This 27 lot residential subdivision (Project) would require less water than the originally proposed senior assisted living facility. Also see Finding No. 8, Evidence "g" and "h" and Finding No. 11 and supporting evidence.
  - c) Wastewater. The LPRSP area is served by Las Palmas Wastewater Treatment Plants 1 and 2 which are operated by California American Water Company. California American Water Company provided a "can and will serve" letter for the Project and in 2017, there was service capacity to treat up to 72,602 gallons per day. As demonstrated in augmented FSEIR, the residential subdivision is expected to have a water demand of 5-acre feet per year, or 4,464 gallons per day. Therefore, wastewater service for the Project is within the capacity of California American Water Company. Landscape irrigation on the Project site associated with the subdivision would use reclaimed water from the Las Palmas Ranch Wastewater Treatment Facility and reclaimed water pipe connections to the treatment facility are already located on the Project site.
  - d) Stormwater. There are several storm drain inlets along the southern side of the property which service the adjacent Las Palmas Ranch subdivision. The Project has been reviewed by HCD-Environmental Services, which recommended conditions that have been incorporated, requiring the owner/applicant submit evidence that the Project is covered under the California Construction General Permit, a state permit which requires the development of a Storm Water Pollution Prevention Plan (SWPPP), submittal of a final Stormwater Control Report and a Stormwater Control Plan, submittal of an Operation and Maintenance Plan, and enter into a Maintenance Agreement.



- e) Wildfire. As demonstrated in Finding No. 10 and supporting evidence, The Project meets applicable regulations for wildfire protections in State Responsibility Areas.
- f) The application, plans, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development found in HCD-Planning File No. PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**4. FINDING:**

**INCLUSIONARY HOUSING** – The Project, as proposed and conditioned, complies with the Inclusionary Housing Ordinance #5175 (codified at chapter 18.40 of the Monterey County Code).

- EVIDENCE:**
- a) Inclusionary Housing Requirement. In accordance with MCC section 18.40.050.A, all residential developments shall contribute to the provision of housing for very low-, low- and moderate-income households in the County. MCC section 18.40.060.A states that residential development consisting of 5 or more units or lots in the County shall provide inclusionary units on-site or off-site or pay a fee in lieu of providing units on or off site. Pursuant to the Inclusionary Housing Ordinance and consistent with the Monterey County 2010 General Plan, the inclusionary units shall make up 25% of all new residential units proposed. As demonstrated in Finding 1, Evidence “b”, the applicant requests to subdivide the property into 27 residential lots and an open space parcel which would be developed with 29 residential units. Therefore, the Project is subject to the Inclusionary Housing Ordinance and is required to provide 25% of the new 29 residential units as affordable.
  - b) Development of On-Site Inclusionary Housing Units. Following direction from the Board of Supervisors on June 4, 2024, the applicant proposes four low income units and two moderate income units onsite as part of the 29 total residential units. These six units make up approximately 21% of the total units proposed (with credit given for 1 unit because the lot could contain a single family dwelling without a subdivision). General Plan Policy LU-2.13 requires 25% of new housing units be affordable with 6% of the units affordable to very low-income households, 6% of the units affordable to low-income households, 8% of the units affordable to moderate-income households, and 5% of the units affordable Workforce I income households.
  - c) In-lieu Fee Amount. The Board of Supervisors asked for additional low income housing onsite but did not request the in-lieu fee to be based on the two additional low income units proposed, increasing the proposed lots from 27 to 29. Therefore, an in-lieu fee of \$80,305.00 will be paid to make up for the other 4% (1 unit) of the required 25% affordable unit requirement. This combination of six onsite inclusionary units and payment of an in lieu fee is proposed due to the economic infeasibility of developing affordable units

consistent with the Inclusionary Housing ordinance and General Plan Policy LU-2.13. The in-lieu fee amount of \$80,305.00, is based on the formula set forth in the County's Inclusionary Housing Administrative Manual adopted in 2011 under Resolution No. 11-117.

- d) Modification of Income Distribution. A modification to the required mix of affordable housing can be made provided the Appropriate Authority to approve the project makes written findings, based on substantial evidence that it would not be appropriate to apply, or would be appropriate to modify, the requirements of the Chapter as a result of unusual or unforeseen circumstances. (MCC section 18.40.050.B.2) Here, the evidence supports the Board's decision to modify the distribution type within the subdivision. Due to land and construction costs in the area, the high costs of utilities and homeowners association dues, and other relevant living expenses, housing will not be affordable to very low income households without financial subsidies. The annual maximum percent of income allocated to housing also presents a hardship for home buyers in this case. To qualify for very-low income, a household of 4 cannot earn more than 50% of the median income, or \$50,200 a year. Of that amount, only 30% of the household income (\$15,060) can be allocated to housing. After payment of utilities, HOA fees, insurance, and property taxes, very-low-income families would only have \$5,100 per year (or \$425/month) available to pay their mortgage. A low-income household of 4 cannot earn more than 70%, or \$70,280 annually and after other housing expenses, those households would only have \$10,185 per year, or \$848/month available to pay their mortgage. In the LPRSP area, other housing expenses make up more than 50% of the income allocation, leaving less of their income to go towards equity and housing upgrades that would improve their quality of living. To qualify for moderate income, a household of 4 cannot earn more than 110% of the median income, or \$110,440 a year. Of that amount, 35% of the household income (\$38,650) can be allocated to housing. After payment of utilities, HOA fees, insurance and property taxes, moderate income households would have \$25,000 per year (or \$2,083/month) available to pay their mortgage. Based on these numbers, the disparity between financial feasibility of affordable housing onsite presents an unusual circumstance.
- e) LPRSP Amendment. The Project includes an amendment to the LPRSP to add new Policy 12 in Chapter II, Section C, specifying that Parcel Q shall be required to provide two dwelling units affordable to moderate income households and four dwelling units affordable to low income households onsite and pay an in lieu fee of \$80,305. Adoption of this amendment provides consistency with the 2010 General Plan (Land Use Policy LU-2.13), the LPRSP, and Monterey County Code Chapter 18.40 - Inclusionary Housing Ordinance of the County of Monterey.
- f) 20% vs 25%. The applicant's representative argues that 20%, not 25% of the units are required to be affordable and that the percentage

of units should be based on the total number of market rate units and not the total number of units in the development to avoid “double counting.” Staff disagrees with the applicant on both points and is recommending the Board approve the project with four onsite low income and two moderate income units, representing 21% of the total number of units proposed and the payment of in lieu fees based on the remaining 4% needed to comply with the General Plan policies. The County has historically, and consistently, calculated the amount of required affordable housing from the base number of total units (28 in this case), opposed to the base number of market rate units. General Plan policy LU-2.13 states “The County shall assure consistent application of an Affordable Housing Ordinance that requires *25% of new housing units* be affordable to very low, low, moderate, and workforce income households”. The General Plan specifies 25% of new housing units, affordable units are still considered new housing units. The 25% calculation is not taken from subtracting units from the total number until it meets 25% of the left over units, it is taken by finding 25% the total number of proposed units. The affordable units are not being double counted; they are accounting for 21% of the total number of new housing units (28 base units). Regarding the 20% vs. 25% of affordable housing, the County’s 2010 General Plan requires 25% affordable units, made up of mixed income levels, for each new subdivision subject to the affordable housing regulations. The applicant’s attorney argues that the County can only require 20%, per the state regulations. The additional 5% is for workforce I housing which is above the moderate income level and is therefore not examined by the state as part of our housing element. Although they are correct that state does not require more than 20% affordable housing, the County can require the additional workforce I units.

- g) Housing Development Incentive. Pursuant to section 21.65.070, the applicants are entitled to one incentive as the project includes a planned unit development that includes at least 10% of the base units for moderate income households. The applicants have requested waived construction permit fees for the final map improvements and inclusionary units. The requested incentives will reduce development costs to aid in provision of affordable housing. The incentive is financially based and would not result in specific adverse impacts upon the public health, safety, or the physical environment, or be contrary to law. Therefore, the applicants will receive the incentive when they apply for their construction permits for the final map improvements and affordable units.
- h) The application, plans, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

5. **FINDING:** **VISUAL RESOURCES** – The Project, as proposed and conditioned, is consistent with the applicable visual resource policies contained in the 2010 General Plan (General Plan), Toro Area Plan (TAP), Las Palmas Ranch Specific Plan (LPRSP) and the Monterey County Code (MCC).
- EVIDENCE:**
- a) Visually Sensitive Areas. TAP Figure 16 – “Toro Area Scenic Highway Corridors and Visual Sensitivity” illustrates that western and southern portion of the site is within a “Critical Viewshed” where the eastern and northern portion is within a “Sensitive” area. TAP Policy T-1.5 states that subdivision shall be designed so that new lots have building sites located outside of the critical viewshed. The Vesting Tentative Map illustrates that the residential lots have been clustered and located outside of the critical viewshed consistent with this policy. TAP Policy T-3.1 states that landscaping or new development in areas designated as visually sensitive may be permitted if the location and design is in such a manner that will enhance the scenic value of the area. The Project is similar in siting and density to the Las Palmas Ranch residential neighborhood to the east and south. However, the future single-family dwellings of the Riverview subdivision would be subject to a 20-foot maximum height limit, as opposed to the 30 foot maximum height limit of Las Palmas #1 and the 30 foot maximum height limit of the Medium Density Residential zoning district. A condition of approval has been applied requiring rezoning of the site to include a 20-foot maximum height limit.
  - b) Visual Impacts from Scenic Corridors. TAP Figure 16 – “Toro Area Scenic Highway Corridors and Visual Sensitivity” illustrates that State Route (SR) 68 is an existing designated scenic highway as it provides views of open space, agricultural land, and the Santa Lucia Mountains that border the Salinas Valley. In addition, the figure identifies River Road and Reservation Road as proposed scenic routes. The site is visible from a stretch of SR 68 for approximately 3,000 feet (0.57 miles) but is not visible from the River Road/SR 68 intersection. The site is also visible from portions of Reservation Road, and from within the adjacent residential subdivision. The Project site is adjacent to River Road but has been designed to have minimal visual impacts to the public road through the implementation of a 20 foot height restriction (Condition No. 14) and the landscape plan condition (Condition No. 26), requiring the use of native plants and vegetation to soften the visual impact from views of River Rd and Highway 68. TAP Policy T-3.2 identifies the River Road/SR 68 intersection as a scenic entrance. That Policy mandates that land use, architectural, and landscaping controls be applied, and sensitive site design encouraged. TAP Policy T-3.3 states that, except for driveways, pedestrian walkways, and paths, a 100-foot building setback shall be required on all lots adjacent to County and State designated routes to provide open space and landscape buffers. Since the subject property is not visible from

SR 68 or the River Road/SR 68 intersection, no additional design considerations (including greater setbacks) were made as these policies do not apply. However, the subdivision design, landscaping, and exterior lighting, as proposed and conditioned, ensure that the development would not cause a significant visual impact. The landscape requirements will require screening of the lots when viewed from scenic roads, the 20 foot height limit will require a low profile of future development, and exterior lighting will be controlled to minimize or avoid visibility of lighting at night.

- c) Las Palmas Ranch Specific Plan Policies. The LPRSP EIR established mitigation measures to reduce aesthetic impacts associated with development of the LPRSP area. Consistent with LPRSP Chapter II, Section F, Policy 11, the mitigation measures require landscape screening, earth-toned building colors, undergrounding of utility and distribution lines, and unobtrusive lighting. Implementation of those mitigation measures would aid in shielding development from the scenic corridor and ensure the future homes and accessory structures will be designed to blend in with the environment. These mitigations have been incorporated as conditions of approval. Future development of the Project site is not part of this Project; however, construction of each new home will be subject to a discretionary review by the County to ensure the mitigations approved with this permit are followed. LPRSP Chapter II, Section F, Policy 4 states that open space areas shall be adequately protected from development by placing the area in scenic easements and/or open space zoning. The Project has been conditioned requiring recordation of a Conservation and Scenic Easement consistent with this policy.
- d) Exterior Lighting. General Plan Policy LU-1.13 states that all exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility of the lighting source is reduced, and off-site glare is fully controlled. TAP Policy T-3.5 states that exterior/outdoor lighting shall be located, designed, and enforced to minimize light sources and preserve the quality of darkness. Street lighting shall be as unobtrusive as practicable and shall be consistent in intensity throughout the Toro area. As demonstrated in preceding Evidence “c”, the Project has been conditioned requiring submittal and approval of an exterior lighting plan.
- e) Neighborhood Character. As proposed, the bulk and mass of the proposed structures would not contrast with the neighborhood character. As described above, the Project will eventually be built out with 25 single-family residences and 2 duplexes, similar in design and density to the adjacent Las Palmas Ranch residential neighborhood containing both one and two-story residences as well as a three-story commercial structure (i.e., the Corey House). The scale and massing of the residences would be substantially reduced compared to the originally proposed assisted care living facility. All

structures would be in accordance with design guidelines and use appropriate landscaping.

- f) Private Views. Concerns were expressed by interested members of the public regarding the previously proposed structures heights of the senior care facility and the impact on private views and privacy of surrounding residences. Private views are not protected under applicable County policies or regulations. However, General Plan Policy OS-1.5 states that new subdivisions shall avoid lot configurations which create building sites that will constitute ridgeline development. Siting of new development visible from private viewing areas may be taken into consideration during the subdivision process. As demonstrated in Finding 8, Evidence “m”, the Project would not result in ridgeline development. Views within the adjacent residential subdivision are obstructed by existing single-family residences and existing topography. Although private views are not protected, the applicants have considered them when designing their proposal and the added Mitigation Measures will also soften the impact of the development on private views.
- g) Aesthetics and Potential Impact on the Environment. As demonstrated in Finding 6 and supporting evidence, the Project would not result in a significant aesthetic impact.
- h) The application, plans, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**6. FINDING: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) – RELYING ON A PREVIOUSLY CERTIFIED FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. [XX]) AND ADOPTING A MITIGATION AND MONITORING REPORTING PLAN**

Pursuant to section 15090 of the CEQA Guidelines, the Planning Commission, as the recommending body, and the Board of Supervisors, as the decision maker, has reviewed the Draft Subsequent Environmental Impact Report (DSEIR) and the Final Subsequent Environmental Impact Report (FSEIR), as augmented in September 2023. By separate resolution, the Board of Supervisors has certified the FSEIR and adopted appropriate CEQA findings, including a Statement of Overriding Considerations. Adoption of the Mitigation Monitoring and Reporting Plan ensures that the Project will not result in a significant impact to the environment.

- EVIDENCE:**
- a) On March 13, 2024, the Planning Commission considered the FSEIR as augmented, recommended certification of the augmented FSEIR and incorporation of mitigation measures as conditions of Project approval.

- b) By separate resolution (see Board Resolution No. [XX]), the Board of Supervisors certified the River View Final Subsequent Environmental Impact Report (FSEIR) as augmented in September 2023. All applicable mitigation measures have been incorporated within the Project as Conditions of Approval. In accordance with Public Resources Code section 21081.6, certification of the FSEIR and approval of the Project includes the adoption of a Mitigation Monitoring and Reporting Plan, an action that is part of this resolution.
- c) Implementation of standard conditions of approval and mitigations incorporated by conditions of approval relative to health and safety requires the applicant to enter into a Maintenance Agreement that clearly identifies the responsible party for ongoing maintenance of structural Stormwater Control Measures, prepare an Operations and Maintenance Plan, a Stormwater Control Plan, a Final Improvement Plan (Mitigation Measure AES-3), as well implement Dust Control Measures (Mitigation Measure AQ-1) and reduce construction exhaust emissions (Mitigation Measure AQ-3).
- d) The application, plans, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**7. FINDING:**

**NO VIOLATIONS** – The subject property complies with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

**EVIDENCE:**

- a) Staff reviewed County of Monterey HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property. Staff conducted multiple site inspections, the most recent one being in May of 2023. No violations were observed on the property.
- b) The application, plans, and supporting materials submitted by the applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**8. FINDING:**

**SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) require that a subdivision application be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Based on the whole of the record, and as demonstrated in the evidence below, none of the above findings are made.

- EVIDENCE:**
- a) Consistency. As demonstrated in Finding Nos. 1 through 12 and supporting evidence, the Project as designed and conditioned is consistent with the 2010 Monterey County General Plan, Toro Area Plan, LPRSP, and other County health, safety, and welfare ordinances related to land use development.
  - b) Subdivision Design – Minimum Lot Size. The minimum lot size is consistent with the Lot Design Standards in MCC section 19.10.030. The residential lot sizes vary and are between 3,400 square feet and 11,785 square feet, with an average lot size of 5,729 square feet. MCC section 21.12.060.A states that the minimum building site that may be created for Medium Density Residentially zoned lots shall be 6,000 square feet, unless otherwise approved as part of a condominium, planned unit development or similar clustered residential subdivision. Since the proposed subdivision is a clustered development, the applicant qualifies for a reduction in lot size. As demonstrated in Finding Nos. 5 and 6 and supporting evidence, the residential subdivision has been clustered to reduce visual impacts and avoid slopes in excess of 25% to the maximum extent feasible. Further, lots are clustered pursuant to General Plan Policies LU-1.7 and OS-3.6 and the LPRSP. A condition of approval has been applied to require the applicant to apply to the County for to add a B-6 overlay district to the zoning for the property. MCC section 21.42.030.F states that lots with a B-6 overlay may not be further subdivided or adjusted to reduce the size of the lot as shown on the recorded final map.
  - c) Subdivision Design – Lot Width and Depth. The minimum lot width and depth is consistent with the Lot Design Standards in MCC section 19.10.030. To maintain consistency with the existing Las Palmas Subdivisions, lots have been designed to be consistent with the lots within the existing Las Palmas subdivisions that have widths less than 60 feet.



- d) Site Suitability. The site is suitable for the Project including the type and density of the development (see Finding No. 2 and supporting evidence).
- e) Environment. As demonstrated in Finding No. 6 and supporting evidence, the subdivision design and improvements will not cause environmental damage to fish or wildlife habitat.
- f) Health and Safety. The Project as designed and conditioned will not, under these circumstances, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding No. 3 and supporting evidence).
- g) Water Supply. MCC section 19.10.070 requires that provisions be made for domestic water supply as necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. MCC sections 19.03.015.L and 19.07.020.K require applicant to provide Water Supply and Nitrate Loading Information to staff so aid in the assessment these conditions. The subdivision will receive potable water from the California Water Service Company. California Water is a California Public Utility Commission regulated water system with demonstrated capacity and water quality to serve uses within their service area. The applicants submitted a “can and will serve” letter for the original senior assisted living facility which required more water than the proposed subdivision. The original proposal had an estimated water demand of 11.376 AFY. The maximum of 30 residences that will be constructed under Alternative 3b of the FSEIR is expected to have a water demand of approximately 5.0 AFY. Also see Finding Nos. 3 and 11 and supporting evidence.
- h) Sewage Disposal. Sewage disposal services, in accordance with MCC sections 19.03.015.K and 19.07.020.J will be the same as the originally proposed project. The wastewater collection and treatment system have adequate capacity for sewage disposal. It will be serviced by California American Water company (see Finding No. 3 and supporting evidence).
- i) Easements. River Road is a public road maintained by the County of Monterey. Las Palmas Road, River Run Road, and Woodridge Court are private roads maintained by the Las Palmas Homeowner’s Association (LPHOA). The applicant has the necessary access rights to the site via a non-exclusive easement for ingress, egress, road, and utilities. See Finding No. 1, Evidence “q”, regarding Proof of Access. Based on applicant’s submission of a grant deed (Document No. 2013046807; recorded July 24, 2013), the attached property legal description includes an easement over the subject parcel over these private roads for ingress, egress, road, and utilities. The subdivision will not conflict with these easements.
- j) Traffic. A Traffic Impact Analysis was prepared for the Project by Keith Higgins, Traffic Engineer, in December 2022. The Traffic Impact Analysis was revised with a memo in March 2022 to estimate traffic impacts associated with up to 30 residences. The augmented

FSEIR analyzed Project traffic impacts under Alternative 3b. Approximately 264 trips per day will be added to SR 68, an unavoidable impact. Still, this number is significantly reduced from the originally proposed project, which would have generated an estimated 362 trips per day. The Traffic Impact Analysis and memo are included as Exhibit H, Attachment 1 of the August 13, 2024 Board of Supervisors staff report.

- k) Affordable Housing. As demonstrated in Finding 4 and supporting evidence, the Project complies with the Monterey County Inclusionary Housing Ordinance.
- l) Parks and Recreation. As conditioned, the Project is consistent with the provisions contained in Title 19 section 19.12.010 - Quimby Act requirements, which requires the subdivider dedicate land, pay a fee in lieu thereof, or both, at the option of the County, for park or recreational purposes. Condition No. 23 requires the applicants to either construct a park on the property for the residents of the Homeowners Association to enjoy or pay an in-lieu fee to the parks department.
- m) Ridgeline Development. MCC section 21.06.950 defines “ridgeline development” as “development on the crest of a hill which has the potential to create a silhouette against the sky or create a substantially adverse impact when viewed from a common public viewing area.” The Project site is a plateaued area rising above River Road and the adjacent residences. The common public viewing areas that the Project would be visible from include short portions of River Road near the site and a portion of State Route 68 at a distance. Although the site is naturally elevated above its immediate surroundings, the broader surroundings include a range of elevations, with nearby hills of substantially greater elevations, so the Project would not result in ridgeline development. Residential structures will be silhouetted against a mountainous background, not against the sky, when viewed from common public viewing areas. Additionally, Project mitigation measures (Condition Nos. 26 and 27, MM AES-1 and MM AES-2) will require landscape screening and earth-toned building colors to further minimize visual impacts.
- n) Open Space. General Plan Policy LU-2.7 states that open space may be provided in and/or on the fringes of residential development. General Plan Policy LU-8.2 states that clustering, consistent with the other policies of the Plan, shall be considered as a means of maximizing permanent open space within new development. General Plan Policy LU-8.4 states that wherever possible, open space lands provided as part of a development shall be integrated into an area-wide open space network. LPRSP Chapter II, Section F – Conservation and Open Space, Policy 4 states that open space areas shall be placed in scenic easements or adequately protected from development that could destroy the natural amenities of the site. Policy 6 requires a proportionate amount of open space be provided with each increment of housing. Development within the proposed open space parcel is limited to internal roadways, underground

utilities, landscaping, and parks and/or recreational trails are allowed within the open space parcel. As demonstrated in Finding Nos. 5, 9, and preceding Evidence “b”, the residential lots have been clustered allowing open space parcels to surround the subdivision. The Project has been conditioned to require a conservation and scenic easement be conveyed over the open space parcels, which is approximately 10.7 acres or 68% of Parcel Q.

- o) Subdivision Improvements. The FSEIR identified that visual impacts would be reduced to less than significant with implementation of Mitigation Measure AES-3, which requires the applicant submit final improvement plans for review and approval prior to issuance of a grading permit. This mitigation has been incorporated as a condition of approval.
- p) The Project planner reviewed the application materials, plans, and County GIS records to verify that the Project conforms to the applicable plans and MCC, and will not adversely impact the neighborhood character or scenic/visual resources. County staff, including the environmental review consultant, conducted numerous site inspections between May 2015 and May 2023 to verify that the Project would be consistent with uses and structures in the surrounding area.
- q) The application, vesting tentative map, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development are found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**9. FINDING:** **DEVELOPMENT ON SLOPES EXCEEDING 25 PERCENT –**  
There is no feasible alternative that would allow development to occur on slopes of less than 25%.

**EVIDENCE:** a) In accordance with 2010 Monterey County General Plan Policy OS-3.5 and MCC section 21.64.230.A.1, a Use Permit is required and the criteria to grant said permit have been met. LPRSP Chapter II, Section I – Design and Sensitivity, Policy 11 prohibits development on slopes over 30% except where necessary for construction of limited portions of roads or to maximize goals, objectives, and policies of the LPRSP and Monterey County General Plan. In this case, development on slopes is limited to the access road and underground utilities proposed on slopes over 25%, there will be no development on slopes over 30%. The road will be located where unimproved access already exists and there is no alternative for access to the proposed residential building sites that could avoid slopes. Development on slopes is limited to new internal roadway with retaining walls to access the subdivision and associated underground water, sewer, and electrical utility lines consistent with the applicable policies.

- b) Due to the topography of the parcel, the subject property is not accessible from Woodridge Court without development on slopes exceeding 25% to allow improvements to the existing access road. The retaining walls and slope stabilization are required to ensure the development does not pose a health and safety risk and/or cause off-site impacts. According to Monterey County GIS, a small portion of the westernmost roadway and parking area of the subdivision also contains slopes in excess of 25%. Deletion of this roadway area, to avoid the slopes, would create 2 dead end roadways within the subdivision, which would potentially conflict with access requirements of the applicable Fire Code (see Finding No. 10 and supporting evidence). Emergency vehicles need adequate space to turn around in an emergency. Parking areas are provided along the roadway that would provide space for emergency vehicles to turn around. In addition, the roadway includes a loop that would allow an emergency vehicle to exit the site without having to turn around. Staff has reviewed the vesting tentative map and visited the site to analyze possible development alternatives. Based on existing site access and topographical limitations for the Project, there is no feasible alternative that would allow development to occur on slopes of less than 25%. The clustered lots have been sited and designed to conform to site topography and to minimize grading and other site preparation activities, consistent with applicable policies and regulations.
- c) The Geologic Hazards Report and Soil Engineering Feasibility Investigation (LIB150359) prepared for the Project, indicates a small portion of the Project area contains undocumented manmade fill (soils) and trash fill. Although vertical development is not proposed at this time, consistency with Title 19 section 19.10.055.B is required. That section states that in areas of eroding slopes and near drainageways, development (building pads and driveways) shall maximize retention of natural landforms such as rolling hills, ridgetops and areas of extensive vegetation, and water courses. Based on the conclusions of the Project geologist, future development of these lots would occur in areas that geologically stable and where landforms do not need extensive preparation or alterations for future development.
- d) A Geologic Hazards Report and Soil Engineering Feasibility Investigation (LIB150359) prepared for the development of the site determined that, as proposed, the Project would not be subject to, nor increase, any on- or off-site slope stability hazards.
- e) The County reviewed the application materials and site plan to verify that the subdivision minimizes development on slopes exceeding 25% in accordance with the applicable goals and policies of the Monterey County 2010 General Plan and applicable zoning codes. The proposed access road is the minimum necessary to accommodate access to the site as well as access by emergency response vehicles.
- f) Pursuant to MCC section 16.08.110, the recommendations included in the Geologic Hazards Report and Soil Engineering Feasibility

Investigation (LIB150359) shall be incorporated in the grading plans and specifications. Therefore, the applicant must follow all recommendations from the soils engineer.

- g) The application, site plans, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**10. FINDING:**

**WILDFIRE PROTECTION STANDARDS IN STATE**

**RESPONSIBILITY AREAS** – The Project, as conditioned, will have adequate emergency access and fire protection, consistent with Public Resource Code section 4290.

**EVIDENCE:**

- a) The Project site is within the Monterey County State Responsibility Area and would potentially expose people and structures to risk of wildland fire as the future development of the residential lots would be adjacent to undeveloped open space.
- b) Monterey County Code Chapter 18.56, Wildfire Protection Standards in State Responsibility Areas, requires that future design and construction of structures, subdivisions and developments in State Responsibility Areas shall provide for emergency access and perimeter wildfire protection measures. The Project, as designed and conditioned, provides for emergency access and fire suppression. Per consultation with California Department of Forestry and Fire Protection (CalFire) and Monterey County Regional Fire Protection District (FPD), the site's proposed emergency evacuation route is sufficient and consistent with current State regulations because the length of the site's access road does not exceed the distance that would result in a requirement for secondary ingress/egress. Due to the occupancy type, the site would be subject to Wildland Urban Interface Codes and Standards, which could allow occupants to "shelter in place" in the event of a fire and as determined by the applicable Fire Department based on fire conditions. Per Monterey County Regional FPD and CalFire, the proposed tree removal would help reduce fuel load and the risk of wildfire. Additionally, the future development would not increase wildfire risk, and would likely improve the firebreak and firefighting protection for the existing residential area of Las Palmas.
- c) Ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Public Resources Code section 4290 and applicable local ordinances.
- d) The Project is consistent with Chapter 18.56 of the Monterey County Code, to the extent applicable. In 1992, the Monterey County Board of Supervisors adopted Ordinance No. 3600, enacting Chapter 18.56 of the Monterey County Code, to implement Public Resources Code sections 4117 and 4290. The purpose of the Ordinance is to establish

wildfire protection standards in conjunction with building, construction, and development in State Responsibility Areas (SRAs) within the unincorporated area of the County and the “direct fire protection authority of the California Department of Forestry” (MCC section 18.56.010.A). These standards require that future design and construction of development in SRAs provide for emergency access and perimeter wildfire protection measures. Chapter 18.56 was added to Title 18 of the Monterey County Code where it has remained since 1992. In 1992, the Board of Forestry and Fire Protection (the Board of Forestry) certified the Ordinance.

- e) The conceptual landscape plan submitted by the applicant, and analyzed during environmental review, provides for maintenance and irrigation within the defensible space around the proposed structures.
- f) During Project review, applicable agencies and departments have reviewed the proposed development to ensure: 1) all driveways meet minimum requirements regarding width, surface, grade, and turning radius or turnaround; 2) maintenance of adequate defensible space around all structures; and 3) all structures will have adequate fire protection equipment [sprinkler systems], fire alarms systems, and roof construction.
- g) The application, site plans, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**11. FINDING:**

**LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM**

– The Project has a long-term, sustainable water supply, both in quality and quantity, and an adequate water supply system to serve the development as required by General Plan Policies PS-3.1 and PS-3.2, respectively.

**EVIDENCE:**

- a) The proposed subdivision will require the use of potable water. The existing water use is negligible, and the baseline condition identified in the River View FSEIR was considered zero. As analyzed in the augmented FSEIR, Alternative 3b (up to 30-lot subdivision), when fully built out with single-family residences would have an estimated water demand of approximately 5-acre feet of water per year.
- b) The Project’s water supply would be provided by the California Water Service Company (CWS). The Project site is located within CWS’s Indian Springs/Salinas Hills/Buena Vista service area, and CWS would provide potable water to the site from wells located in the Salinas Valley groundwater basin. The CWS wells and the Project site are in the Monterey County Water Resources Agency benefit assessment Zone 2C, and the Project applicant/owner has been paying the Zone 2C assessment. Landscape irrigation on the Project site would use reclaimed water from the Las Palmas Ranch

Wastewater Treatment Facility, operated by California American Water.

- c) CWS as the water provider is a regulated public utility which is mandated to provide water that meets public health standards and thus has adequate water quality as required by PS-3.2(a).
- d) Potable water would be provided by CWS via its entitlements detailed in the Augmented Final SEIR, incorporated herein by reference. This satisfies the criteria in PS-3.2(b), which points to the authorized production capacity of a facility operating pursuant to a permit from a regulatory agency. CWS projected that, under all hydrologic conditions, its groundwater supply for the Salinas District will fully meet future demands through 2040. CWS has also provided a “can and will serve” letter for the Project that indicates the applicable water purveyor for the site is able to provide water supply for the Project based on its existing facilities.
- e) CWS has the technical, managerial, and financial capability to provide water to the subject site consistent with PS-3.2(c). CWS has a proven record and has demonstrated its technical, managerial, and financial capabilities to deliver water. CWS is regulated by the California Public Utilities Commission whose role is to ensure consumers have safe, reliable utility service at reasonable rates, protecting against fraud, and promoting the health of California's economy.
- f) PS-3.2(d) requires consideration to the rights to water from the source. CWS’s Urban Water Management Plan (UWMP), which is incorporated by reference in the Augmented Final SEIR and herein by reference, provides detailed information on the Salinas District’s historical and projected water demands, water supplies, supply reliability and vulnerabilities, water shortage contingency planning, and demand management programs, including water conservation planning. The Augmented Final SEIR sufficiently analyzed water supply availability and reliability. As stated above, CWS projected that its groundwater supply for the Salinas District will fully meet future demands through 2040 under all possible hydrologic conditions.
- g) General Plan Policy PS-3.2(e) and (g) state:
  - e. *Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply;*
  - g. *Completion and operation of new projects, or implementation of best practices, to renew or sustain aquifer or basin functions.*Although the Salinas Valley Groundwater Basin is currently in overdraft, actions taken by both CWS and Monterey County Water Resources Agency (MCWRA), including conservation, system improvements, and future projects are projected to continue to provide for a reliable water supply. Relevant efforts include the Salinas Valley Water Project, Conservation Master Plan, and Greater Monterey County Integrated Regional Water Management Program.

Additional detail of these efforts is provided in the Draft SEIR and Augmented Final SEIR, and is incorporated herein by reference.

- h) Substantial evidence related to proof of a suitable water supply for the Project is provided in the following documents, which are incorporated herein by reference:
- Analysis and references in the Draft SEIR and Augmented Final SEIR, including Section 10.0, *Water Supply*;
  - California Water Service's "can and will serve" letter included in Draft SEIR Appendix E;
  - California Water Service's *updated* will-serve letter included in Final SEIR Appendix I-2; and
  - Discussion and analysis in responses to comments and Final SEIR.
- i) The Las Palmas Ranch Specific Plan FEIR estimated total water demand for the Specific Plan area to be 922 AFY. When proposed, the specific plan included 1,578 housing units, which was evaluated in the specific plan EIR. However, the County ultimately approved only 1,031 housing units, approximately sixty-five percent of the original number. Actual water use for the specific plan area is estimated at approximately 182 AFY. Therefore, the total water use ( $182 + 5 = 187$  AFY) would be approximately 412 AFY less than the County approved in 1983 for the specific plan area. The 182 AFY estimate of actual water use is based on the amount of wastewater flow as described in the Final SEIR.
- j) The proposed subdivision is within benefit assessment Zone 2C of the Monterey County Water Resources Agency, which funds water projects that address seawater intrusion in the Salinas Valley groundwater basin. The property owners have been paying annual assessments to receive benefits associated with water projects that improve water supply and water quality. The Final Augmented SEIR states the proposed subdivision will have less of a water demand than the originally proposed Senior Assisted Living Facility.
- k) Sustainable Groundwater Management Act of 2014 (SGMA). The State of California passed legislation in 2014 to provide for the sustainable management of basins by providing local agencies with the authority, and with technical and financial assistance, to sustainably manage groundwater. SGMA uses California Groundwater Bulletin 118 (2020 Update) to categorize each groundwater basin. Cal Water extracts groundwater from two hydraulically connected sub-basins of the groundwater basin known as the Pressure Subarea and the East Side Subarea. The Pressure Area is a region of gradually declining groundwater elevations and is characterized by three confined aquifer systems, overlain and separated by thick clay layers that act as aquicludes. These aquifers named for their relative depths are known as the "180-foot", the "400-foot", and "900-foot" aquifers. The groundwater level in the East Side Area is declining more rapidly than any other area in the groundwater basin. The East Side Area is comprised of unconfined, randomly scattered water bearing strata. The State has designated the



180-foot and 400-foot aquifers as critically over-drafted. The SGMA requires that aquifers identified as being in critical overdraft have Groundwater Sustainability Plans (GSPs) adopted by 2020 and that improvements/actions required by that plan be operational by 2040. The Act also requires that aquifers identified as a Medium or High Priority Basin, but not in critical overdraft, have Groundwater Sustainability Plans adopted by 2022 and that improvements/actions required by that plan be operational by 2042. The groundwater basin is identified as a High Priority Basin, and the 180-foot and 400-foot aquifers of the Pressure Subarea and the East Side Subarea sub-basins are identified as in critical overdraft. Therefore, a plan was adopted by 2020 and actions to bring the basin into a sustainable state, as defined in the local GSP, must be operational by 2040. A Groundwater Sustainability Agency, the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA), was formed in 2017 for the area within which the Project is located. The SVBGSA is charged with achieving groundwater sustainability through the development and implementation of Groundwater Sustainability Plans (GSPs) under this Act. The SVBGSA has prepared GSPs for this area to meet its legislative mandate to bring the basin into balance and to have the GSP adopted for the Pressure Subarea and the East Side Subarea sub-basin areas by 2020. In January 2020, the Salinas Valley Basin Groundwater Sustainability Agency adopted a Groundwater Sustainability Plan for the 180/400 aquifer sub-basin. See Section 10.0 of the DSEIR, and Section 4 of the FSEIR, for related discussions. The GSP contains a list of projects and actions that have been identified to bring the groundwater basins into a sustainable condition. The GSPs do not directly regulate land use but they do forecast and model groundwater conditions using land use data and information. The Riverview project would not conflict with the adopted GSP or the ability for the GSA to achieve the basin-wide goals.

- l) Regarding the General Plan requirement for MCWRA consultation to determine long-term, sustainable water supply (GP Policy PS-3.2) and the role of Monterey County Housing and Community Development HCD), in March 2019 the MCWRA and HCD executed a Memorandum of Understanding (MOU) for development services. Per the MOU, the performance of and responsibility for analysis of long-term, sustainable water supply pursuant to General Plan Policy PS-3.2 on discretionary projects was assumed by HCD, which has the expertise of a Senior Hydrologist. Additionally, HCD did consult with the MCWRA.
- m) The application, site plans, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

**12. FINDING:** **DEVELOPMENT EVALUATION SYSTEM /MONTEREY COUNTY 2010 GENERAL PLAN POLICY LU-1.19** – The Project, as proposed and conditioned, is consistent with Policy LU-1.19 of the 2010 General Plan.

**EVIDENCE:** a) The Project is outside of a Community Area, Rural Center or official Affordable Housing Overlay and is thus subject to Policy LU-1.19. While the Project is being considered in advance of adoption of the Development Evaluation System (DES), the County applies the criteria in Policy LU-1.19 to projects as applicable. Based on the specific facts associated with this application, it is determined that the Project meets the evaluation criteria set forth in Policy LU-1.19. Policy LU-1.19 states:

*“Community Areas, Rural Centers and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County. Outside of those areas, a Development Evaluation System shall be established to provide a systematic, consistent, predictable, and quantitative method for decision-makers to evaluate developments of five or more lots or units and developments of equivalent or greater traffic, water, or wastewater intensity. The system shall be a pass-fail system and shall include a mechanism to quantitatively evaluate development in light of the policies of the General Plan and the implementing regulations, resources and infrastructure, and the overall quality of the development. Evaluation criteria shall include but are not limited to:*

- a) Site Suitability*
- b) Infrastructure*
- c) Resource Management*
- d) Proximity to a City, Community Area, or Rural Center*  
*Mix/Balance of uses including Affordable Housing consistent with the County Affordable/Workforce Housing Incentive Program adopted pursuant to the Monterey County Housing Element*
- e) Environmental Impacts and Potential Mitigation*
- f) Proximity to multiple modes of transportation*
- g) Jobs-Housing balance within the community and between the community and surrounding areas*
- h) Minimum passing score*

*Residential development shall incorporate the following minimum requirements for developments in Rural Centers prior to the preparation of an Infrastructure and Financing Study, or outside of a Community Area or Rural Center:*

- 1) 35% affordable/Workforce housing (25% inclusionary; 10% Workforce) for projects of five or more units to be considered.*
- 2) If the project is designed with at least 15% farmworker inclusionary housing, the minimum requirement may be reduced to 30% total.*

*This Development Evaluation System shall be established within 12 months of adopting this General Plan.”*

- b) Site Suitability. The site is suitable for the proposed residential use. See Finding 2 with supporting evidence.
- c) Infrastructure. Water and sewer infrastructure extends to the Project site via the adjacent roadways and there is existing capacity within these systems to support the level of development proposed. No new infrastructure will need to be extended to the site, so the Project will not encourage growth on parcels currently lacking utility connections. Public services that will be needed by residents of the Project are sufficient and located adequately. The Project is expected to have less than significant impacts on public services such as police, fire, library, and medical services due to the nature of the Project, and the existing services available within a serviceable distance.
- d) Resource Management. The proposed subdivision has been evaluated in an Environmental Impact Report. Significant and unavoidable impacts to traffic have been identified because the project will add traffic to already congested roadways. All other impacts to resources can be mitigated or are considered insignificant. This project includes use of some resources such as water, and road capacity. Resource will be committed to this project including limited water supplies. Housing currently an issue of County-wide and State-wide concern and commitment of limited resources for housing development, on a property zoned for residential use and located near an already developed residential neighborhood, is an acceptable use of limited resources in this case.
- e) Proximity to City, Community Area, or Rural Center. The site is not located in a Community area, Rural Center, or City. However, the site is immediately adjacent to the Las Palmas Ranch residential areas, and is approximately 1.95 miles from the River Road Rural Center (Figure #RC5 of the 2010 General Plan).
- f) Environmental Impacts and Potential Mitigation. As stated above, the project has been evaluated for potential impacts and mitigation under an EIR. The only unavoidable significant impact that will result from this project are traffic impacts to Highway 68, which currently operates at a service level F. All other potential impacts have been mitigated to a less than significant level through implementation of the Mitigation, Monitoring and reporting Plan attached to this resolution.
- g) Proximity to Transportation. The closest public bus stop is approximately 3 miles from the Project location at the corner of South Main St and Stephanie Dr in Salinas. The Salinas High School bus makes two stops at the Las Palmas subdivision, adjacent to Riverview. Other forms of accessible transportation to and from the Project site would include taxis and similar transportation services including “Lyft” and “Uber”.
- h) Jobs-Housing Balance. There are few places of employment located within or adjacent to the project site. This project proposes housing.

- The need for housing of all types is recognized to address a current imbalance in the housing market within Monterey County.
- i) Minimum Passing Score. As the County does not currently have an implemented Development Evaluation System, we cannot quantitatively evaluate the Project and establish whether or not it has achieved a minimum passing score. However, on a qualitative scale, the Project was reviewed for consistency with the requirements of the DES, as described in the 2010 General Plan. Based off this qualitative analysis, the Project does meet most of the goals within the evaluation criteria, therefore, it could be assumed it would achieve a minimum passing score on a quantitative scale.
  - j) The application, site plans, and supporting materials submitted by the Project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN150372, including Board of Supervisors Resolution No. [XX] approving the LPRSP amendment and the Board of Supervisors Resolution No. [XX] certifying the FSEIR and adopting a Statement of Overriding Considerations.

### **DECISION**

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

Approves a Combined Development Permit consisting of:

1. a Vesting Tentative Map to create 27 residential lots, four of which are designated for inclusionary housing units and an open space parcel;
2. a Use Permit to allow development on slopes in excess of 25% for subdivision improvements; and
3. adopt a Mitigation Monitoring and Reporting Plan.

Said decision is to be in substantial conformance with the attached plan and subject to the attached conditions where are incorporated herein by reference.

**PASSED AND ADOPTED** upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this August 13, 2024, 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 13, 2024.

Date:

File Number:

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

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

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

#### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from County of Monterey HCD- Planning and HCD- Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 1-27-2021

# County of Monterey HCD Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN150372

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This Amendment to the Las Palmas Ranch Specific Plan and Combined Development Permit (HCD-Planning File No. PLN150372) allows a 27 lot subdivision and associated site improvements, and development on slope exceeding 25 percent. The property is located at the end of Woodridge Court, Salinas (Assessor's Parcel Number 139-211-035-000), Las Palmas #1 Subdivision, Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Chief of HCD-Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state: "An Amendment to the Las Palmas Ranch Specific Plan and a Combined Development Permit (Resolution Number\_\_\_\_\_) were approved by the Board of Supervisors for Assessor's Parcel Number 139-211-035-000 on April 16, 2024. The permit was granted subject to 45 conditions of approval and mitigation measures which run with the land. A copy of the permit is on file with Monterey County HCD-Planning."

Proof of recordation of this notice shall be furnished to HCD-Planning prior to issuance of grading and/or building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and/or building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to HCD-Planning.

### 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD-Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans.

### 4. PD005 - FISH & GAME FEE NEG DEC/EIR

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to HCD-Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to HCD-Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

## 5. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building and/or grading permits, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan;
- 2) Submit applicable fees at the time of submittal of the signed Agreement; and
- 3) Submit proof of recordation of the Agreement to HCD-Planning.

## 6. PD013 - STREET LIGHTING

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** All street lights in the development shall be approved by the Director of HCD - Planning. (HCD - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits for street lights, the Owner/Applicant shall submit three copies of the lighting plans to the HCD - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.



## 7. PD022(A) - EASEMENT-CONSERVATION & SCENIC

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** A conservation and scenic easement shall be conveyed to the County over those portions of the property identified as "Outlot 'B' and Outlot 'C' in the Vesting Tentative Map", where scenic resources exist. The easement shall be developed in consultation with certified professionals. An easement deed shall be submitted to, reviewed and approved by, the Director of HCD - Planning and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to the issuance of grading and building permits. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the parcel/final map or prior to the issuance of grading and building permits, the Owner/Applicant/Certified Professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to HCD - Planning for review and approval.

Prior to or concurrent with recording the parcel/final map, prior to the issuance of grading and building permits, or prior to the commencement of use, the Owner/Applicant shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to HCD - Planning.

## 8. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of three (3) years, to expire on April 16, 2027, unless use of the property or actual construction has begun within this period. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Chief of HCD-Planning. Any request for extension must be received by HCD-Planning at least 30 days prior to the expiration date.

## 9. PD036 - UTILITIES-SUBDIVISION

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** A note shall be placed on the parcel/final map or a separate sheet to be recorded with the parcel/final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded through a Subdivision Improvement Agreement prior to filing the parcel/final map. The note shall be located in a conspicuous manner subject to the approval of the Director of HCD-Public Works. (HCD - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recording the parcel/final map, the Owner/Applicant shall place a note on the map or on a separate sheet and submit to HCD - Planning for review and approval.

The Owner/Applicant shall install or bond through a a Subdivision Improvement Agreement for the underground utility facilities.

## 10. PD041 - HEIGHT VERIFICATION

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to HCD-Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (HCD-Planning and HCD-Building Services)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor to HCD-Building Services and HCD-Planning for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

## 11. PD052 - PRE-CONSTRUCTION MEETING

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to the commencement of any grading or construction activities, a pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the Owner/Applicant, the HCD-Planning representative, and representatives from any other appropriate County Department(s). The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development to ensure all parties understand applicable requirements. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of any grading or construction activities, the Owner/Applicant shall contact HCD-Planning to schedule a pre-construction meeting prior to commencement of any grading or construction activities.

The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. HCD-Planning staff shall be responsible for identifying and notifying other County Department(s) that should attend the meeting (if applicable).

## 12. PDSP001 - PRIVATE ROAD MAINTENANCE

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to issuance of grading and/or building permits for the project, the owner/applicant shall submit evidence of a properly executed private road maintenance agreement (i.e., an agreement between parties to a private road concerning the costs and responsibilities of those parties for upkeep and repair of the private road) to HCD-Planning. The private road maintenance agreement shall be between the owner/applicant for the subject project and the Las Palmas HOA (Las Palmas Ranch Master Association No. 1). Other acceptable forms of evidence are a written withdrawal of objections from the Las Palmas HOA, a final settlement or final judicial determination, or written documentation showing that a majority of the parties to a private road have agreed to repair and maintenance terms in light of the project.

The County is not a party to such private road maintenance agreement and does not interpret or enforce their terms and conditions, nor does the County have jurisdiction to adjudicate a dispute among the parties as to the maintenance of any private road. Pursuant to Monterey County Code Section 16.80.060.E, the HCD Chief of Planning shall have the authority to stay the expiration of the entitlement for the project for a period no greater than the number of days from initial filing of judicial proceedings to the final judicial determination or settlement regarding the access dispute. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permits, the owner/applicant shall submit to HCD-Planning evidence of a properly executed private road maintenance agreement, or other acceptable form of evidence as noted above.

## 13. PDSP002 - CONFIRMATION OF ADEQUATE WASTEWATER TREATMENT CAPACITY (NON-STANDARD)

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** To assure that adequate waste water treatment facilities will be available to River View at Las Palmas (RVLP), no grading or building permits shall be issued for RVLP until a plan for any necessary upgrades to the Las Palmas Waste Water Treatment facilities to serve RVLP is approved by the Director of Housing and Community Development and the Regional Water Quality Control Board. The plan shall be in sufficient detail to: 1) Identify the necessary improvements to the waste water treatment facilities owned and operated California American Water Company; 2) Identify the necessary improvements, including distribution system and disposal area(s) for the additional reclaimed waste water to be generated by River View at Las Palmas; and 3) Identify a schedule for completion of those improvements. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to occupancy of any phase of the River View at Las Palmas project, all necessary waste water disposal and/or dispersal improvements for that phase shall be installed, tested and approved by HCD-Planning and the Regional Water Quality Control Board.

**14. PDSP003 – REZONE TO ADD A BUILDING SITE 6 OVERLAY DISTRICT AND A TWENTY FOOT HEIGHT LIMIT (NON-STANDARD)**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to the filing of the Final Map, the Owner/Applicant shall request in writing that the property be zoned from Medium Density Residential/2.61 units per acre with a Design Control overlay district or "MDR/2.61-D" to Medium Density Residential with Building Site 6 and Design Control overlay districts and a 20 foot height limit or "MDR/B-6-D(20)". (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Owner/Applicant shall submit an application to the County of Monterey to rezone the property in accordance with the condition language above and receive approval from the Board of Supervisors for the rezoning.

**15. PDSP004 – HOMEOWNERS ASSOCIATION CC&R'S (NON-STANDARD)**

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** A homeowner's association shall be formed, or the Project area shall join the Las Palmas Ranch Master Association No. 1, for the maintenance of roads, drainage facilities, and open spaces. Monterey County Housing and Community Development Director, or his/her designee, and Public Works, Facilities and Parks Director, or his/her designee shall approve documents for formation of association prior to recordation of the Final Map. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Owner/Applicant shall submit the CC&R's to Monterey County Housing and Community Development and Public Works, Facilities and Parks for review and approval.

**16. STORMWATER CONTROL PLAN (PR4)**

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Stormwater Control Report and a Stormwater Control Plan, prepared by a registered professional engineer, to HCD-Environmental Services for review and approval. The report and plan shall address the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. The plan shall include the location of the drainage facilities and construction details. The Stormwater Plan shall include the construction inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed and approved the Stormwater Control Plan for conformance with the geotechnical recommendations. (HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a Stormwater Control Report and a Stormwater Control Plan to HCD-Environmental Services for review and approval.

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed and approved the stormwater control plan for conformance with the geotechnical recommendations.

## 17. FIELD VERIFICATION OF POST-CONSTRUCTION STORMWATER CONTROL MEASURES (PR4)

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide certification from a registered Professional Engineer that the stormwater control facilities have been constructed in accordance with the approved Stormwater Control Plan. (HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall submit a letter to HCD-Environmental Services for review and approval.

## 18. OPERATION AND MAINTENANCE PLAN (PR4)

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an Operation and Maintenance Plan prepared by a registered Professional Engineer that includes, at a minimum, the following:

- a) A site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed.
- b) O&M procedures for each structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietary devices.
- c) The O&M Plan shall include short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance.

(HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall submit the O&M Plan to HCD-Environmental Services for review and approval.

## 19. MAINTENANCE AGREEMENT (PR4)

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into a Maintenance Agreement (Agreement) that clearly identifies the responsible party for ongoing maintenance of structural Stormwater Control Measures. The Agreement shall contain provisions for an annual drainage system report, prepared by a registered Professional Engineer, that includes the status of all structural stormwater control measures and maintenance recommendations. The annual report shall be submitted to HCD-Environmental Services, for review and approval, no later than August 15th. All recommended maintenance shall be completed by October 15th of the same year. If maintenance is required, certification shall be provided that all recommended maintenance has been completed before the start of the rainy season. (HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall submit the signed and notarized Agreement to HCD-Environmental Services for review and approval. The approved Agreement shall be recorded, and a copy of the recorded document shall be provided to HCD-Environmental Services.

A copy of the standard Agreement can be obtained at HCD-Environmental Services.

## 20. CALIFORNIA CONSTRUCTION GENERAL PERMIT

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Waste Discharger Identification (WDID) number certifying the project is covered under the California Construction General Permit. (HCD-Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any grading or building permits, the applicant shall submit a WDID number certifying the project is covered under the California Construction General Permit or a letter of exemption from the Central Coast Regional Water Quality Control Board.

## 21. PW0007 - PARKING STANDARD

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** The parking stalls and circulation shall meet County standards, and shall be subject to the approval of Public Works. (Public Works and HCD-Development Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building and/or grading permits, the owner/applicant/engineer/architect shall prepare and submit a parking and circulation plan to Public Works for review and approval.

## 22. PW0045 – COUNTYWIDE TRAFFIC FEE

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, the owner/applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule. (Public Works and HCD-Development Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building or grading permits, the owner/applicant shall submit payment to HCD-Building Services for the traffic mitigation fee. The owner/applicant shall also submit proof of payment to Public Works.

### 23. PKSSP001 – QUIMBY ACT REQUIREMENTS / LAND DEDICATION OR IN LIEU FEE (NON-STANDARD)

**Responsible Department:** Parks Enforcement

**Condition/Mitigation Monitoring Measure:** The Applicant shall comply with Monterey County Subdivision Ordinance, Title 19 Section 19.12.010 for park and recreation purposes reasonably serving the residents of the subdivision. Compliance shall occur by either dedicating land and constructing recreation improvements onsite or by paying an in-lieu fee for park land dedication in accordance with the provisions contained in Title Section 19.12.010(D). (Parks Department)

**Compliance or Monitoring Action to be Performed:** Prior to the recordation of the Final Map, the Owner/Applicant shall comply with the Recreation Requirements contained in Title 19 Section 19.12.010 of the Monterey County Code.

If recreation land and improvements will be dedicated on site, the applicant shall provide the Parks Department with a recreation plan and cost estimate for the improvements to be made on the dedicated parcels(s).

If the applicant pays a fee in lieu of land dedication, the Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D).

### 24. HSG001SP – INCLUSIONARY HOUSING REQUIREMENTS (NON-STANDARD)

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to the recordation of the Final Map, the applicant shall comply with the County's Inclusionary Housing Ordinance #05175 by either: 1) entering an Inclusionary Housing Agreement – Developer to construct and sell 2 affordable units to moderate-income households, 4 affordable units to low-income households and pay an in-lieu fee of \$80,305.00, consistent with the adopted Inclusionary Housing Administrative Manual.

**Compliance or Monitoring Action to be Performed:** Prior to the recordation of the Final Map, the Owner/Applicant shall comply with the Inclusionary Housing, as specified in the condition language above, by entering into an Inclusionary Housing Agreement with the County of Monterey.

## 25. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel-Risk Management

**Condition/Mitigation Monitoring Measure:** The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel-Risk Management)

**Compliance or Monitoring Action to be Performed:** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management



## 26. MM AES-1: LANDSCAPE SCREENING PLAN

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The owner/applicant shall prepare and submit a landscape plan which will maintain the existing screening the eucalyptus trees provide from State Route 68, River Road, Reservation Road, and the adjacent neighborhood and trail. The owner/applicant shall replace the 70 eucalyptus trees with Coast live oak trees. Replacement trees shall be illustrated in a landscape plan that includes, but not be limited to, the following:

- a. The landscape plan shall include a visual simulation from view points of SR 68, River Rd, Reservation Rd and adjacent neighborhoods and trails of the planted trees at full height to ensure the vegetation will successfully screen the structures;
- b. Location, species, and size of plantings, which must be native and drought tolerant;
- c. Mounding, informal massing, or irregularly spaced trees, and plantings;
- d. Sufficient native trees and landscaping along the perimeter of the developed area to screen the buildings from State Route 68, River Road, Reservation Road, and the adjacent neighborhood; and
- e. Irrigation plan.

The landscape plans shall be subject to review and approval by HCD-Planning prior to issuance of building permits. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the project proponent and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. If any trees that aid in screening the buildings on Parcel Q are removed, they shall be replaced. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the owner/applicant shall submit a landscape screening plan to HCD-Planning for review and approval.

Prior to occupancy, the landscaping shall be installed and inspected.

On an ongoing basis, all landscaped areas and/or fences shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

## 27. MM AES-2: FINAL PLAN FOR EXTERIOR COLORS & MATERIALS

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The owner/applicant shall submit a final plan for colors and materials used for the buildings, which shall be earth-toned to blend with the existing vicinity landscape, subject to the approval of the HCD-Planning, prior to issuance of building permits. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the owner/applicant shall submit a final exterior color and material plan to HCD-Planning for review and approval.

## 28. MM AES-3: FINAL IMPROVEMENT PLAN

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** The applicant's final improvement plans shall include construction of all new utility and distribution lines on the project site underground. The improvement plans shall be subject to review and approval of Monterey County Public Works prior to issuance of a grading permit. (Public Works and HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of a grading permit for the project, the owner/applicant shall submit final improvement plans to Public Works for review and approval.

On an ongoing basis, the owner/applicant shall install and maintain utility and distribution lines underground.

## 29. MM AES-4: EXTERIOR LIGHTING PLAN

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. Prior to the issuance of building permits, the applicant shall submit an exterior lighting plan as part of the construction plan set. The exterior lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by HCD-Planning prior to issuance of a building permit. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of a building permit, the owner/applicant shall submit an exterior lighting plan to HCD-Planning for review and approval. The approved exterior lighting plan shall be incorporated into the final building plans.

Prior to final and/or occupancy, the owner/applicant/contractor shall submit written and photographic evidence demonstrating that the exterior lighting has been installed according to the approved plan.

On an on-going basis, the owner/applicant shall ensure that the exterior lighting is installed and maintained in accordance with the approved plan.

### 30. MM AQ-1: DUST CONTROL MEASURES

**Responsible Department:** Planning

<b>Condition/Mitigation Monitoring Measure:</b>	<p>Prior to issuance of any grading or building permits, developers of the project site shall prepare a grading plan subject to review and approval by the Monterey County Department of Housing and Community Development (HCD) Chief of Planning. In the event that ground disturbance exceeds 2.2 acres per day for initial site preparation activities that involve extensive earth moving activities (grubbing, excavation, rough grading), and 8.1 acres per day for activities that involve minimal earth moving (e.g. finish grading) exceeding these limits, the required grading plans shall include the following dust control measures:</p> <ul style="list-style-type: none"><li>a. Water all active construction sites continuously. Frequency should be based on the type of operation, soil, and wind exposure;</li><li>b. Prohibit all grading activities during periods of high wind (over 15 mph);</li><li>c. Apply chemical soil stabilizers on inactive construction areas (e.g., disturbed lands within construction projects that are unused for at least four consecutive days);</li><li>d. Apply non-toxic binders (e.g., latex acrylic co-polymer) to exposed areas after cut and fill operations and hydro-seed area;</li><li>e. Maintain at least 1'-0" of free-board on haul trucks;</li><li>f. Cover inactive storage piles;</li><li>g. Sweep streets if visible soil material is carried out from the construction site;</li><li>h. Limit the area under construction at any one time.</li></ul> <p>(HCD-Planning and HCD-Environmental Services)</p>
<b>Compliance or Monitoring Action to be Performed:</b>	<p>Prior to issuance of any grading or building permits, the owner/applicant/contractor shall submit a grading plan to HCD-Planning for review and approval. The dust control measures shall be included as notes on the grading plan.</p>

### 31. MM AQ-2: DUST CONTROL SITE MONITOR

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to commencement of construction activities, the developer and/or contractor shall appoint a construction foreman to act as site monitor to ensure that the dust control measures are implemented. Evidence of implementation shall be submitted in written form to the Monterey County Department of Housing and Community Development (HCD) Chief of Planning within three days of commencement of grading, and monthly thereafter as long as grading occurs. In addition, a publicly-visible sign written in English and Spanish with the telephone number and person to contact regarding dust complaints should be posted and continuously maintained at the project site during grading and construction activities. This person shall respond and take corrective action within 48 hours of receipt of any dust-related complaints. The phone number of the air district shall also be visible to ensure compliance with Rule 402 (nuisance). (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of grading and/or construction activities, the owner/applicant/contractor shall submit to HCD-Planning the name of the site monitor.

Within 3 days of commencement of grading and/or construction activities, the owner/applicant/contractor shall submit evidence to HCD-Planning that the dust control measures have been implemented, and that the required sign has been posted and is publicly visible.

Ongoing during grading and/or construction activities, the dust control measures and signage shall be implemented and/or maintained.

### 32. MM AQ-3: REDUCTION OF CONSTRUCTION EXHAUST EMISSIONS

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to the onset of site preparation, grading and construction activities, the project applicant(s) or developer(s) shall require in construction contracts that all off-road construction vehicles and all construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. The developer shall reduce nitrogen oxides exhaust and particulate matter emissions by implementing the following measures prior to the start of construction:

- Contractors shall install temporary electrical service whenever possible to avoid the need for independently-powered equipment (e.g. compressors);
- Signs at the construction site shall be clearly visible to advise that diesel equipment standing idle for more than two minutes within 200 feet of sensitive receptors shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks may keep their engines running continuously if on-site and staged at least 100 feet away from residential areas;
- Properly tune and maintain equipment for low emissions;
- Stage large diesel powered equipment at least 200 feet from any sensitive land uses (e.g., occupied residences);
- All equipment shall be checked by a certified visible emissions evaluator;
- All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Sub part B, §89.112; and
- Whenever feasible, construction equipment shall use alternative fuels such as compressed natural gas, propane, electricity, or bio diesel.

(HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the onset of site preparation, grading and/or construction activities, the owner/applicant(s) or contractor shall submit evidence demonstrating compliance with Mitigation Measure AQ-3 to HCD-Planning for review and approval.

### 33. MM BIO-1: PRE-CONSTRUCTION SURVEY - BADGER

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to the start of construction activities, a qualified Monterey County-approved consulting biologist shall conduct pre-construction surveys of the grassland habitat on the site to identify any potential American badger burrows/dens. These surveys shall be conducted no more than 15 days prior to the start of construction. If a potential American badger burrow/den is found during the surveys, coordination with the California Department of Fish & Wildlife (CDFW) shall be undertaken in order to develop a suitable strategy to avoid impacts to American badger. After CDFW review and approval, impacts to active American badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. A qualified biologist shall monitor each den once per week in order to track the status of the den and to determine when a den area has been cleared for construction. The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Department of Housing and Community Development. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the start of construction activities, the owner/applicant shall submit evidence of pre-construction surveys from a qualified Monterey County-approved consulting biologist to HCD-Planning.

If a potential American badger burrow/den is found during the surveys, the owner/applicant shall then submit evidence to HCD-Planning showing coordination with and approval by the CDFW of a strategy to avoid impacts to American badger.

After CDFW review and approval, the avoidance strategies shall be implemented by the owner/applicant, and evidence of such implementation submitted to HCD-Planning.

If avoidance strategies are implemented, then a qualified biologist shall submit evidence of monitoring to HCD-Planning on a weekly basis.

#### 34. MM BIO-2: PRE-CONSTRUCTION SURVEY - BURROWING OWL

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** To avoid/minimize impacts to burrowing owls potentially occurring on or adjacent to the project site, the project proponent shall retain a qualified Monterey County-approved consulting biologist to conduct a two-visit (i.e., morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site no less than 14 days prior to the start of construction or ground disturbance activities. Surveys shall be conducted according to methods described in the California Department of Fish & Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFW 2012). If these pre-construction "take avoidance" surveys performed during the breeding season (February through August) or the non-breeding season (September through January) locate occupied burrows in or near construction areas, consultation with the CDFW shall occur to interpret survey results and develop a project-specific avoidance and minimization approach. The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Department of Housing and Community Development. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** No less than 14 days prior to the start of either ground disturbance or construction activities, the owner/applicant shall submit evidence to HCD-Planning of a two-visit pre-construction survey from a qualified Monterey County-approved consulting biologist.

If an occupied burrow is located during the survey, the owner/applicant shall then submit evidence to HCD-Planning showing coordination with and approval by the CDFW of an avoidance and minimization strategy.

After CDFW review and approval, the avoidance and minimization strategy shall be implemented by the owner/applicant, and evidence of such implementation submitted to HCD-Planning.

### 35. MM BIO-3: PRE-CONSTRUCTION SURVEY - DUSKY-FOOTED WOODRAT

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** A qualified Monterey County-approved consulting biologist shall conduct pre-construction surveys for woodrat nests within the development footprint. These surveys shall be conducted no more than 15 days prior to the start of construction. All woodrat middens shall be flagged for avoidance of direct construction impacts where feasible. If impacts cannot be avoided, woodrat middens shall be dismantled no more than three days prior to construction activities starting at each midden location. All vegetation and duff materials shall be removed from three feet around the midden prior to dismantling so that the occupants do not attempt to rebuild. Middens are to be slowly dismantled by hand in order to allow the occupants to disperse. The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Department of Housing and Community Development. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** No more than 15 days prior to the start of construction activities, the owner/applicant shall submit evidence to HCD-Planning of a pre-construction survey from a qualified Monterey County-approved consulting biologist.

If an occupied midden is located during the survey, the owner/applicant shall then submit evidence to HCD-Planning demonstrating implementation of the requirements of this mitigation measure.



### 36. MM BIO-4: FOCUSED SURVEY - BATS

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to tree removal activities, the project proponent shall retain a qualified Monterey County-approved consulting biologist to conduct a focused survey for bats and potential roosting sites in trees to be removed and trees within 250 feet of the development footprint. These surveys shall be conducted no more than 15 days prior to the start of construction. The surveys can be conducted by visual identification and assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an "Anabat" unit.

If no roosting sites or bats are found, a letter report confirming absence shall be sent to the Monterey County Department of Housing and Community Development (HCD) and no further mitigation is required.

If bats or roosting sites are found, a letter report and supplemental documents shall be provided to HCD prior to grading permit issuance and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

a. If bats are found roosting outside of the nursery season (which is May 1 through October 1), they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 250-foot buffer zone (or different size if determined in consultation with the California Department of Fish & Wildlife (CDFW)) shall be established around the roosting site within which no construction activities including tree removal shall occur until after the nursery season.

b. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal, the individuals will be safely evicted, under the direction of a qualified bat biologist and in consultation with the CDFW. Methods could include carefully opening the roosting area by hand to expose the cavity. Removal of the tree or snag shall be conducted no earlier than the following day (i.e., at least one night will be provided between initial disturbance and the tree removal). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

The project proponent shall be responsible for the implementation of this mitigation measure, subject to monitoring by the HCD. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** No more than 15 days prior to tree removal activities, the owner/applicant shall submit evidence to HCD-Planning of a focused survey from a qualified Monterey County-approved consulting biologist.

If bats or roosting sites are found, the owner/applicant shall then submit evidence to HCD-Planning demonstrating implementation of the requirements of this mitigation measure.

### 37. MM BIO-5: PRE-CONSTRUCTION SURVEY - NESTING BIRDS

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** To avoid possible impacts to nesting birds on and adjacent to the project site, if noise generation, ground disturbance, vegetation and tree removal, including removal of non-native trees, or other construction activities begin during the nesting bird season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, then the project proponent shall retain a qualified Monterey County-approved consulting biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than one week prior to the initiation of disturbance or construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a native species is detected during the survey, then a plan for bird nest avoidance shall be prepared by the qualified biologist to determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance or construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist.

To ensure that no inadvertent impacts to an active bird nest will occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

The project proponent shall be responsible for implementation of this mitigation measure with oversight by the Monterey County Resource Management Agency. Compliance with this measure shall be documented and submitted to the county. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** No more than one week prior to initiation of noise generation, ground disturbance, vegetation and tree removal (including removal of non-native trees), or other construction activities either during the nesting bird season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the nesting bird season, the owner/applicant shall submit to HCD-Planning a nesting survey prepared by a County-approved consulting biologist to ensure that no active nests would be disturbed during project implementation.

If an active bird nest is located during the survey, the owner/applicant shall then submit evidence to HCD-Planning demonstrating implementation of the requirements of this mitigation measure.

### 38. MM BIO-6: PRE-CONSTRUCTION SURVEY - CTS

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to the start of construction, a qualified California tiger salamander (CTS) biologist shall conduct a pre-construction 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 U.S. Fish & Wildlife Service for guidance before commencing project activities. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the start of construction, the owner/applicant shall submit evidence to HCD-Planning of a pre-construction survey for CTS completed by a qualified CTS biologist.

The owner/applicant shall also submit evidence, prepared by the biologist, to HCD-Planning demonstrating implementation of the requirements of this mitigation measure.

### 39. MM CTRA-1: TRAFFIC IMPACT FEES

**Responsible Department:** Public Works

**Condition/Mitigation Monitoring Measure:** The applicant shall pay applicable Transportation Agency for Monterey County (TAMC) and County of Monterey traffic impact fees. (Public Works)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or construction permits, the owner/applicant shall submit payment for the applicable fees to HCD-Building Services.

### 40. MM ENG-1: ENERGY CONSERVATION POLICY CONSISTENCY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** Prior to approval of building permits for each of the project components, the owner/applicant shall submit a report to HCD-Planning demonstrating how the project is consistent with the energy conservation policies identified in the Las Palmas Ranch Specific Plan. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to final of building permits for each of the project components, the owner/applicant shall submit a report to HCD-Planning demonstrating how the project is consistent with the energy conservation policies identified in the Las Palmas Ranch Specific Plan.

#### 41. EHSP02 - FIRE FLOW STANDARDS (Non-Standard)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency.

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the final map, execution of a Subdivision Improvement Agreement, or issuance of construction permit, the applicant shall submit plans for the proposed water system improvements to the local fire protection agency for review and acceptance.

Submit a set of signed or wet-stamped water system plans approved by the local fire protection agency to EHB for review and acceptance.

#### 42. EHSP03 – INSTALL OR BOND WATER SYSTEM IMPROVEMENTS (Non-Standard)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Pursuant to Monterey County Code, Chapter 19.13, Improvement Agreements, the owner shall install the water system improvements to and within the subdivision and any appurtenances needed.

OR

The owner shall enter into a Subdivision Improvement Agreement with the County that shall provide security guaranteeing the installation of the water system improvements.

**Compliance or Monitoring Action to be Performed:** Prior to filing the final map, the applicant shall:  
- Install the water system improvements to and within the subdivision and any appurtenances needed and obtain approval of installation from the entity that will take ownership of the sewer system infrastructure.

OR

Execute a Subdivision Improvement Agreement that is acceptable to EHB. Record the Subdivision Improvement Agreement with the final map.

#### 43. EHSP04 - INSTALL/BOND SEWER SYSTEM IMPROVEMENTS

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The developer shall install the sewer system improvements to and within the subdivision and any appurtenances needed per Monterey County Code Chapter 19.13 Improvement Agreements.

OR

The developer shall enter into a Subdivision Improvement Agreement with the County that shall provide security guaranteeing the installation of the sewer system improvements per Monterey County Code Chapter 19.13 Improvement Agreements.

**Compliance or Monitoring Action to be Performed:** Prior to filing the final map, install the sewer system improvements to and within the subdivision and any appurtenances needed and obtain approval of installation from Cal Am. Submit evidence of approval to Environmental Health.

OR

Provide Environmental Health Bureau with a draft of the Subdivision Improvement Agreement for review and approval. Record the Subdivision Improvement Agreement with the final map.

#### 44. EHSP05 - SEWER SYSTEM IMPROVEMENT DESIGN

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Engineered plans for the sewer system including all necessary redundancies shall be submitted to and approved by Cal Am. Plans shall be in conformance with Monterey County Code, Chapter 19.13 and the California Plumbing Code, Title 24 part 5 of the California Code of Regulations.

**Compliance or Monitoring Action to be Performed:** Prior to filing the final map, submit plans to Environmental Health Bureau with written verification from Cal Am that plans have been reviewed and approved.

#### 45. PW0044 - CONSTRUCTION MANAGEMENT PLAN

**Responsible Department:** Public Works

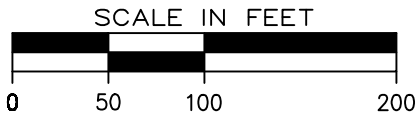
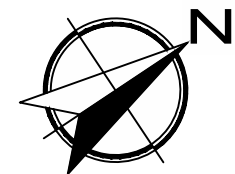
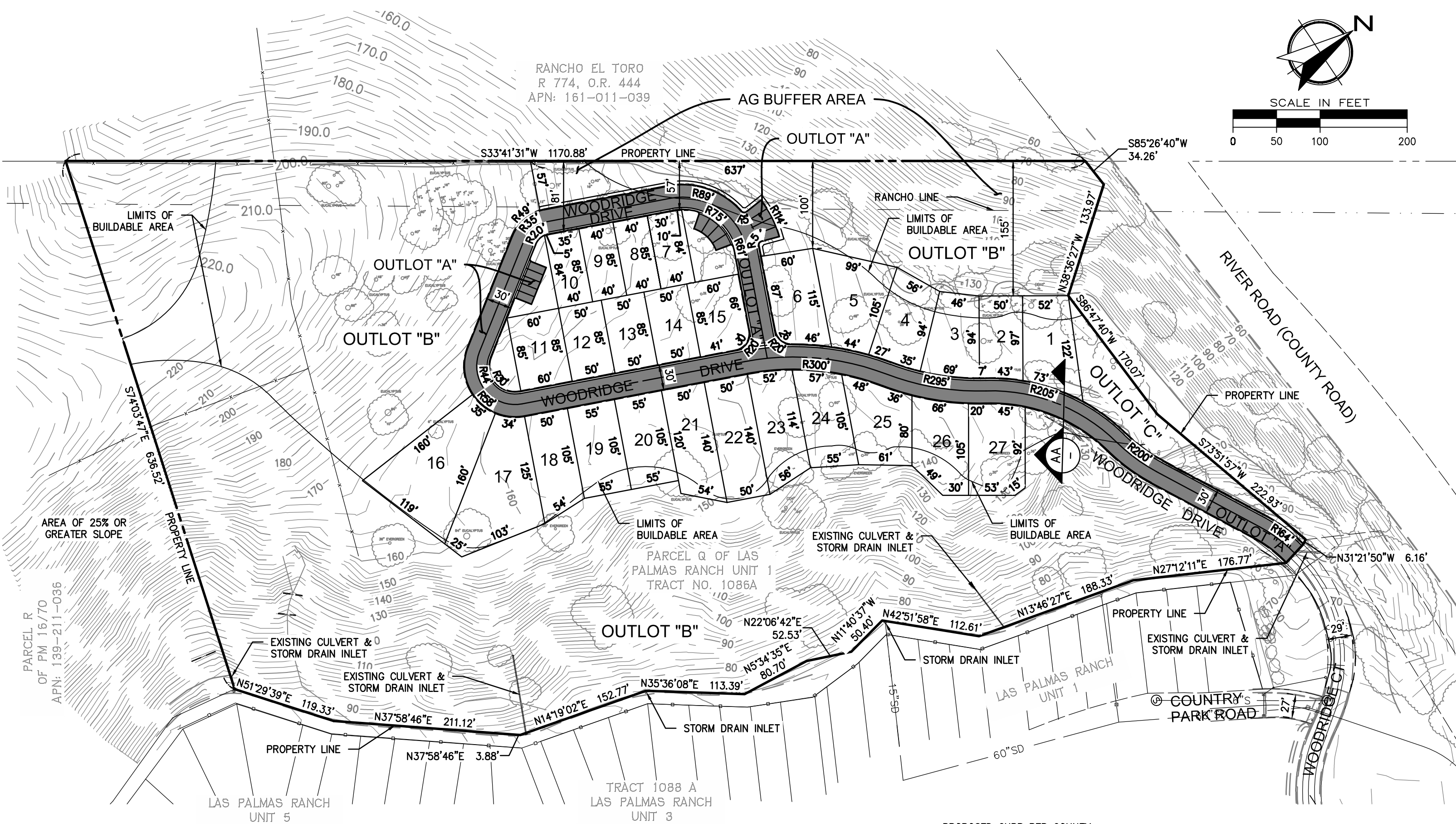
**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Construction Management Plan (CMP) to HCD-Planning and HCD-Engineering Services for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project.

CMP shall include, at a minimum, duration of the construction hours of operation limited to 8:00 am to 5:00 pm, truck routes, estimated number of truck trips that will be generated, number of construction workers, and maintain on-site parking for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project.

**Compliance or Monitoring Action to be Performed:** 1. Prior to issuance of the Grading Permit or Building Permit, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the HCD-Planning and HCD- Engineering Services for review and approval.

2. On-going through construction phase Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.





**SITE INFORMATION:**

- |                               |   |
|-------------------------------|---|
| 1. SITE ADDRESS:              | NOT ASSIGNED (PARCEL Q, SALINAS, CA)                                  |
| 2. APN:                       | 139-211-035   |
| 3. OWNER/SUBDIVIDER:          | RIVER VIEW AT LAS PALMAS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY |
| 4. ENGINEER:                  | DANIEL K. BOND, P.E. 57,133   |
| 5. GENERAL PLAN:              | RESIDENTIAL - MEDIUM DENSITY 2.61 U/AC                                |
| 6. EXISTING ZONING:           | MDR/2.61 U/A  |
| 7. PROPOSED ZONING:           | MDR/2.61 U/A  |
| 8. TOTAL SITE AREA:           | 15.64± AC (GROSS)   |
| 9. ZONE CLASSIFICATION:       | MDR (MEDIUM DENSITY RESIDENTIAL); CURRENTLY VACANT LAND               |
| 10. PROPOSED TOTAL LOTS:      | (27) FULLY DEVELOPED LOTS AND (3) OUTLOTS                             |
| 11. ALLOWED BUILDING HEIGHT:  | 30'-0" MEASURED FROM AVERAGE GRADE                                    |
| 12. PROPOSED BUILDING HEIGHT: | 20' MAXIMUM MEASURED FROM AVERAGE GRADE                               |

**NOTES:**

1. WATER BY CALIFORNIA WATER SERVICE
2. SEWER DISPOSAL BY CALIFORNIA AMERICAN WATER SUPPLY
3. UNDERGROUND POWER BY PG&E
4. NATURAL GAS BY PG&E
5. STORM DRAIN SHALL SURFACE DRAIN AND CONVEYED VIA UNDERGROUND STORM DRAIN COLLECTION SYSTEM TO EXISTING CULVERT..
6. GRADING AND DRAINAGE PLAN SHALL BE PREPARED PER MONTEREY COUNTY CODE SECTION 19.10.
7. EROSION CONTROL PLAN SHALL BE PREPARED PER MONTEREY COUNTY CODE SECTION 16.08
8. GEOLOGIC AND SOILS STUDY PERFORMED BY LANDSET ENGINEERS, INC.
9. THERE ARE NO EXISTING STRUCTURES ON SITE.
10. THERE ARE NO EXISTING WATER COURSES ON SITE.
11. THERE IS ONE EXISTING WATER WELL ON SITE.
12. THERE ARE ±70 EXISTING EUCALYPTUS TREES ON SITE TO BE REMOVED.

**FLOOD HAZARD NOTE:**

SUBJECT PROPERTY IS LOCATED IN ZONE X AND IS DESIGNATED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD AS SHOWN ON FEMA MAP NUMBER 06053C0360G, DATED APRIL 02, 2009.

**LEGEND**

- |  |                            |
|--|----------------------------|
|  | PROPOSED A.C. PAVEMENT     |
|  | GEOLOGIC BUILDING ENVELOPE |
|  | EXISTING PROPERTY BOUNDARY |
|  | EXISTING EASEMENT          |
|  | PROPOSED PARCEL LINE       |

**PARCEL TABLE**

PARCEL #	AREA (SQ. FT.)
1	6365
2	4733
3	5413
4	5817
5	7494
6	6394
7	3397

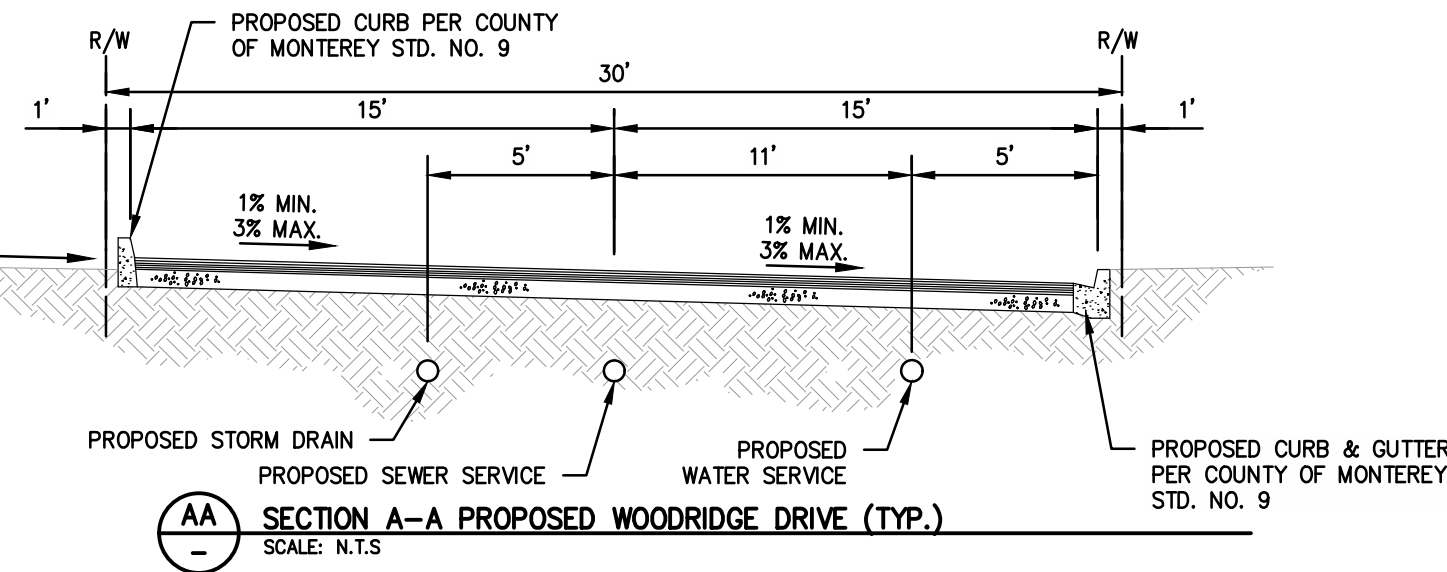
PARCEL #	AREA (SQ. FT.)
8	3400
9	3400
10	3399
11	5100
12	4250
13	4250
14	4250

PARCEL #	AREA (SQ. FT.)
15	5023
16	11785
17	10977
18	5750
19	5775
20	5775
21	6500

PARCEL #	AREA (SQ. FT.)
22	7034
23	6578
24	6079
25	6410
26	6445
27	6721

**OUTLOT TABLE**

OUTLOT #	AREA (SQ. FT.)
OUTLOT "A"	56856
OUTLOT "B"	456194
OUTLOT "C"	11135



**LEGAL DESCRIPTION:**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL I:**

PARCEL Q, AS SAID PARCEL IS SHOWN ON THAT CERTAIN MAP ENTITLED "AMENDED MAP OF LAS PALMAS RANCH COREY HOUSE AREA/UNIT 1", FILED JUNE 15, 1989 IN VOLUME 16, OF "CITIES AND TOWNS", AT PAGE 70, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

EXCEPT THEREFROM ALL UNDERGROUND WATER RIGHTS AS DESCRIBED IN THE DEED TO CALIFORNIA WATER SERVICE COMPANY, A CALIFORNIA CORPORATION RECORDED OCTOBER 25, 1989 IN REEL 2427, PAGE 476, OFFICIAL RECORDS.

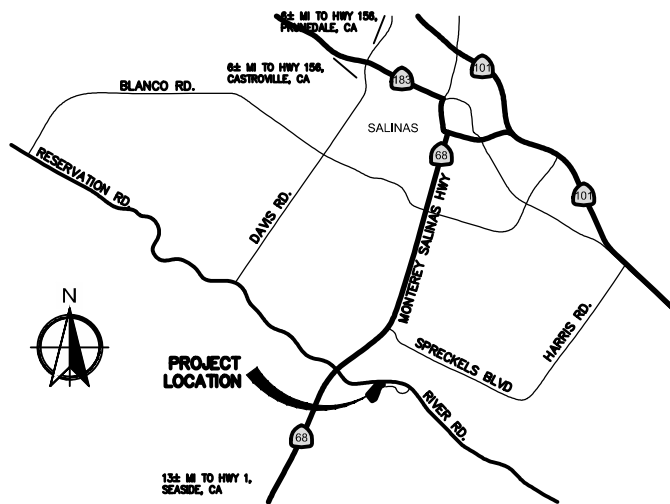
**PARCEL II:**

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, ROAD AND UTILITIES OVER THAT PORTION OF RIVER RUN ROAD AND WOODRIDGE COURT BEING A PORTION OF COMMON AREA PARCEL C AND LAS PALMAS ROAD BEING COMMON AREA PARCEL A AS SHOWN AND DESIGNATED ON THAT MAP ENTITLED "AMENDED MAP OF LAS PALMAS RANCH COREY HOUSE AREA/UNIT 1 TRACT 1086A" FILED JUNE 15, 1989, IN VOLUME 16, MAPS OF "CITIES AND TOWNS", AT PAGE 70, OFFICIAL RECORDS OF MONTEREY COUNTY, CALIFORNIA. SAID EASEMENT SHALL BE APPURTENANT TO PARCEL Q AS SHOWN AND DESIGNATED ON THE ABOVE REFERRED TO MAP OF TRACT 1086A.

APN: 139-211-035

**VICINITY MAP**

SCALE: 1" = 2000'



**TENTATIVE VESTING TRACT MAP**

IN THE UNINCORPORATED AREA, COUNTY OF MONTEREY, STATE OF CALIFORNIA  
TOWNSHIP 20 SOUTH, RANGE 15 EAST, MOUNT DIABLO BASE AND MERIDIAN,  
SURVEYED AND PLATTED IN JUNE 2023

FOR  
RIVER VIEW AT LAS PALMAS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY  
GATEWAY ENGINEERING, INC.  
SHEET 1 OF 1